

WORLD TRADE ORGANIZATION

Dispute Settlement Reports

2015  
Volume V

Pages 2457-3114

## THE WTO DISPUTE SETTLEMENT REPORTS

The *Dispute Settlement Reports* of the World Trade Organization (the "WTO") include panel and Appellate Body reports, as well as arbitration awards, in disputes concerning the rights and obligations of WTO Members under the provisions of the *Marrakesh Agreement Establishing the World Trade Organization*. The *Dispute Settlement Reports* are available in English. Volumes comprising one or more complete cases contain a cumulative list of published disputes. The cumulative list for cases that cover more than one volume is to be found in the first volume for that case.

*This volume may be cited as DSR 2015:V*

## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
4843/24, 2nd Floor, Ansari Road, Daryaganj, Delhi – 110002, India  
79 Anson Road, #06–04/06, Singapore 079906

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[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9781107191815](http://www.cambridge.org/9781107191815)  
10.1017/9781108123693

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First published 2016

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library.

ISBN 978-1-107-19181-5 Hardback

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## INDIA - MEASURES CONCERNING THE IMPORTATION OF CERTAIN AGRICULTURAL PRODUCTS

### Report of the Appellate Body WT/DS430/AB/R

*Adopted by the Dispute Settlement Body  
on 19 June 2015*

India, *Appellant*  
 United States, *Appellee*  
 Argentina, *Third Participant*  
 Australia, *Third Participant*  
 Brazil, *Third Participant*  
 China, *Third Participant*  
 Colombia, *Third Participant*  
 Ecuador, *Third Participant*  
 European Union, *Third Participant*  
 Guatemala, *Third Participant*  
 Japan, *Third Participant*  
 Viet Nam, *Third Participant*

Appellate Body Division:  
 Zhang, Presiding Member  
 Chang, Member  
 Servansing, Member

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### ABBREVIATIONS USED IN THIS REPORT

Abbreviation	Description
AI	avian influenza
ALOP	appropriate level of protection
DAHD	India's Department of Animal Husbandry, Dairying and Fisheries
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
GATT 1994	General Agreement on Tariffs and Trade 1994
H	Haemagglutinin
HPAI	highly pathogenic avian influenza
HPNAI	highly pathogenic notifiable avian influenza
Livestock Act	The Live-Stock Importation Act, 1898 (No. 9 of 1898), published on 12 August 1898 (Panel Exhibit US-114), as amended by The Live-Stock Importation (Amendment) Act, 2001 (No. 28 of 2001) (19 July 2001), published in <i>The Gazette of India</i> on 29 August 2001, No. 35, Part II, Section 1, pp. 1-2 (Panel Exhibit US-115)
LPAI	low pathogenicity avian influenza
LPNAI	low pathogenicity notifiable avian influenza
N	neuraminidase
NAI	notifiable avian influenza
NAP 2012	India's National Action Plan for 2012
OIE	World Organisation for Animal Health (formerly, Office International des Epizooties)
OIE Code	OIE Terrestrial Animal Health Code, 21st edition (May 2012)
Panel Report	Panel Report, <i>India – Measures Concerning the Importation of Certain Agricultural Products</i> , WT/DS430/R and Add.1, circulated to WTO Members 14 October 2014
Preliminary Ruling	Preliminary ruling by the Panel of 22 May 2013, circulated as document WT/DS430/5
SIP	sanitary import permit
S.O. 1663(E)	Statutory Order 1663(E), issued by India's Department of Animal Husbandry, Dairying and Fisheries (DAHD) on 19 July 2011 pursuant to the Livestock Act and published in <i>The Gazette of India</i> on 20 July 2011, No. 1390, Part II, Section 3(ii), pp. 1-2 (Panel Exhibit US-80)
SPS	sanitary and phytosanitary
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
Summary Document	"India's Risk Assessment on Avian Influenza for imposing ban on import of poultry and poultry products from Avian Influenza positive countries", document provided to the SPS Committee by India at the October 2010 SPS Committee meeting (Panel Exhibit US-110)
Vienna Convention	Vienna Convention on the Law of Treaties, done at Vienna, 23 May 1969, UN Treaty Series, Vol. 1155, p. 331
Working Procedures	Working Procedures for Appellate Review, WT/AB/WP/6, 16 August 2010
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization

