

ANNEX A

REQUEST FOR CONSULTATIONS AND REQUEST FOR THE ESTABLISHMENT OF A PANEL

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ANNEX A-1

REQUEST FOR CONSULTATIONS BY THE EUROPEAN COMMUNITIES

WORLD TRADE ORGANIZATION

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UNITED STATES – LAWS, REGULATIONS AND METHODOLOGY FOR CALCULATING DUMPING MARGINS ("ZEROING")

Request for Consultations by the European Communities

The following communication, dated 12 June 2003, from the Permanent Delegation of the European Commission to the Permanent Mission of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

On behalf of the European Communities (the "EC"), I hereby request consultations with the United States of America pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (the "GATT") and Article 17 of the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "ADA").

This request is with respect to:

- the Tariff Act of 1930 (the "Act"), in particular sections 751, 771(35)(A) and 771(35)(B),
- the implementing regulation¹ of the United States Department of Commerce (the "DOC"), in particular section 351.414(c)(2),

¹ 19 CFR Section 351.

- the methodology of the DOC for determining the dumping margin in new 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 determination of injury by the United States International Trade Commission and the DOC notice for the imposition of the anti-dumping duty in the cases listed in Annex I,
- and the final results of the anti-dumping administrative reviews listed in Annex II.

The matters, which the EC would like to raise in the course of the consultations include, but are not limited to, the following:

- (1) in new investigations, the zeroing of negative dumping margins when comparing export prices and normal values on a weighted average to weighted average basis;
- (2) in reviews, the comparison of export prices and normal values on a weighted average to transaction basis and the zeroing of negative dumping margins in circumstances other than those specified in Article 2.4.2 of the ADA;
- (3) the impact of zeroing negative dumping margins in the determination of the "dumped imports" in the injury investigation;
- (4) the determination of dumping margins above *de minimis* level as a result of zeroing negative dumping margins and the consequent imposition, continuation or collection of an anti-dumping duty;
- (5) the level of the dumping margins in the absence of zeroing in the cases listed in Annex I and Annex II

The EC is concerned that the Act, related regulations, US methodologies and determinations in the listed cases appear to be, in several respects, not in conformity with the obligations of the United States under the GATT, and the ADA, in particular under:

- Articles 1, 2.4 (including 2.4.2), 3, 5.8, 9.3, 9.5, 11 and 18.3 of the ADA,
- Articles VI:1 and VI:2 of the GATT,
- Article XVI:4 of the Marrakech Agreement establishing the WTO and Article 18.4 of the ADA.

We reserve the right to raise additional claims and legal matters regarding the legislation and practice during the course of the consultations.

We look forward to receiving your reply to this request to setting a mutually convenient date for these consultations.

**ANNEX I
IMPOSITION OF ANTI-DUMPING DUTY**

Product	MS	DOC Case Number	DOC Final Determination	ITC Case Number	ITC Determination	AD Order
1. Certain hot-rolled carbon steel	NL	A-421-807	66 FR 50408, October 3, 2001 (amended: 66 FR 55637, November 2, 2001)	A-903	November 2001	66 FR 59565, November 29, 2001
2. Stainless steel bar	F	A-427-820	67 FR 3143, January 23, 2002	A-913	February 2002	67 FR 10385, March 7, 2002
3. Stainless steel bar	G	A-428-830	67 FR 3159, January 23, 2002 (amended: 67 FR 10382, March 7, 2002)	A-914	February 2002	67 FR 10382, March 7, 2002
4. Stainless steel bar	I	A-475-829	67 FR 3155, January 23, 2002 (amended: 67 FR 8228, February 22, 2002)	A-915	February 2002	67 FR 10384, March 7, 2002
5. Stainless steel bar	UK	A-412-822	67 FR 3146, January 23, 2002	A-918	February 2002	67 FR 10381, March 7, 2002

*United States – Anti-Dumping duties on Imports of Certain Hot-Rolled
Carbon Steel Flat Products from the Netherlands*

Specific Case No. 1

The measure

This case concerns the imposition of anti-dumping duties on Certain Hot-Rolled Carbon Steel Flat products from the Netherlands (US case number A-421-807, 66 FR 59565 of 29 November 2001). The rate of the *ad valorem* anti-dumping duty was 2.59% for Corus Staal BV and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Hot-Rolled Carbon Steel Flat Products from the Netherlands ("Hot-Rolled Steel"), the Department of Commerce (DOC) utilised a methodology commonly referred to as "zeroing".

The practice of "zeroing", as applied in this case by the DOC, can briefly be described as follows.

First, the DOC identified a number of different "models" or "types" of Hot-Rolled Steel, called *connums*.

Next, the DOC calculated, for each of these models, a *weighted average* normal value and a *weighted average* export price. Then, the DOC compared the weighted average normal value with the weighted average export price for each model. For some models, normal value was *higher* than export price; by subtracting export price from normal value for these models, the DOC established a "*positive* dumping margin" for each model. For other models, normal value was *lower* than export price; by subtracting export price from normal value for these other models, DOC established a "*negative* dumping margin" for each model. Thus, there is a "positive dumping margin" where there *is* dumping, and a "negative dumping margin" where there *is not*. The "positives" and "negatives" of the amounts in this calculation are an indication of precisely *how much* the export price is above or below the normal value.

Having made this calculation, the DOC then added up the amounts it had calculated as "dumping margins" for each model of the product in order to determine an *overall* dumping margin for the product *as a whole*. However, in doing so, the DOC treated any "negative dumping margin" as zero – hence the use of the word "zeroing". Then, finally, having added up the "positive dumping margins" and the zeroes, the DOC divided this sum by the cumulative total value of all the export transactions involving all types and models of that product. In this way, the DOC obtained an overall margin of dumping for the product under investigation.

