

*****AS DELIVERED*****

***CHINA – ANTI-DUMPING AND COUNTERVAILING DUTY MEASURES
ON CERTAIN AUTOMOBILES FROM THE UNITED STATES
(DS440)***

**CLOSING STATEMENT OF THE UNITED STATES OF AMERICA
AT THE SECOND SUBSTANTIVE MEETING OF THE PANEL**

October 15, 2013

Mr. Chairman, Members of the Panel:

1. The United States would again like to thank the Panel and the Secretariat staff for your efforts during this meeting and throughout the dispute. In light of the extensive submissions and statements that the parties have made already, we only have a few brief comments to make in closing.
2. This is the third time that the United States has brought a dispute concerning China's application of trade remedy measures. This dispute addresses problems that are similar to those addressed in the *China – GOES* and *China – Broiler Products* disputes, and this dispute concerns inconsistencies with the same substantive provisions of the covered agreements. As the panels did in *China – GOES* and *China – Broiler Products*, and as the Appellate Body did in *China – GOES*, the Panel here should find that China has yet again breached its WTO obligations.
3. Yet again, China has denied U.S. companies the opportunity to fully defend their interests by failing to require the petitioners to provide adequate non-confidential summaries of confidential information, and by failing to disclose the calculations and data used to determine the existence of dumping and calculate dumping margins.
4. Yet again, China has imposed "all others" anti-dumping and countervailing duty rates determined using adverse facts available, despite the absence of any non-cooperation by any U.S. companies.
5. Yet again, China has found material injury based on information provided by a small, self-selected subset of domestic producers, and has done so despite the absence of any causal connection between subject imports and the economic difficulties experienced by domestic producers.
6. In sum, the United States has established that China breached the procedural and substantive obligations set forth in the AD and SCM Agreements, and China failed to make an objective examination and determinations based on positive evidence. In its submissions and statements to the Panel, China has failed to rebut the U.S. case. Accordingly, for the reasons we have given throughout this dispute, the United States renews its request that the Panel find that China has acted inconsistently with its WTO obligations.
7. The United States would like to conclude by again thanking the Panel and Secretariat for your time and attention to this matter, and we likewise thank China for its participation in this proceeding. We look forward to responding to the Panel's written questions and providing further comments, which we hope will further clarify the issues in this dispute.