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**PANEL EXHIBITS CITED IN THIS REPORT**

<b>Exhibit No.</b>	<b>Description</b>
IND-7	Report by FAO and OIE, in collaboration with WHO, "A Global Strategy for the Progressive Control of Highly Pathogenic Avian Influenza (HPAI)" (November 2005)
IND-8	Report by FAO Animal Production and Health Division, "Poultry Sector Country Review – India" (September 2008)
IND-9	Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, <i>Annual Report 2012-13</i>
IND-10	C. Tosh et al., "Emergence of amantadine-resistant avian influenza H5N1 virus in India" (2011) 42 <i>Virus Genes</i> , pp. 10–15
IND-11	C. Tosh et al., "Phylogenetic evidence of multiple introduction of H5N1 virus in Malda district of West Bengal, India in 2008" (2011) 148 <i>Veterinary Microbiology</i> , pp. 132–139
IND-12	S. Nagarajan et al., "Avian influenza (H5N1) virus of clade 2.3.2 in domestic poultry in India" (2012), 7(2):e31844 <i>PLoS ONE</i> ( <a href="http://www.plosone.org">www.plosone.org</a> )
IND-13	OIE, "Devising Import Health Measures for Animal Commodities" (paper, undated)
IND-14	USDA Foreign Agricultural Service, Global Agriculture Information Network (GAIN) Report, "People's Republic of China, Poultry and Products Annual Report 2006", No. CH6075 (5 September 2006)
IND-15	Indian Veterinary Research Institute, <i>Annual Report for 2011-12</i>
IND-47	Letter from R. Gangadharan dated 24 February 2012 to the Chief Secretaries of various State Governments and Union Territories
IND-68	J. Post et al., "Systemic distribution of different low pathogenic avian influenza (LPAI) viruses in chicken" (2013) 10(23) <i>Virology Journal</i>
IND-108	Biosecurity Australia, <i>Generic Import Risk Analysis Report for Chicken Meat</i> , Final Report (October 2008), Parts A-C
IND-109	T. van den Berg, "The role of the legal and illegal trade of live birds and avian products in the spread of avian influenza" (2009) 28(1) <i>Scientific and Technical Review of the Office International des Epizooties</i> , pp. 93-111
IND-110	A.F. Ziegler et al., "Characteristics of H7N2 (nonpathogenic) avian influenza virus infections in commercial layers, in Pennsylvania, 1997-98" (1999) 43(1) <i>Avian Diseases</i> , pp. 142-149
IND-111	S.P. Cobb, "The spread of pathogens through trade in poultry meat: overview and recent developments" (2011) 30(1) <i>Scientific and Technical Review of the Office International des Epizooties</i> , pp. 149-164
IND-115	Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, Report on Notifiable Avian Influenza (H5 and H7) ending 12.05.13 – Surveillance/Testing by HSADL, Bhopal" (20 May 2013)
IND-117	Letter dated 27 August 2012 from R.S. Rana (Joint Secretary to the Government of India, DAHD) to the Principal Secretary/Secretary of Veterinary Services/Animal Resources Development of all the States and Union Territories regarding: "Preparedness of the states to prevent ingress of Avian Influenza"