This methodology is identical to the methodology that was held in breach of the WTO Anti-Dumping Agreement in *European Communities - Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India*, (Panel Report, WT/DS141/R and Appellate Body Report, WT/DS141/AB/R, adopted 12 March 2001).

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 2.59% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and the case would have been terminated.

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from France

Specific Case No. 2

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from France (US case number A-427-820, 67 FR 10385 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 71.83% for Aubert & Duval S.A, 3.90% for Ugine-Savoie Imphy and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Bar from France, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 3.90% for Ugine-Savoie Imphy SA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- .%] (negative) and the case would have been terminated with respect to this exporter.

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from Germany

Specific Case No. 3

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from Germany (US case number A-428-830, 67 FR 10382 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 13.63% for BGH, 4.17% for Einsal, 15.40% for EWK, 32.32% for KEP and 16.96% for all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Bar from Germany, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin:

- of 13.63% for BGH. Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).
- of 4.17% for Einsal. Without the zeroing methodology, the dumping margin would have been of [..%] (*de minimis*) and the case would have been terminated with respect to this exporter.

- of 15.40% for EWK. Without the zeroing methodology the dumping margin would have been [..%] (lower).
- of 32.32% for KEP. Without the zeroing methodology the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from Italy

Specific Case No. 4

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from Italy (US case number A-475-829, 67 FR 10384 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 2.50% for Acciaierie Valbruna Srl/Acciaierie Bolzano D.p.A, 7.07% for Acciaiera Foroni SpA, 3.83% for Rodacciai S.p.A, 33% for Cogne Acciai Speciali Srl and 3.81% for all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Bar from Italy, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin:

- of 2.50% for Acciaierie Valbruna Srl/Acciaierie Bolzano S.p.A. Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and the case would have been terminated with respect to this exporter.
- of 7.07% for Acciaiera Foroni Spa. Without the zeroing methodology the dumping margin would have been [..%] (lower).
- of 3.83% for Rodacciai SpA. Without the zeroing methodology the dumping margin would have been [...%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from the United Kingdom

Specific Case No. 5

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from the United Kingdom (US case number A-412-822, 67 FR 10381 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 4.48% for Corus Engineering Steels, Ltd, 125.77% for Crownridge Stainless Steel, Ltd/Valkia Ltd and Firth Rixson Special Steels, Ltd and 4.48% for all others.

Use of zeroing

In the United States Department of Commerce's investigation of stainless steel bar from the United Kingdom, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 4.48% for Corus Engineering Steels, Ltd while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and the case would have been terminated with respect to this exporter.

**ANNEX II
ADMINISTRATIVE REVIEWS**

Product	MS	No Case	Final Results	Amended Final Results	Company	Dumping Margin	Period covered by the Review
6. Industrial Nitrocellulose	F	A-427-009	66 FR 54213, October 26, 2001		Bergerac NC	3.26%	1 August 99-31 July 00
7. Industrial Nitrocellulose	UK	A-412-803	67 FR 77747, December 19, 2002		Imperial Chemical Industries	3.06%	1 July 00-30 June 01
8. Stainless steel plate in coils	B	A-423-808	67 FR 64352, October 18, 2002		ALZ NV & TrefilARBED (affiliated US importer)	3.84%	1 May 00-30 April 01
9. Certain pasta	I	A-475-818	66 FR 300, January 3, 2002	67 FR 5088, February 4, 2002	Ferrara Pallante PAM	1.25% 1.78% 4.10%	1 July 99-30 June 00
10. Certain pasta	I	A-475-818	68 FR 6882, February 11, 2003		Pastifi Garofalo	0.55%	1 July 00-30 June 01
11. Stainless steel sheet strip coils	I	A-475-824	67 FR 1715, January 14, 2002		Acciai Speciali Terni SpA	0.66%	4 January 99-30 June 00
12. Stainless steel sheet strip coils	I	A-475-824	68 FR 6719, February 10, 2003		Acciai Speciali Terni SpA	5.84%	1 July 00-30 June 01
13. Granular polytetrafluoethylene	I	A-475-703	67 FR 1960, January 15, 2002		Ausimont SpA	2.15%	1 August 99-31 July 00
14. Granular polytetrafluoethylene	I	A-475-703	68 FR 2007, January 15, 2003		Ausimont SpA	12.08%	1 August 00-31 July 01
15. Stainless steel sheet strip coils	F	A-427-814	67 FR 6493, February 12, 2002	67 FR 12522, March 19, 2002	Ugine	3.00%	4 January 99-30 June 00
16. Stainless steel sheet strip	F	A-427-814	67 FR 78773,	68 FR 4171,	Ugine	1.44%	1 July 00-30 June 01

coils			December 26, 2002	January 28, 2003			
17. Stainless steel sheet strip coils	G	A-428-825	67 FR 7668, February 20, 2002	67 FR 15178, March 29, 2002	KTN	2.61%	4 January 99-30 June 00
18. Stainless steel sheet strip coils	G	A-428-825	68 FR 6716, February 10, 2003		TKN	4.77%	1 July 00-30 June 01
19. Ball bearings	F	A-427-801	67 FR 55780, August 30, 2002		SKF France SA and Sarma	8.51%	1 May 00-30 April 01
20. Ball bearings	I	A-475-801	67 FR 55780, August 30, 2002		FAG Italia SpA SKF Industrie SpA	1.42% 3.70%	1 May 00-30 April 01
21. Ball bearings	UK	A-412-801	67 FR 55780, August 30, 2002		NSK Bearings Europe Ltd The Barden Corporation UK	16.87% 3.87%	1 May 00-30 April 01

*United States – Anti-Dumping Administrative Review on Imports
of Industrial Nitrocellulose from France*

Specific Case No.6

The administrative review

This case concerns the administrative review of anti-dumping duties on Industrial Nitrocellulose from France, produced and exported by Bergerac NC. (US case number A-427-009, 66 FR 54213 of 26 October 2001). The period of review is 1 August 1999 through 31 July 2000 and the rate of anti-dumping duty for Bergerac NC was 3.26% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, can briefly be described as follows. First, the DOC identified with respect to the product under investigation a certain number of different "models" or "types" of that product, what it calls Connum.- a common practice for both investigations and administrative reviews-.

