

D. The Panel's Findings and Conclusions on "Likeness" under Article III:4 of the GATT 1994

1. Overview
2. Chrysotile and PCG fibres
3. Cement-based products containing chrysotile and PCG fibres

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1. Chrysotile and PCG fibres
2. Cement-based products containing chrysotile and PCG fibres

VII. Article XX(b) of the GATT 1994 and Article 11 of the DSU

A. "To Protect Human Life or Health"

B. "Necessary"

C. Article 11 of the DSU

VIII. Article XXIII:1(b) of the GATT 1994

IX. Findings and Conclusions

WORLD TRADE ORGANIZATION

APPELLATE BODY

European Communities - Measures  
Affecting Asbestos and Asbestos-Containing  
Products

AB-2000-11

Present:

Canada, Appellant/Appellee  
European Communities, Appellant/Appellee

Feliciano, Presiding Member  
Bacchus, Member  
Ehlermann, Member

Brazil, Third Participant  
United States, Third Participant

I. Introduction

1. Canada appeals certain issues of law and legal interpretations developed in the Panel Report in *European Communities - Measures Affecting Asbestos and Asbestos-Containing Products* (the "Panel Report"). [FN1] The Panel was established to consider claims made by Canada regarding French Decree No. 96-1133 concerning asbestos and products containing asbestos (decret no. 96-1133 relatif a l'interdiction de l'amiante, pris en application du code de travail et du code de la consommation) ("the Decree"), which entered into force on 1 January 1997. [FN2]

2. Articles 1 and 2 of the Decree set forth prohibitions on asbestos and on products containing asbestos fibres, followed by certain limited and temporary exceptions from those prohibitions: