

inadequately summarized with non-confidential information<sup>685</sup>, it does not explain how these redactions meant that the USITC final report and final staff report failed to set forth "findings and reasoned conclusions reached on all pertinent issues of fact and law".

7.318. Based on the above, we reject China's claim that the USITC, in violation of Article 3 of the Agreement on Safeguards, failed to provide sufficient non-confidential summaries of confidential information in its final report and final staff report.

## **8 CONCLUSIONS AND RECOMMENDATION**

8.1. For the reasons set forth in this Report, the Panel finds that China has failed to demonstrate that the United States acted inconsistently with:

- a. Article XIX:1(a) of the GATT 1994 and Article 3.1 of the Agreement on Safeguards by failing to establish, prior to the application of the measures, that the increases in imports were the result of "unforeseen developments" and were the "effect of obligations incurred" under the GATT 1994 by the United States;
- b. Articles 2.1, 3.1, and 4.2(b) of the Agreement on Safeguards by failing to establish the required "causal link" between the increased imports and the serious injury found to exist;
- c. Articles 2.1, 3.1, and 4.2(b) of the Agreement on Safeguards by failing to ensure that injury caused by other factors was not attributed to increased imports; and
- d. Articles 3.1 and 3.2 of the Agreement on Safeguards by providing non-confidential summaries to interested parties with such delay that the parties were not provided with an adequate opportunity to exercise their right to present a defence, and because the actual public summaries were not sufficient so as to permit an interested party to reasonably present a defence.

8.2. In light of these findings, the Panel makes no recommendation to the DSB pursuant to Article 19.1 of the DSU.

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<sup>685</sup> China's first written submission, paras. 313-316; second written submission, para. 318; and response to Panel question No. 59 of the third set, para. 168.