Then, unlike in a new investigation, in an administrative review the DOC does not compare the average US price (export price) to the average home market price (normal value) for the whole investigation period. Instead, the DOC's practice is to compare the US net price for each individual US transaction to the most contemporaneous monthly average normal value.

The total value of the dumping margin is then calculated by aggregating only the transaction-specific **positive** dumped values and then multiplying the quantity sold in the US market for each model by the unit dumped value to arrive at the total dollars dumped. Comparisons of individual US transactions to weighted-average monthly normal value that yield **negative** margins are ignored (effectively treated as zero). The DOC applies this methodology in circumstances other than those specified in Article 2.4.2 of the ADA.

Because DOC determines margins on a transaction-specific basis in administrative reviews, no offsetting of negative margins is performed at either the Connum-specific or aggregate level. The DOC's methodology of aggregating the values of only the positive dumping margins based on the individual transactions means that there is no offset against the positive values at any stage.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 3.26%. while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Industrial Nitrocellulose from the United Kingdom***

Specific Case No.7

The administrative review

This case concerns the administrative review of anti-dumping duties on Industrial Nitrocellulose from the United Kingdom, produced and exported by Imperial Chemical Industries PLC. (US case number A-412-803, 67 FR 77747 of 19 December 2002). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Imperial Chemical Industries was 3.06% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 3.06% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Plate in Coils from Belgium***

Specific Case No.8

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Plate in Coils from Belgium, produced and exported by ALZ NV (US case number A-423-808, 67 FR 64352 of 18 October 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty for ALZ NV was 3.84% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 3.84% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

United States – Anti-Dumping Administrative Review on Certain Pasta from Italy

Specific Case No.9

The administrative review

This case concerns the administrative review of anti-dumping duties on Certain Pasta from Italy, produced and exported by Pastificio Guido Ferrara S.r.L. (Ferrara), Pastificio Antonio Pallante S.r.L. (Pallante) and PAM S.r.L. (PAM). (US case number A-475-818, 66 FR 300 of 3 January 2002, 67 FR 5088 of 4 February 2002). The period of review is 1 July 1999 through 30 June 2000 and the rate of anti-dumping duty was, *ad valorem*, 1.25% for Ferrara, 1.78% for Pallante, 4.10% for PAM.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated for Ferrara a dumping margin of 1.25% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

As for Pallante, DOC calculated a dumping margin of 1.78%, while without the zeroing methodology (i.e. the negative unit margins included), the dumping margin would have been [...%] (lower).

As for PAM, DOC calculated a dumping margin of 4.10%, while without the zeroing methodology (i.e. the negative unit margins included), the dumping margin would have been *de minimis*.

United States – Anti-Dumping Administrative Review on Certain Pasta from Italy

Specific Case No.10

The administrative review

This case concerns the administrative review of anti-dumping duties on Certain Pasta from Italy, produced and exported by Pastificio Garofalo S.p.A. (US case number A-475-818, 68 FR 6882 of 11 February 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty was 0.55% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 0.55% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet Strip in Coils from Italy***

Specific Case No.11

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet Strip in Coils from Italy, produced and exported by Acciai Speciali Terni SpA (US case number A-475-824, 67 FR 1715 of 14 January 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for Acciai Speciali Terni SpA was 0.66% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 0.66% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet Strip in Coils from Italy***

Specific Case No.12

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet Strip in Coils from Italy, produced and exported by Acciai Speciali Terni SpA (US case number A-475-824, 68 FR 6719 of 10 February 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Acciai Speciali Terni SpA was 5.84% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 5.84% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative).

***United States – Anti-dumping Administrative Review on Imports
of Granular Polytetrafluoroethylene Resin from Italy***

Specific Case No.13

The administrative review

This case concerns the administrative review of anti-dumping duties on Granular Polytetrafluoroethylene resin from Italy, produced and exported by Ausimont SpA. (US case number A-475-703, 67 FR 1960 of 15 January 2002). The period of review is 1 August 1999 through 31 July 2000 and the rate of anti-dumping duty for Ausimont SpA SA was 2.15% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 2.15% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Granular Polytetrafluoroethylene Resin from Italy***

Specific Case No.14

The administrative review

This case concerns the administrative review of anti-dumping duties on Granular Polytetrafluoroethylene Resin from Italy, produced and exported by Ausimont SpA. (US case number A-475-703, 68 FR 2007 of 15 January 2003). The period of review is 1 August 2000 through 31 July 2001 and the rate of anti-dumping duty for Ausimont SpA SA was 12.08% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 12.08% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from France***

Specific Case No.15

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France, produced and exported by Ugine (US case number A-427-814, 67 FR 6493 of 12 February 2002, 67 FR 12522 of 19 March 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for Ugine was 3.00% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 3.00% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from France***

Specific Case No.16

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France, produced and exported by Ugine SA (US case number A-427-814, 67 FR 78773 of 26 December 2002, 68 FR 4171 of 28 January 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Ugine SA was 1.44% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 1.44% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from Germany***

