

and 8.2.b of the Panel Report, that Ukraine acted inconsistently with that provision because MEDT failed to calculate the cost of production "in the country of origin".

7.1. For the reasons set out in this Report, the Appellate Body makes the following findings and conclusions.

7.2. The language in Russia's panel request, including express references in footnotes, refers to the 2008 amended decision and the 2010 amendment and sufficiently links these measures to Russia's claim under Article 5.8 of the Anti-Dumping Agreement. We therefore agree with the Panel's assessment that the 2008 amended decision and the 2010 amendment were discernible and accordingly identified as specific measures at issue in Russia's panel request.

- a. Therefore, we find that the Panel did not err under Article 6.2 of the DSU in finding that the 2008 amended decision and the 2010 amendment were identified as specific measures at issue in Russia's panel request.
- b. Consequently, we uphold the Panel's finding, in paragraphs 7.28 and 8.1.a of the Panel Report, that the 2008 amended decision and the 2010 amendment were identified as specific measures at issue in Russia's panel request, and thus fell within the Panel's terms of reference.

7.3. We recall that the measures and claims identified in a panel request in accordance with Article 6.2 of the DSU constitute the "matter referred to the DSB", which serves as a basis for the panel's terms of reference under Article 7.1 of the DSU. We have upheld the Panel's finding that the 2008 amended decision and the 2010 amendment were identified as specific measures at issue in Russia's panel request, and Ukraine has not appealed the Panel's finding that Russia had provided a brief summary of the legal basis for its claim under Article 5.8 of the Anti-Dumping Agreement as it relates to these measures. Moreover, Ukraine has not advanced any other

7.5. We consider that the second condition in the first sentence of Article 2.2.1.1 of the Anti-Dumping Agreement relates to whether the records kept by the exporter or producer under investigation suitably and sufficiently correspond to or reproduce those costs

7.8. Ukraine raises certain arguments under Article 2.2 of the Anti-Dumping Agreement that are dependent on us finding error with the Panel's findings under Article 2.2.1.1. Given our finding that the Panel did not err in its interpretation or application of the second condition in the first sentence of Article 2.2.1.1, we reject these arguments by Ukraine. In light of the differences in text and function between Article 2.2 of the Anti-Dumping Agreement and Article 14(d) of the SCM Agreement, we also consider that the Panel did not err in its interpretation of Article 2.2 in considering t

Signed in the original in Geneva this 30th day of July 2019 by:

Hong Zhao  
Presiding Member

Ujal Singh Bhatia  
Member

Shree Baboo Chekitan Servansing  
Member