

of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395-6186. Appointments must be scheduled at least 48 hours in advance.

General information concerning USTR may be obtained by accessing its Internet Web site: <http://www.ustr.gov>.

**Carmen Suro-Bredie,**

*Chairman, Trade Policy Staff Committee.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-294]

### WTO Dispute Settlement Proceeding Regarding Offsets to Calculated Dumping Margins for Instances of Non-Dumping

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative ("USTR") is providing notice that on June 12, 2003, the United States received from the European Communities ("EC") a request for consultations under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") regarding offsets to calculated dumping margins for instances of non-dumping. The EC asserts that various U.S. statutes, regulations, methodologies and determinations are inconsistent with Articles 1, 2.4, 5.8, 9.3, 9.5, 11, 18.3 and 18.4 of the Agreement on Implementation of Article VI of the General Agreements on Tariffs and Trade 1994 ("AD Agreement"), Articles VI:1 and VI:2 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article XVI:4 of the WTO Agreement. USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before August 28, 2003, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0080@ustr.gov](mailto:FR0080@ustr.gov), with "Dumping Margin Offset" in the subject line, or (ii) by fax to Sandy McKinzy at (202) 395-3640, with a confirmation copy sent electronically to the address above, in accordance with the requirements for submission set out below.

**FOR FURTHER INFORMATION CONTACT:** William D. Hunter, Associate General Counsel, Office of the United States Trade Representative, (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

### Major Issues Raised by the EC

With respect to the measures at issue, the EC's request for consultations refers to the following:

- The Tariff Act of 1930, in particular sections 751, 771(35)(A) and 771(35)(B);
- The implementing regulations of the U.S. Department of Commerce ("DOC"), 19 CFR Part 351, in particular section 351.414(c)(2);
- The methodology of the DOC for determining the dumping margin in investigations on the basis of the comparison of a weighted average normal value with a weighted average export price;
- The methodology of the DOC for determining the dumping margin in reviews;
- The determinations of dumping by the DOC, the determinations of injury by the U.S. International Trade Commission ("ITC"), and the DOC notices for the imposition of the antidumping duty in the following investigations:<sup>1</sup>

<sup>1</sup> For the precise EC description of these determinations and notices, including the dates of publication in the *Federal Register*, see Annex I of the EC's consultation request, which is available on the WTO Web site's document distribution facility as document "WT/DS294/1".

- Certain hot-rolled carbon steel from the Netherlands, DOC Case No. A-421-807, ITC Case No. A-903;
- Stainless steel bar from France, DOC Case No. A-427-820, ITC Case No. A-913;
- Stainless steel bar from Germany, DOC Case No. A-428-830, ITC Case No. A-914;
- Stainless steel bar from Italy, DOC Case No. A-475-829, ITC Case No. A-915;
- Stainless steel bar from the United Kingdom, DOC Case No. A-412-822, ITC Case No. A-918; and
- The final results of the administrative reviews by the DOC in the following proceedings:<sup>2</sup>
  - Industrial nitrocellulose from France, DOC Case No. A-427-009, 66 FR 54213 (Oct. 26, 2001);
  - Industrial nitrocellulose from the United Kingdom, DOC Case No. A-412-803, 67 FR 77747 (Dec. 19, 2002);
  - Stainless steel plate in coils from Belgium, DOC Case No. A-423-808, 67 FR 64352 (Oct. 18, 2002);
  - Certain pasta from Italy, DOC Case No. A-475-818, 66 FR 300 (Jan. 3, 2002), amended 67 FR 5088 (Feb. 4, 2002);
  - Certain pasta from Italy, DOC Case No. A-475-818, 68 FR 6882 (Feb. 11, 2003);
  - Stainless steel sheet and strip in coils from Italy, DOC Case No. A-475-824, 67 FR 1715 (Jan. 14, 2002);
  - Stainless steel sheet and strip in coils from Italy, DOC Case No. A-475-824, 68 FR 6719 (Feb. 10, 2003);
  - Granular polytetrafluoroethylene [*sic*] from Italy, DOC Case No. A-475-703, 67 FR 1960 (Jan. 15, 2002);
  - Granular polytetrafluoroethylene [*sic*] from Italy, DOC Case No. A-475-703, 68 FR 2007 (Jan. 15, 2003);
  - Stainless steel sheet and strip in coils from France, DOC Case No. A-427-814, 67 FR 6493 (Feb. 12, 2002), amended 67 FR 12522 (March 19, 2002);
  - Stainless steel sheet and strip in coils from France, DOC Case No. A-427-814, 67 FR 78773 (Dec. 26, 2002), amended 68 FR 4171 (Jan. 28, 2003);
  - Stainless steel sheet and strip in coils from Germany, DOC Case No. A-428-825, 67 FR 7668 (Feb. 20, 2002), amended 67 FR 15178 (March 29, 2002);
  - Stainless steel sheet and strip in coils from Germany, DOC Case No. A-428-825, 68 FR 6716 (Feb. 10, 2003);
  - Ball bearings from France, DOC Case No. A-427-801, 67 FR 55780 (Aug. 30, 2002);

<sup>2</sup> For the precise EC description of these final results, see Annex II of the EC's consultation request, which is available on the WTO Web site's document distribution facility as document "WT/DS294/1".