Specific Case No.17

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Germany, produced and exported by KTN (US case number A-428-825, 67 FR 7668 of 20 February 2002, 67 FR 15178 of 29 March 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for KTN was 2.61% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 2.61% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from Germany***

Specific Case No.18

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Germany, produced and exported by TKN (US case number A-428-825, 68 FR 6716 of 10 February 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for TKN was 4.77% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 4.77% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from France***

Specific Case No.19

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from France, produced and exported by SKF France SA and Sarma (US case number A-427-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty for SKF France SA and Sarma was 8.51% *ad valorem*.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin of 8.51% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from Italy***

Specific Case No.20

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from Italy, produced and exported by SKF Industrie SpA and FAG Italia SpA (US case number A-475-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty was, *ad valorem*, 3.70% for SKF Industrie SpA and 1.42% for FAG Italia SpA.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated a dumping margin for SKF Industrie SpA of 3.70% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

As for FAG Italia SpA, DOC calculated a dumping margin of 1.42% while without the zeroing methodology the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from the United Kingdom***

Specific Case No.21

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from the United Kingdom, produced and exported by NSK Bearings Europe Ltd and the Barden Corporation UK (US case number A-412-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty was, *ad valorem*, 16.87% for NSK Bearings Europe Ltd and 3.87% for the Barden Corporation UK.

Methodology

The practice of "zeroing", as applied in this case by the DOC, is the same as the practice described under Specific Case No. 6.

Dumping margin without zeroing

By using the above methodology, DOC calculated for NSK Bearings Europe Ltd a dumping margin of 16.87% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

As for the Barden Corporation UK, DOC calculated a dumping margin of 3.87%, while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

WORLD TRADE ORGANIZATION

WT/DS294/1/Add.1
G/L/630/Add.1
G/ADP/D49/1/Add.1
15 September 2003
(03-4810)

Original: English

UNITED STATES – LAWS, REGULATIONS AND METHODOLOGY FOR CALCULATING DUMPING MARGINS ("ZEROING")

Request for Consultations by the European Communities

Addendum

The following communication, dated 8 September 2003, from the Permanent Delegation of the European Commission to the Permanent Mission of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The European Communities refers to the consultations held on 17 July 2003 concerning the United States of America's laws, regulations and methodology for calculating dumping margins ("zeroing") as applied in a number of new anti-dumping investigations and reviews, as set out in the European Communities' request for consultations dated 12 June 2003 (WT/DS294/1, G/L/630, G/ADP/D49/1). The European Communities hereby requests further consultations with the Government of the United States of America.

Further to the first round of consultations, the European Communities has identified additional investigations in which the US DOC applied the "zeroing" methodology in calculating the margin of dumping. The cases concerned are listed in the Annex attached hereto. For the sake of convenience, the Annex continues the numbering of Annex II of the original request for consultations and therefore starts at number 22.

This request is with respect to the determinations of dumping by the DOC, the determination of injury by the United States International Trade Commission and the DOC notice for the imposition of the anti-dumping duty in the cases listed in Annex.

The matters, which the EC would like to raise in the course of the additional consultations include, but are not limited to, the following:

- (1) the zeroing of negative dumping margins when comparing export prices and normal values on a weighted average to weighted average basis;

- (2) the impact of zeroing negative dumping margins in the determination of the "dumped imports" in the injury investigation;
- (3) the determination of dumping margins above *de minimis* level as a result of zeroing negative dumping margins and the consequent imposition of an anti-dumping duty;
- (4) the level of the dumping margins in the absence of zeroing in the cases listed in Annex.

The EC is concerned that the determinations in the listed cases appear to be, in several respects, not in conformity with the obligations of the United States under the GATT, and the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "ADA"), in particular under:

- Articles 1, 2.4 (including 2.4.2), 3, 5.8 and 18.3 of the ADA,
- Articles VI:1 and VI:2 of the GATT,
- Article XVI:4 of the Marrakech Agreement establishing the WTO and Article 18.4 of the ADA.

We reserve the right to raise additional claims and legal matters regarding the legislation and practice during the course of the consultations.

We look forward to receiving your reply to this request and to fixing a mutually acceptable date for consultations.

ANNEX 1 ANTI-DUMPING DUTIES						
Product	MS	DOC Case Number	DOC Final Determination	ITC Case Number	ITC Determination	AD Order
22.Stainless Steel Wire Rod	SW	A-401-806	63 FR40449, July 29,1998	A-774	September 1998	63 FR49329, September 15, 1998
23.Stainless Steel Wire Rod	E	A-469-807	63 FR40391, July 29,1998	A-773	September 1998	63 FR 49330, September 15, 1998
24.Stainless Steel Wire Rod	I	A-475-820	63 FR40422, July 29,1998	A-770	September 1998	63 FR 49327, September 15, 1998
25.Certain Stainless Steel Plate in Coils	B	A-423-808	64 FR15476, March 31, 1999	A-788	May 1999	64 FR 27756, May 21, 1999 (amended by 68 FR 20114 April 24, 2003)
26.Stainless Steel Sheet and Strip in Coils	F	A-427-814	64 FR30820, June 8, 1999	A-797	July 1999	64 FR 40562, July 27, 1999
27.Stainless Steel Sheet and Strip in Coils	I	A-475-824	64 FR30750, June 8, 1999	A-799	July 1999	64 FR 40567, July 27, 1999
28.Stainless Steel Sheet and Strip in Coils	UK	A-412-818	64 FR30688, June 8,1999	A-804	July 1999	64 FR 40555, July 27,1999
29.Certain Cut-to-Length Carbon-Quality Steel Plate	F	A-427-816	64 FR73143, December 29,1999	A-816	February 2000	65 FR 6585, February 10, 2000
30.Certain Cut-to-Length Carbon-Quality Steel Plate	I	A-475-826	64 FR73234, December 29,1999	A-819	February 2000	65 FR 6585, February 10, 2000
31.Certain Pasta	I	A-475-818	61 FR30326, June 14, 1996 (amended by 66 FR65889, December 21,2001)	A-734	July 1996	61 FR38547 July 24, 1996

