

INDIA – MEASURES AFFECTING THE AUTOMOTIVE SECTOR

Notification of an Appeal by India
under paragraph 4 of Article 16 of the Understanding on Rules
and Procedures Governing the Settlement of Disputes (DSU)

The following notification, dated 31 January 2002, sent by the Permanent Mission of India to the Dispute Settlement Body (DSB), is circulated to Members. This notification also constitutes the Notice of Appeal, filed on the same day with the Appellate Body, pursuant to the *Working Procedures for Appellate Review*.

Pursuant to paragraph 4 of Article 16 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the "DSU") and Rule 20 of the *Working Procedures for Appellate Review*, India hereby notifies its decision to appeal to the Appellate Body certain issues of law covered in the Panel Report on *India – Measures Affecting the Automotive Sector* (WT/DS146/R, WT/DS146/R/Corr.1, WT/DS175/R, WT/DS175/R/Corr.1).

India seeks review by the Appellate Body of the Panel's conclusion that Articles 11 and 19.1 of the DSU required it to address the question of whether the measures found to be inconsistent with Articles III:4 and XI:1 of the General Agreement on Tariffs and Trade 1994 ("GATT") had been brought into conformity with the GATT as a result of measures taken by India during the course of the proceedings.

India further seeks review by the Appellate Body of the Panel's conclusion that the enforcement of the export obligations that automobile manufacturers incurred until 1 April 2001 under India's former import licensing scheme is inconsistent with Articles III:4 and XI:1 of the GATT.

India considers these conclusions of the Panel to be in error and based upon erroneous findings on issues of law and related legal interpretations.
