

**UNITED STATES – IMPORT PROHIBITION OF CERTAIN SHRIMP  
AND SHRIMP PRODUCTS**

Recourse to Article 21.5 of the DSU by Malaysia

Notification of an Appeal by Malaysia  
under paragraph 4 of Article 16 of the Understanding on Rules  
and Procedures Governing the Settlement of Disputes

The following communication, dated 23 July 2001, sent by Malaysia 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*.

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Pursuant to Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) and Rule 20 of the *Working Procedures for Appellate Review*, Malaysia hereby notifies its decision to appeal to the Appellate Body certain issues of law covered in the Panel Report on *United States – Import Prohibition of Certain Shrimp and Shrimp Products – Recourse to Article 21.5 by Malaysia* (WT/DS58/RW) and certain legal interpretations developed by the Panel.

Malaysia seeks review by the Appellate Body of the Panel's finding that the United States measure at issue does not constitute unjustifiable or arbitrary discrimination between countries where the same conditions prevail and that it is therefore within the scope of measures permitted under Article XX of the GATT 1994 as long as the conditions stated in the findings of the Panel Report, in particular the ongoing serious good faith efforts to reach a multilateral agreement, remain satisfied. This finding is in error, and is based on erroneous findings on issues of law and on related interpretations with respect to the interpretation and application of the Article XX chapeau.

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