United States- Anti-dumping duties on Imports of Stainless Steel Wire Rod from Sweden

Specific Case No. 22

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Wire Rod from Sweden (US case number A-401-806, 63 FR 49329 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 5.71% for Fagersta Stainless AB and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Wire Rod from Sweden, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 5.71% for Fagersta Stainless AB while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-...%] (negative) and the case would have been terminated with respect to this exporter.

United States- Anti-dumping duties on Imports of Stainless Steel Wire Rod from Spain

Specific Case No. 23

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Wire Rod from Spain (US case number A-469-807, 63 FR 49330 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 4.73% for Roldán SA and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Wire Rod from Spain, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 4.73% for Roldán SA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower)

United States- Anti-dumping duties on Imports of Stainless Steel Wire Rod from Italy

Specific Case No. 24

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Wire Rod from Italy (US case number A-475-820, 63 FR 49327 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 12.72% for Cogne Acciai Speciali Srl and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Wire Rod from Italy, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 12.72% for Cogne Acciai Speciali Srl while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower)

United States- Anti-dumping duties on Imports of Stainless Steel Plate in Coils from Belgium

Specific Case No. 25

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Plate in Coils from Belgium (US case number A-423-808, 64 FR 27756 of 21 May 1999, amended by 68 FR 20114 of 24 April 2003). The rate of the *ad valorem* anti-dumping duty was 3.84% for ALZ and 9.86% for all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Plate in Coils from Belgium, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 3.84% for ALZ while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower)

United States- Anti-dumping duties on Imports of Stainless Steel Sheet and Strip in Coils from France

Specific Case No. 26

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France (US case number A-427-814, 64 FR 40562 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 9.38% for Usinor and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Sheet and Strip in Coils from France, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 9.38% for Usinor while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower)

United States- Anti-dumping duties on Imports of Stainless Steel Sheet and Strip in Coils from Italy

Specific Case No. 27

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Italy (US case number A-475-824, 64 FR 40567 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 11.23% for Acciai Spaciali Terni SpA and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Sheet and Strip in Coils from Italy, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 11.23% for Acciai Spaciali Terni SpA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower)

United States- Anti-dumping duties on Imports of Stainless Steel Sheet and Strip in Coils from the UK

Specific Case No. 28

The measure

This case concerns the imposition of Anti-dumping duties on Stainless Steel Sheet and Strip in Coils from the UK (US case number A-412-818, 64 FR 40555 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 14.84% for Avesta Sheffield and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Stainless Steel Sheet and Strip in Coils from the UK, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 14.84% for Avesta Sheffield while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower)

United States- Anti-dumping duties on Imports of Certain Cut-to-Length Carbon-Quality Steel Plate from France

Specific Case No. 29

The measure

This case concerns the imposition of Anti-dumping duties on Certain Cut-to-Length Carbon-Quality Steel Plate from France (US case number A-427-816, 65 FR 6585 of 10 February 2000). The rate of the *ad valorem* anti-dumping duty was 10.41% for Usinor and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Certain Cut-to-Length Carbon-Quality Steel Plate from France, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 10.41% for Usinor while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower)

United States- Anti-dumping duties on Imports of Certain Cut-to-Length Carbon-Quality Steel Plate from Italy

Specific Case No. 30

The measure

This case concerns the imposition of Anti-dumping duties on Certain Cut-to-Length Carbon-Quality Steel Plate from Italy (US case number A-475-826, 65 FR 6585 of 10 February 2000). The rate of the *ad valorem* anti-dumping duty was 7.85% for Palini and Bertoli SpA and all others.

Use of zeroing

In the United States Department of Commerce's investigation of Certain Cut-to-Length Carbon-Quality Steel Plate from Italy, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin of 7.85% for Palini and Bertoli SpA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower)

United States- Anti-dumping duties on Imports of Certain Pasta from Italy

Specific Case No. 31

The measure

This case concerns the imposition of Anti-dumping duties on Certain Pasta from Italy (US case number A-475-818, 61 FR 38547 of 24 July 1996). The rates of the *ad valorem* anti-dumping duty were 21.34% for Italtasta , 14.78% for La Molisana, 12.41% for Liguori, 18.30% for Pagani and 12.09% for all others.

Use of zeroing

In the United States Department of Commerce's investigation Certain Pasta from Italy, the Department of Commerce (DOC) utilised the same "zeroing" methodology as described under Specific Case No. 1.

Dumping margin without zeroing

In particular, by using the above methodology, DOC calculated a dumping margin:

- of 21.34% for Italtasta . Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).

- of 14.78% for La Molisana. Without the zeroing methodology, the dumping margin would have been of [..%] (lower)

- of 12.41% for Liguori. Without the zeroing methodology the dumping margin would have been [..%] (lower).

- of 18.30% for Pagani. Without the zeroing methodology the dumping margin would have been [..%] (lower).