## India - Agricultural Products

Exhibit No.	Description
IND-121 [[containing information designated strictly confidential before the Panel]]	Letter dated 28 January 2010 from Assistant Commissioner, DAHD, to US Minister-Counsellor for Agricultural Affairs regarding: "India's comments on US proposed certificates for export of poultry, pork, pet food and feather to India"
US-1	World Organisation for Animal Health, <i>Terrestrial Animal Health Code</i> , 21st edn (May 2012), Vol. II, chapter 10.4 – Infection with Viruses of Notifiable Avian Influenza
US-18	D.E. Swayne and M. Pantin-Jackwood, "Pathobiology of Avian Influenza Virus Infections in Birds and Mammals", in D.E. Swayne (ed.), <i>Avian Influenza</i> (Blackwell Publishing, 2008)
S-19	D.E. Swayne and D.L. Suarez, "Highly pathogenic avian influenza" (2000) 19(2) <i>Scientific and Technical Review of the Office International des Epizooties</i> , pp. 463-482
US-20	Canada Food Inspection Agency, "Fact Sheet – Avian Influenza" (modified 22 December 2012), available at: < <a href="http://www.inspection.gc.ca/animals/terrestrial-animals/diseases/reportable/ai/fact-sheet/eng/1356193731667/1356193918453">www.inspection.gc.ca/animals/terrestrial-animals/diseases/reportable/ai/fact-sheet/eng/1356193731667/1356193918453</a> >
US-23	OIE, General Disease Information Sheets, "What is Avian Influenza (AI)?"
US-24	D.E. Swayne, "Avian Influenza Control Strategies", in D.E. Swayne (ed.), <i>Avian Influenza</i> (Blackwell Publishing, 2008), chapter 12
US-31	D.E. Swayne and C. Thomas, "Trade and Food Safety Aspects for Avian Influenza Viruses", in D.E. Swayne (ed.), <i>Avian Influenza</i> (Blackwell Publishing, 2008), chapter 22
US-48	D.E. Swayne and B.L. Akey, "Avian influenza control strategies in the United States of America", in R.S. Schrijver and G. Koch (eds.), <i>Avian Influenza – Prevention and Control</i> (Springer, 2005), chapter 13
US-80	Statutory Order 1663(E) (19 July 2011) issued by Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, pursuant to the Livestock Act and published in <i>The Gazette of India</i> on 20 July 2011, No. 1390, Part II, Section 3(ii), pp. 1-2
US-89	Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, "Action Plan of Animal Husbandry for Preparedness, Control and Containment of Avian Influenza" (November 2006)
US-90	Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, "Action Plan of Animal Husbandry for Preparedness, Control and Containment of Avian Influenza" (Revised – 2012)
US-92	Expert statement of Emi Kate Saito, attached to United States' first written submission to the Panel
US-97	Expert statement of David E. Swayne, attached to United States' first written submission to the Panel
US-98	A. Das et al., "Detection of H5N1 high-pathogenicity avian influenza virus in meat and tracheal samples from experimentally infected chickens" (2008) 52 <i>Avian Diseases</i> , pp. 40-48
US-99	Y. Kobayashi et al., "Pathological studies of chickens experimentally infected with two highly pathogenic avian influenza viruses" (1996) 25 <i>Avian Pathology</i> , pp. 285-304

