

**CHILE – PRICE BAND SYSTEM AND SAFEGUARD MEASURES
RELATING TO CERTAIN AGRICULTURAL PRODUCTS**

Recourse to Article 21.5 of the DSU by Argentina

Notification of an Other Appeal by Argentina
under Article 16.4 and Article 17 of the Understanding on Rules
and Procedures Governing the Settlement of Disputes (DSU),
and under Rule 23(1) of the Working Procedures for Appellate Review

The following notification, dated 19 February 2007, from the Delegation of Argentina, is being circulated to Members.

Pursuant to Articles 16.4 and 17 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") and Rule 23(1) of the *Working Procedures for Appellate Review*, Argentina submits its Notice of Other Appeal on certain issues of law covered in the Report of the Panel on *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products*¹, and certain legal interpretations developed by the Panel.

On 5 February 2007, Chile filed its Notice of Appeal pursuant to Rule 20 of the *Working Procedures for Appellate Review*. Chile requested that the Appellate Body, *inter alia*, reverse the findings and conclusions of the Panel and modify accordingly the recommendations and rulings of the Panel as set forth in paragraphs 8.2(a), 8.3 and 8.4 of the Panel Report.

If the Appellate Body were to reverse any of the Panel's findings, recommendations and rulings as set forth in paragraphs 8.2(a), 8.3 and 8.4 of the Panel Report, Argentina respectfully requests the Appellate Body seek review of the Panel's conclusion, and its related legal findings and interpretations, that it is unnecessary, for the resolution of this dispute, to make a separate finding on Argentina's claim under the second sentence of Article II:1(b) of the GATT 1994.²

In that event, Argentina respectfully requests that the Appellate Body find:

- (a) that it is necessary, for the resolution of this dispute, to make a separate finding on Argentina's claim under the second sentence of Article II:1(b) of the GATT 1994;
- (b) that the amended PBS is inconsistent with the second sentence of Article II:1(b) of the GATT 1994.

¹Recourse to Article 21.5 of the DSU by Argentina, WT/DS207/RW, circulated 8 December 2006 (the "Panel Report").

²This conclusion is set out in paragraph 8.2(b) of the Panel Report. The related legal findings and interpretations of the Panel are set out in paragraphs 6.6, 6.7, 7.3, 7.5 and 7.105 to 7.162 of the Panel Report.

Argentina also requests the Appellate Body to complete the analysis of the Panel where it reverses or modifies findings of the Panel or completion of the analysis of the Panel is necessary to resolve this dispute.