ANNEX A-2

REQUEST FOR THE ESTABLISHMENT OF A PANEL BY THE EUROPEAN COMMUNITIES

WORLD TRADE ORGANIZATION

WT/DS294/7/Rev.1
19 February 2004

(04-0708)

Original: English

UNITED STATES – LAWS, REGULATIONS AND METHODOLOGY FOR CALCULATING DUMPING MARGINS ("ZEROING")

Request for the Establishment of a Panel by the European Communities

Revision

The following communication, dated 16 February 2004, from the delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

1. Consultations

On 12 June 2003 and 8 September 2003, the European Communities requested consultations with the United States of America (the "United States") under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (the "DSU"); Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (the "GATT 1994"); and Articles 17.2 and 17.3 of the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "*AD Agreement*") with regard to the laws, regulations and methodologies for calculating dumping margins including zeroing practices¹. Consultations were held on 17 July 2003 and 6 October 2003. They have allowed a better understanding of the respective positions of the parties, but have not led to a satisfactory resolution of the matter.

¹ WT/DS294/1 of 19 June 2003 and WT/DS294/1/Add.1 of 15 September 2003.

2. Summary of facts

In anti-dumping proceedings the United States uses the following methodologies to establish the dumping margin.

In original investigations, the United States identifies sub-groups of products within the product under investigation ("averaging groups") on a per model basis as well as on the basis of other criteria such as the level of trade. Within each of the averaging groups, a weighted average export price is established and compared to the corresponding weighted average normal value. The results of these comparisons on an "averaging group" basis are added up to establish the dumping margin of the product under investigation as a whole; however, in this process, any negative margins or amounts of "dumping" resulting from the comparison of weighted average normal values with weighted average export prices on an "averaging group" basis are put at zero. As a result, the United States calculates a margin and amount of dumping in excess of the actual dumping practised by the companies concerned.

In administrative review investigations, the United States determines the margin of dumping on the basis of a comparison of a weighted average normal value for each "averaging group" and individual export prices (the United States does not establish weighted average export prices in administrative review investigations). Here again, when adding up the results of the comparisons to determine the total amount or margin of dumping of the product under investigation, the United States puts at zero any negative amounts of "dumping". As a result, the United States calculates a margin of dumping and collects an amount of anti-dumping duty in excess of the actual dumping practised by the companies concerned. The United States uses this methodology systematically in all reviews including so-called newcomer review investigations (Article 9.5 of the *AD Agreement*), changed circumstances review investigations (Article 11.2 of the *AD Agreement*) and sunset review investigations (Article 11.3 of the *AD Agreement*).

These calculation methodologies are applied pursuant, in particular, to the following United States laws, regulations, administrative procedures and measures:

- the Tariff Act of 1930, as amended (the "Act"), including the Statement of Administrative Action (the "SAA"), in particular Title VII and sections 731, 751, 771(35)(A), 771(35)(B) and 777(A)(d);
- the implementing regulation² of the United States Department of Commerce (the "DOC"), in particular section 351.414(c)(2); and
- the Import Administration Antidumping Manual (1997 edition) (the "IA AD Manual") including the computer program(s) to which it refers.

The calculation methodologies described above were respectively applied in the determinations of dumping by the DOC in the original investigations listed in annex I and in the final results of the anti-dumping administrative review investigations listed in annex II.

3. Claims

3.1 As such claims

The European Communities considers that the above-mentioned United States laws, regulations, administrative procedures, measures and methodologies for determining the dumping

² 19 CFR Section 351.

margin in original investigations and review investigations are inconsistent with several provisions of the *AD Agreement*, GATT 1994 and the Marrakesh Agreement establishing the World Trade Organization , for the following reasons:

- (a) in original investigations, the United States puts at zero the negative margins or amounts of "dumping" resulting from the comparison of weighted average normal values with weighted average export prices within the averaging groups. As a result, the United States calculates a margin and amount of dumping in excess of the actual dumping practised by the companies concerned. This constitutes a violation of:
- Articles 2.4³ and 2.4.2⁴ of the *AD Agreement* insofar as the comparison made by the United States is inconsistent with those provisions;
 - Article 5.8 of the *AD Agreement* insofar as a *de minimis* dumping margin is erroneously determined to be not *de minimis*;
 - Articles 9.1 and 9.3 of the *AD Agreement* insofar as there is as a result the imposition and collection of an anti-dumping duty in excess of the margin or amount of dumping as determined pursuant to Article 2 of the *AD Agreement*;
 - Articles 1 and 2.1 of the *AD Agreement* and Articles VI:1 and VI:2 of the GATT 1994 insofar as there is as a result the imposition and collection of an anti-dumping duty which is inconsistent with the *AD Agreement*; and consequently of
 - Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization and Article 18.4 of the *AD Agreement* insofar as the United States has not taken all necessary steps, of a general or particular character, to ensure the conformity of its laws, regulations and administrative procedures with the provisions of GATT 1994 and the *AD Agreement*.
- (b) in review investigations, the United States systematically determines the margin of dumping on the basis of a comparison of a weighted average normal value and individual export prices and puts at zero the negative amounts of "dumping". As a result, the United States calculates a margin of dumping and collects an amount of anti-dumping duty in excess of the actual dumping practised by the companies concerned. This constitutes a violation of:
- Articles 2.4 and 2.4.2 of the *AD Agreement*⁵ insofar as the comparison made by the United States is inconsistent with those provisions;
 - Articles 9.1 and 9.3 of the *AD Agreement* insofar as there is as a result the imposition and collection of an anti-dumping duty in excess of the margin of dumping determined pursuant to Article 2 of the *AD Agreement*;

³ "A fair comparison shall be made between the export price and the normal value ."

⁴ "Subject to the provisions governing fair comparison in paragraph 4, the existence of margins of dumping during the investigation phase shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable export transactions or by a comparison of normal value and export prices on a transaction-to-transaction basis. A normal value established on a weighted average basis may be compared to prices of individual export transactions if the authorities find a pattern of export prices which differ significantly among different purchasers, regions or time periods, and if an explanation is provided as to why such differences cannot be taken into account appropriately by the use of a weighted average-to-weighted average or transaction-to-transaction comparison."

⁵ See footnotes 3 and 4.

- Articles 9.5 and 11 (including Articles 11.2 and 11.3) of the *AD Agreement* insofar as the determinations of dumping in review investigations contemplated by these provisions are not made in compliance with Articles 2.4 and 2.4.2 of the *AD Agreement*;
- Articles 1 and 2.1 of the *AD Agreement* and Articles VI:1 and VI:2 of the GATT 1994 insofar as there is as a result the imposition and collection of an anti-dumping duty which is inconsistent with the *AD Agreement*; and consequently of
- Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization and Article 18.4 of the *AD Agreement* insofar as the United States has not taken all necessary steps, of a general or particular character, to ensure the conformity of its laws, regulations and administrative procedures with the provisions of GATT 1994 and the *AD Agreement*.

3.2 As applied claims

In the specific anti-dumping proceedings annexed to the present request, the United States applied the methodologies and the laws, regulations, administrative procedures and measures described under point 2 above. In consequence, the European Communities considers that the determinations of dumping by DOC, the determinations of injury by the United States International Trade Commission, the imposition of definitive duties in the original investigations and the outcome of the administrative review investigations as detailed in the annexes are inconsistent with the *AD Agreement*, GATT 1994 and the Marrakesh Agreement establishing the World Trade Organization as follows:

- (a) in the original investigations:
- Articles 1, 2.1, 2.4, 2.4.2, 5.8, 9.1 and 9.3 of the *AD Agreement* and Articles VI:1 and VI:2 of the GATT 1994, for the reasons set out under point 3.1(a) above;
 - Article 3, including Articles 3.1, 3.2 and 3.5, of the *AD Agreement* insofar as the volume of "dumped imports" for the injury and causality determinations is determined on the basis of margins of dumping in excess of the actual margin of dumping of the companies concerned, with the result that imports from certain companies which should be excluded because of *de minimis* dumping margins are erroneously included in the "dumped imports"; and consequently
 - Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization and Article 18.4 of the *AD Agreement*, for the reasons set out under point 3.1(a) above.
- (b) in the administrative review investigations: Articles 1, 2.1 2.4, 2.4.2, 9.1, 9.3, and 11 (including Article 11.2) of the *AD Agreement* and Articles VI:1 and VI:2 of the GATT 1994, and consequently Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization and Article 18.4 of the *AD Agreement*, for the reasons set out under point 3.1(b) above.

4. Request

The European Communities hereby respectfully requests that a panel be established, with the standard terms of reference, by the Dispute Settlement Body pursuant to Articles 4.7 and 6 of the DSU, Article XXIII of GATT 1994, and Article 17.4 the *AD Agreement*. The European Communities asks that this request be placed on the agenda of the meeting of the Dispute Settlement Body on 17 February 2004.

**ANNEX I
IMPOSITION OF ANTI-DUMPING DUTY**

Product	MS	DOC Case Number	DOC Final Determination	ITC Case Number	ITC Determination	AD Order
1. Certain hot-rolled carbon steel	NL	A-421-807	66 FR 50408, October 3, 2001 (amended: 66 FR 55637, November 2, 2001)	A-903	November 2001	66 FR 59565, November 29, 2001
2. Stainless steel bar	F	A-427-820	67 FR 3143, January 23, 2002	A-913	February 2002	67 FR 10385, March 7, 2002
3. Stainless steel bar	G	A-428-830	67 FR 3159, January 23, 2002 (amended: 67 FR 10382, March 7, 2002)	A-914	February 2002	67 FR 10382, March 7, 2002
4. Stainless steel bar	I	A-475-829	67 FR 3155, January 23, 2002 (amended: 67 FR 8228, February 22, 2002)	A-915	February 2002	67 FR 10384, March 7, 2002
5. Stainless steel bar	UK	A-412-822	67 FR 3146, January 23, 2002	A-918	February 2002	67 FR 10381, March 7, 2002
6. Stainless Steel Wire Rod	SW	A-401-806	63 FR40449, July 29,1998	A-774	September 1998	63 FR49329, September 15, 1998
7. Stainless Steel Wire Rod	E	A-469-807	63 FR40391, July 29,1998	A-773	September 1998	63 FR 49330, September 15, 1998
8. Stainless Steel Wire Rod	I	A-475-820	63 FR40422, July 29,1998	A-770	September 1998	63 FR 49327, September 15, 1998
9.Certain Stainless Steel Plate in Coils	B	A-423-808	64 FR15476, March 31, 1999	A-788	May 1999	64 FR 27756, May 21, 1999 (amended by 68 FR 20114 April 24, 2003)
10. Stainless Steel Sheet and Strip in Coils	F	A-427-814	64 FR30820, June 8, 1999	A-797	July 1999	64 FR 40562, July 27, 1999
11. Stainless Steel Sheet and Strip in Coils	I	A-475-824	64 FR30750, June 8, 1999	A-799	July 1999	64 FR 40567, July 27, 1999
12. Stainless Steel Sheet and Strip in Coils	UK	A-412-818	64 FR30688, June 8,1999	A-804	July 1999	64 FR 40555, July 27,1999
13. Certain Cut-to-Length Carbon-Quality Steel Plate	F	A-427-816	64 FR73143, December 29,1999	A-816	February 2000	65 FR 6585, February 10, 2000
14. Certain Cut-to-Length Carbon-Quality Steel Plate	I	A-475-826	64 FR73234, December 29,1999	A-819	February 2000	65 FR 6585, February 10, 2000

