

VII. Findings and Conclusion

339. For the reasons set out in this Report, the Appellate Body:

- (a) with respect to the USITC's analysis of whether imports from China are increasing rapidly within the meaning of Paragraph 16.4 of the Protocol, upholds the Panel's finding, in paragraph 7.110 of the Panel Report, that the USITC did not fail to properly evaluate whether imports from China met the specific threshold under Paragraph 16.4 of China's Accession Protocol of "increasing rapidly";
- (b) with respect to whether rapidly increasing imports from China are "a significant cause" of material injury to the US domestic industry within the meaning of Paragraph 16.4 of China's Accession Protocol:
 - (i) upholds the Panel's finding, in paragraph 7.216 of the Panel Report, that the USITC did not err in its assessment of the conditions of competition in the US market;
 - (ii) upholds the Panel's finding, in paragraph 7.261 of the Panel Report, that the USITC's reliance on overall coincidence between an upward movement in subject imports and a downward movement in injury factors supports the USITC's finding that rapidly increasing imports from China are a significant cause of material injury to the domestic industry within the meaning of Paragraph 16.4 of China's Accession Protocol;
 - (iii) upholds the Panel's finding, in paragraph 7.378 of the Panel Report, that China has failed to establish that the USITC improperly attributed injury caused by other factors to subject imports;
 - (iv) finds that the Panel did not act inconsistently with its duties under Article 11 of the DSU in its analysis of the USITC's determination that rapidly increasing imports from China were a significant cause of material injury to the domestic industry; and accordingly
 - (v) upholds the Panel's finding, in paragraph 7.379 of the Panel Report, that the USITC did not fail properly to establish that rapidly increasing imports from China were a significant cause of material injury to the domestic industry within the meaning of Paragraph 16.4 of China's Accession Protocol.

340. Given that we have not found in this Report that the United States acted inconsistently with any of its WTO obligations, we make no recommendation to the DSB pursuant to Article 19.1 of the DSU.

Signed in the original in Geneva this 12th day of August 2011 by:

Jennifer Hillman
Presiding Member

Shotaro Oshima
Member

Peter Van den Bossche
Member