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US-100	Y.K. Kwon and D.E. Swayne, "Different routes of inoculation impact infectivity and pathogenesis of H5N1 high pathogenicity avian influenza virus infection in chickens and domestic ducks" (2010) 54 <i>Avian Diseases</i> , pp. 1260-1269
US-101	L.E.L. Perkins and D.E. Swayne, "Pathobiology of A/Chicken/Hong Kong/220/97 (H5N1) avian influenza virus in seven Gallinaceous species" (2001) 38 <i>Veterinary Pathology</i> , pp. 149-164
US-102	E. Spackman et al., "The pathogenesis of low pathogenicity H7 avian influenza viruses in chickens, ducks and turkeys" (2010) 7 <i>Virology Journal</i> , p. 331
US-103	D.E. Swayne and J.R. Beck, "Heat inactivation of avian influenza and Newcastle disease viruses in egg products" (2004) 33(5) <i>Avian Pathology</i> , pp. 512-518
US-104	D.E. Swayne and J.R. Beck, "Experimental study to determine if low-pathogenicity and high-pathogenicity avian influenza viruses can be present in chicken breast and thigh meat following intranasal virus inoculation" (2005) 49 <i>Avian Diseases</i> , pp. 81-85
US-105	D.E. Swayne et al., "Reduction of high pathogenicity avian influenza virus in eggs from chickens once or twice vaccinated with an oil-emulsified inactivated H5 avian influenza vaccine" (2012) 30 <i>Vaccine</i> , pp. 4964-4970
US-106	Expert statement of Rebecca D. Jones, attached to United States' first written submission to the Panel
US-110	"India's Risk Assessment on Avian Influenza for imposing ban on import of poultry and poultry products from Avian Influenza positive countries", document provided to the SPS Committee by India at the October 2010 SPS Committee meeting
US-114	The Live-Stock Importation Act, 1898 (No. 9 of 1898), published on 12 August 1898
US-115	The Live-Stock Importation (Amendment) Act, 2001 (No. 28 of 2001) (19 July 2001) published in <i>The Gazette of India</i> on 29 August 2001, No. 35, Part II, Section 1, pp. 1-2
US-117	User's Guide to the OIE Terrestrial Animal Health Code (2012)
US-119	Committee on Sanitary and Phytosanitary Measures, Note by the Secretariat, Summary of the Meeting of 18-19 October 2007, document G/SPS/R/46
US-122	S.D. Pawar et al., "Avian influenza surveillance reveals presence of low pathogenic avian influenza viruses in poultry during 2009-2011 in the West Bengal State, India" (2012) 9 <i>Virology Journal</i> , p. 151
US-123	OIE, <i>Report of the Meeting of the OIE Terrestrial Animal Health Standards Commission</i> (February 2010)
US-141	Letter dated 20 October 2009 from M. Gilkey (Director, APHIS) to A. Kaushal (Joint Secretary, DAHD), regarding: "S.O. 2208(E) Notification published in the Gazette of India on August 28, 2009"
US-143	Expert statement of David E. Swayne, attached to United States' second written submission to the Panel
US-144	Expert statement of Emi Kate Saito, attached to United States' second written submission to the Panel
US-145	Expert statement of Rebecca D. Jones, attached to United States' second written submission to the Panel

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<i>Australia – Apples</i>	Appellate Body Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/AB/R, adopted 17 December 2010, DSR 2010:V, p. 2175
<i>Australia – Apples</i>	Panel Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/R, adopted 17 December 2010, as modified by Appellate Body Report WT/DS367/AB/R, DSR 2010:VI, p. 2371
<i>Australia – Salmon</i>	Appellate Body Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, p. 3327
<i>Australia – Salmon</i>	Panel Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/R and Corr.1, adopted 6 November 1998, as modified by Appellate Body Report WT/DS18/AB/R, DSR 1998:VIII, p. 3407
<i>Australia – Salmon (Article 21.5 – Canada)</i>	Panel Report, <i>Australia – Measures Affecting Importation of Salmon – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS18/RW, adopted 20 March 2000, DSR 2000:IV, p. 2031
<i>Brazil – Retreaded Tyres</i>	Appellate Body Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/AB/R, adopted 17 December 2007, DSR 2007:IV, p. 1527
<i>Canada – Continued Suspension</i>	Appellate Body Report, <i>Canada – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS321/AB/R, adopted 14 November 2008, DSR 2008:XIV, p. 5373
<i>Chile – Price Band System</i>	Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207/AB/R, adopted 23 October 2002, DSR 2002:VIII, p. 3045 (Corr.1, DSR 2006:XII, p. 5473)
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/AB/RW, adopted 22 May 2007, DSR 2007:II, p. 513
<i>China – Rare Earths</i>	Appellate Body Reports, <i>China – Measures Related to the Exportation of Rare Earths, Tungsten, and Molybdenum</i> , WT/DS431/AB/R / WT/DS432/AB/R / WT/DS433/AB/R, adopted 29 August 2014
<i>EC – Approval and Marketing of Biotech Products</i>	Panel Reports, <i>European Communities – Measures Affecting the Approval and Marketing of Biotech Products</i> , WT/DS291/R, Add.1 to Add.9 and Corr.1 / WT/DS292/R, Add.1 to Add.9 and Corr.1 / WT/DS293/R, Add.1 to Add.9 and Corr.1, adopted 21 November 2006, DSR 2006:III, p. 847
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<i>EC – Bananas III (Ecuador)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Ecuador</i> , WT/DS27/R/ECU, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:III, p. 1085
<i>EC – Bananas III (Guatemala and Honduras)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Guatemala and Honduras</i> , WT/DS27/R/GTM, WT/DS27/R/HND, adopted 25 September 1997, as modified by Appellate Body Report WT/DS27/AB/R, DSR 1997:II, p. 695
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<i>EC – Bed Linen (Article 21.5 – India)</i>	Appellate Body Report, <i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India – Recourse to Article 21.5 of the DSU by India</i> , WT/DS141/AB/RW, adopted 24 April 2003, DSR 2003:III, p. 965
<i>EC – Chicken Cuts</i>	Appellate Body Report, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts</i> , WT/DS269/AB/R, WT/DS286/AB/R, adopted 27 September 2005, and Corr.1, DSR 2005:XIX, p. 9157
<i>EC – Computer Equipment</i>	Appellate Body Report, <i>European Communities – Customs Classification of Certain Computer Equipment</i> , WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, adopted 22 June 1998, DSR 1998:V, p. 1851
<i>EC – Fasteners (China)</i>	Appellate Body Report, <i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China</i> , WT/DS397/AB/R, adopted 28 July 2011, DSR 2011:VII, p. 3995
<i>EC – Hormones</i>	Appellate Body Report, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, p. 135
<i>EC – Poultry</i>	Appellate Body Report, <i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i> , WT/DS69/AB/R, adopted 23 July 1998, DSR 1998:V, p. 2031
<i>EC – Sardines</i>	Appellate Body Report, <i>European Communities – Trade Description of Sardines</i> , WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, p. 3359
<i>EC – Seal Products</i>	Appellate Body Reports, <i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products</i> , WT/DS400/AB/R / WT/DS401/AB/R, adopted 18 June 2014
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<i>EC and certain member States – Large Civil Aircraft</i>	Appellate Body Report, <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft</i> , WT/DS316/AB/R, adopted 1 June 2011, DSR 2011:I, p. 7

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Short Title	Full Case Title and Citation
<i>India – Quantitative Restrictions</i>	Appellate Body Report, <i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i> , WT/DS90/AB/R, adopted 22 September 1999, DSR 1999:IV, p. 1763
<i>Japan – Agricultural Products II</i>	Appellate Body Report, <i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/AB/R, adopted 19 March 1999, DSR 1999:I, p. 277
<i>Japan – Apples</i>	Appellate Body Report, <i>Japan – Measures Affecting the Importation of Apples</i> , WT/DS245/AB/R, adopted 10 December 2003, DSR 2003:IX, p. 4391
<i>Japan – Apples</i>	Panel Report, <i>Japan – Measures Affecting the Importation of Apples</i> , WT/DS245/R, adopted 10 December 2003, upheld by Appellate Body Report WT/DS245/AB/R, DSR 2003:IX, p. 4481
<i>Japan – Apples (Article 21.5 – US)</i>	Panel Report, <i>Japan – Measures Affecting the Importation of Apples – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS245/RW, adopted 20 July 2005, DSR 2005:XVI, p. 7911
<i>Korea – Alcoholic Beverages</i>	Appellate Body Report, <i>Korea – Taxes on Alcoholic Beverages</i> , WT/DS75/AB/R, WT/DS84/AB/R, adopted 17 February 1999, DSR 1999:I, p. 3
<i>Korea – Dairy</i>	Appellate Body Report, <i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i> , WT/DS98/AB/R, adopted 12 January 2000, DSR 2000:I, p. 3
<i>US – Anti-Dumping and Countervailing Duties (China)</i>	Appellate Body Report, <i>United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China</i> , WT/DS379/AB/R, adopted 25 March 2011, DSR 2011:V, p. 2869
<i>US – Carbon Steel</i>	Appellate Body Report, <i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i> , WT/DS213/AB/R and Corr.1, adopted 19 December 2002, DSR 2002:IX, p. 3779
<i>US – Clove Cigarettes</i>	Appellate Body Report, <i>United States – Measures Affecting the Production and Sale of Clove Cigarettes</i> , WT/DS406/AB/R, adopted 24 April 2012, DSR 2012:XI, p. 5751
<i>US – Continued Suspension</i>	Appellate Body Report, <i>United States – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS320/AB/R, adopted 14 November 2008, DSR 2008:X, p. 3507
<i>US – Gambling</i>	Appellate Body Report, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services</i> , WT/DS285/AB/R, adopted 20 April 2005, DSR 2005:XII, p. 5663 (Corr.1, DSR 2006:XII, p. 5475)
<i>US – Oil Country Tubular Goods Sunset Reviews</i>	Appellate Body Report, <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina</i> , WT/DS268/AB/R, adopted 17 December 2004, DSR 2004:VII, p. 3257
<i>US – Poultry (China)</i>	Panel Report, <i>United States – Certain Measures Affecting Imports of Poultry from China</i> , WT/DS392/R, adopted 25 October 2010, DSR 2010:V, p. 1909
<i>US – Section 301 Trade Act</i>	Panel Report, <i>United States – Sections 301-310 of the Trade Act of 1974</i> , WT/DS152/R, adopted 27 January 2000, DSR 2000:II, p. 815
<i>US – Shrimp</i>	Appellate Body Report, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , WT/DS58/AB/R, adopted 6 November 1998, DSR 1998:VII, p. 2755



