Decisions of the Appellate Body of the World Trade Organization

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WTO Appellate Body Report: United States — Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia, AB-2001-1, WT/DS177,178/AB/R (01–2194), adopted by Dispute Settlement Body, 16 May 2001. United States, Appellant/Appellee; Australia, Appellant/Appellee; New Zealand, Appellant/Appellee; European Communities, Third Participant. Division: Ehlermann, Bacchus, and Ganesan. Major Topics Addressed by Appellate Body: GATT Article XIX; Agreement on Safeguards; relationship between Article XIX and the Agreement on Safeguards; role of ‘unforeseen developments’; like products and domestic industry under Agreement on Safeguard 4.1(c); determination of threat of serious injury; standard of review; causal link between increased imports and threat of serious injury.

WTO Appellate Body Report, United States — Anti-Dumping Measures on Certain Hot Rolled Steel Products from Japan AB-2001–2, WT/DS184/AB/R (01–3642), adopted by Dispute Settlement Body, 23 August 2001. United States, Appellant/Appellee; Japan, Appellant/Appellee; Brazil, Canada, Chile, European Communities, Korea, Third Participants. Division: Taniguchi, Feliciano, and Lacarte-Muró. Major Topics Addressed by Appellate Body: use of ‘facts available’ under Article 6.8 of the Anti-Dumping Agreement; calculation of an ‘all others’ anti-dumping duty using ‘facts available’ under Article 9.4 of the Anti-Dumping Agreement; determination of sales ‘outside the ordinary course of trade’ under Article 2.1 of the Anti-Dumping Agreement; compliance of exclusion of ‘captive production’ under Article 3.1 and 3.4 of the Anti-Dumping Agreement; attribution of causation of material injury to causes other than dumped imports under Article 3.5 of the Anti-Dumping Agreement; Article 17.6 of the Anti-Dumping Agreement.


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Right of Panel under Article 11 of the Dispute Settlement Understanding to Examine Evidence That Was Not Before the Administering Authority; Inclusion of Captive Producers in Domestic Industry under Article 6.2 of ATC; Attribution of Causation to Multiple States under Article 6.4 of ATC.


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