



30 September 2016

(16-5234)

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Original: English

**RUSSIAN FEDERATION – MEASURES ON THE IMPORTATION OF LIVE PIGS,
PORK AND OTHER PIG PRODUCTS FROM THE EUROPEAN UNION**

**NOTIFICATION OF AN OTHER APPEAL BY THE EUROPEAN UNION
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 communication, dated 28 September 2016, from the Delegation of the European Union, is being circulated to Members.

Pursuant to Article 16.4 of the DSU the European Union hereby notifies to the Dispute Settlement Body its decision to appeal to the Appellate Body certain issues of law covered in the Panel Report and certain legal interpretations developed by the Panel in the dispute *Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union* (WT/DS475). Pursuant to Rule 23(1) of the Working Procedures for Appellate Review, the European Union simultaneously files this Notice of Other Appeal and the Other Appellant Submission with the Appellate Body Secretariat.

For the reasons to be further elaborated in its submissions to the Appellate Body, the European Union appeals, and requests the Appellate Body to reverse the findings, conclusions and recommendations of the Panel, with respect to the following errors contained in the Panel Report:¹

- (a) the Panel erred in the interpretation and application of the first sentence of Article 6.2 of the SPS Agreement when finding that Russia recognizes the concepts of pest- or disease-free areas and areas of low pest or disease prevalence in respect of ASF, and therefore, the EU-wide ban is not inconsistent with Russia's obligations under Article 6.2 of the SPS Agreement. As a result, the European Union requests the Appellate Body to *reverse* the Panel's findings in paragraphs 7.373, 7.379, 7.485 and 8.1(d)(iii) of its report, which are based on its legally erroneous reasoning in paragraphs 7.366-7.379, and to complete the analysis;
- (b) the Panel erred in the interpretation and application of the first sentence of Article 6.2 of the SPS Agreement when finding that Russia recognizes the concepts of pest- or disease-free areas and areas of low pest or disease prevalence in respect of ASF, and therefore, the bans on the imports of the products at issue from Estonia, Latvia, Lithuania, and Poland are not inconsistent with Russia's obligations under Article 6.2 of the SPS Agreement. As a result, the European Union requests the Appellate Body to *reverse* the Panel's findings in paragraphs 7.925, 7.1029 and 8.1(e)(vi) of its report, which are based on its legally erroneous reasoning in paragraphs 7.924- 7.925, and to complete the analysis.

¹ Pursuant to Rule 23(2)(c)(ii)(C) of the Working Procedures for Appellate Review this Notice of Other Appeal includes an indicative list of the paragraphs of the Panel Report containing the alleged errors, without prejudice to the ability of the European Union to refer to other paragraphs of the Panel Report in the context of its other appeal.