

***UNITED STATES – CERTAIN METHODOLOGIES AND THEIR APPLICATION TO  
ANTI-DUMPING PROCEEDINGS INVOLVING CHINA***

***Recourse to Article 22.6 of the DSU by the United States***

**(DS471)**

**CLOSING STATEMENT OF THE UNITED STATES OF AMERICA  
AT THE MEETING OF THE ARBITRATOR WITH THE PARTIES**

**April 24, 2019**

Mr. Chairman, members of the Arbitrator:

1. China has spent the day discussing a host of issues that simply are irrelevant to this arbitration.
2. The rather benign and technical question before the Arbitrator is whether China's request for authorization to suspend concessions is equivalent to the level of nullification or impairment caused by the U.S. measures at issue.
3. During an intervention today China actually said that its request is not equivalent to the level of nullification or impairment.
4. Given that China's request is not consistent with the requirements of the DSU, we can move on to the next question: what level of suspension would be equivalent to the level of nullification or impairment? To answer this question, you need three things: (1) an appropriate counterfactual; (2) sound methodology that can capture the counterfactual; and (3) data that captures the counterfactual. That's it.
5. The United States has provided the Arbitrator all three.
6. It is also useful to recall that the measures at issue are in response to dumping – a practice that is specifically condemned in the WTO Agreement. China does not contest that its products are dumped, causing injury to U.S. industry. China's approach is to pay no attention to the trade distortion caused by dumping and act as though the only concern is the impact on trade of the antidumping duties, a remedy explicitly endorsed by the WTO.
7. This is one important aspect that distinguishes this proceeding from almost all previous arbitrations.
8. So, in closing, for all the reasons the United States has given in this proceeding, the Arbitrator should find that the level of suspension of concessions requested by China is in excess of the equivalent level of nullification or impairment.
9. The United States once again thanks the Arbitrator, and the Secretariat staff assisting you, for your work in this proceeding.