

import trade data submitted by Ukraine, also led the Panel to conclude that there was no sufficient evidence demonstrating the existence of the alleged systematic import prevention.

5.248. Finally, we recall that, in reviewing a panel's assessment of the measure at issue, the Appellate Body "will not lightly interfere" with the panel's factual findings, including those conc(t lig)15.7 2.4 (8)8.3 (



instructions suspending certificates, that Russia acted inconsistently with its obligations under Article 5.1.1 of the TBT Agreement.

- b. We also reverse the Panel's finding, in paragraphs 7.638 and 8.1.c.i of the Panel Report, that Ukraine failed to establish, with respect to the two decisions through which the FBO "returned without consideration" applications for certificates submitted by Ukrainian producers under CU Technical Regulation 001/2011, i.e. decisions 1 and 2, that Russia acted inconsistently with its obligations under Article 5.1.1 of the TBT Agreement.

6.9. Ukraine was not required to demonstrate, for purposes of showing that the proposed alternative measure, consisting in the conduct of off-site inspections was reasonably available, whether the measure described in Article 5.3 of CS FRT 12-2003 and Article 7.4.1 of PC-FZT 08-2013 could have applied in the specific instances related to the suspensions of certificates at issue. However, the Panel reasoned that, because information on the absence of non-conformities and consumer complaints was in principle available to Ukraine, it was for Ukraine to submit evidence relating to the measure.