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Short Title	Full Case Title and Citation
<i>US – Steel Safeguards</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Certain Steel Products</i> , WT/DS248/AB/R, WT/DS249/AB/R, WT/DS251/AB/R, WT/DS252/AB/R, WT/DS253/AB/R, WT/DS254/AB/R, WT/DS258/AB/R, WT/DS259/AB/R, adopted 10 December 2003, DSR 2003:VII, p. 3117
<i>US – Tuna II (Mexico)</i>	Appellate Body Report, <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products</i> , WT/DS381/AB/R, adopted 13 June 2012, DSR 2012:IV, p. 1837
<i>US – Tyres (China)</i>	Appellate Body Report, <i>United States – Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China</i> , WT/DS399/AB/R, adopted 5 October 2011, DSR 2011:IX, p. 4811
<i>US – Upland Cotton</i>	Appellate Body Report, <i>United States – Subsidies on Upland Cotton</i> , WT/DS267/AB/R, adopted 21 March 2005, DSR 2005:I, p. 3
<i>US – Wheat Gluten</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i> , WT/DS166/AB/R, adopted 19 January 2001, DSR 2001:II, p. 717
<i>US – Wool Shirts and Blouses</i>	Appellate Body Report, <i>United States – Measure Affecting Imports of Woven Wool Shirts and Blouses from India</i> , WT/DS33/AB/R, adopted 23 May 1997, and Corr.1, DSR 1997:I, p. 323

## 1. INTRODUCTION

1.1 India appeals certain issues of law and legal interpretations developed in the Panel Report, *India – Measures Concerning the Importation of Certain Agricultural Products*<sup>1</sup> (Panel Report). The Panel was established to consider a complaint by the United States<sup>2</sup> with respect to measures taken by India concerning the importation of certain agricultural products.

1.2 This dispute concerns measures consisting of prohibitions that India imposes on the importation of various agricultural products, primarily poultry products, because of concerns related to avian influenza (AI).<sup>3</sup> India maintains its AI measures through two legal instruments – The Live-Stock Importation

<sup>1</sup> WT/DS430/R, 14 October 2014.

<sup>2</sup> Request for the Establishment of a Panel by the United States, WT/DS430/3. The Panel was established by the Dispute Settlement Body at its meeting of 25 June 2012. (Panel Report, paras. 1.3-1.4)

<sup>3</sup> Panel Report, para. 2.1.