**ANNEX I
IMPOSITION OF ANTI-DUMPING DUTY**

Product	MS	DOC Case Number	DOC Final Determination	ITC Case Number	ITC Determination	AD Order
15. Certain Pasta	I	A-475-818	61 FR30326, June 14, 1996 (amended by 66 FR65889, December 21,2001)	A-734	July 1996	61 FR38547 July 24, 1996

United States – Anti-Dumping Duties on Imports of Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands

Specific Case No. 1

The measure

This case concerns the imposition of anti-dumping duties on Certain Hot-Rolled Carbon Steel Flat products from the Netherlands (US case number A-421-807, 66 FR 59565 of 29 November 2001). The rate of the *ad valorem* anti-dumping duty was 2.59% for Corus Staal BV and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 2.59% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and the case would have been terminated.

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from France

Specific Case No. 2

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from France (US case number A-427-820, 67 FR 10385 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 71.83% for Aubert & Duval S.A, 3.90% for Ugine-Savoie Imphy and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.90% for Ugine-Savoie Imphy SA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and the case would have been terminated with respect to this exporter.

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from Germany

Specific Case No. 3

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from Germany (US case number A-428-830, 67 FR 10382 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 13.63% for BGH, 4.17% for Einsal, 15.40% for EWK, 32.32% for KEP and 16.96% for all others.

Dumping margin without zeroing

DOC calculated a dumping margin:

- of 13.63% for BGH. Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).
- of 4.17% for Einsal. Without the zeroing methodology, the dumping margin would have been of [..%] (*de minimis*) and the case would have been terminated with respect to this exporter.
- of 15.40% for EWK. Without the zeroing methodology the dumping margin would have been [..%] (lower).
- of 32.32% for KEP. Without the zeroing methodology the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Bar from Italy

Specific Case No. 4

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from Italy (US case number A-475-829, 67 FR 10384 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 2.50% for Acciaierie Valbruna Srl/Acciaierie Bolzano D.p.A, 7.07% for Acciaiera Foroni SpA, 3.83% for Rodacciai S.p.A, 33% for Cogne Acciai Speciali Srl and 3.81% for all others.

Dumping margin without zeroing

DOC calculated a dumping margin:

- of 2.50% for Acciaierie Valbruna Srl/Acciaierie Bolzano S.p.A. Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and the case would have been terminated with respect to this exporter.
- of 7.07% for Acciaiera Foroni Spa. Without the zeroing methodology the dumping margin would have been [..%] (lower).
- of 3.83% for Rodacciai SpA. Without the zeroing methodology the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Duties on Imports of Stainless Steel Bar
from the United Kingdom***

Specific Case No. 5

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Bar from the United Kingdom (US case number A-412-822, 67 FR 10381 of 7 March 2002). The rates of the *ad valorem* anti-dumping duty were 4.48% for Corus Engineering Steels, Ltd, 125.77% for Crownridge Stainless Steel, Ltd/Valkia Ltd and Firth Rixson Special Steels, Ltd and 4.48% for all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 4.48% for Corus Engineering Steels, Ltd while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and the case would have been terminated with respect to this exporter.

***United States – Anti-Dumping Duties on Imports of Stainless Steel Wire Rod
from Sweden***

Specific Case No. 6

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Wire Rod from Sweden (US case number A-401-806, 63 FR 49329 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 5.71% for Fagersta Stainless AB and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 5.71% for Fagersta Stainless AB while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-...%] (negative) and the case would have been terminated with respect to this exporter.

***United States – Anti-Dumping Duties on Imports of Stainless Steel Wire Rod
from Spain***

Specific Case No. 7

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Wire Rod from Spain (US case number A-469-807, 63 FR 49330 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 4.73% for Roldán SA and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 4.73% for Roldán SA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Duties on Imports of Stainless Steel Wire Rod
from Italy***

Specific Case No. 8

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Wire Rod from Italy (US case number A-475-820, 63 FR 49327 of 15 September 1998). The rate of the *ad valorem* anti-dumping duty was 12.72% for Cogne Acciai Speciali Srl and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 12.72% for Cogne Acciai Speciali Srl while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Duties on Imports of Stainless Steel Plate in Coils
from Belgium***

Specific Case No. 9

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Plate in Coils from Belgium (US case number A-423-808, 64 FR 27756 of 21 May 1999, amended by 68 FR 20114 of 24 April 2003). The rate of the *ad valorem* anti-dumping duty was 3.84% for ALZ and 9.86% for all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.84% for ALZ while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Sheet and Strip in Coils from France

Specific Case No. 10

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France (US case number A-427-814, 64 FR 40562 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 9.38% for Usinor and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 9.38% for Usinor while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Sheet and Strip in Coils from Italy

Specific Case No. 11

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Italy (US case number A-475-824, 64 FR 40567 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 11.23% for Acciai Spaciali Terni SpA and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 11.23% for Acciai Spaciali Terni SpA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Stainless Steel Sheet and Strip in Coils from the UK

Specific Case No. 12

The measure

This case concerns the imposition of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from the UK (US case number A-412-818, 64 FR 40555 of 27 July 1999). The rate of the *ad valorem* anti-dumping duty was 14.84% for Avesta Sheffield and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 14.84% for Avesta Sheffield while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Certain Cut-to-Length Carbon-Quality Steel Plate from France

Specific Case No. 13

The measure

This case concerns the imposition of anti-dumping duties on Certain Cut-to-Length Carbon-Quality Steel Plate from France (US case number A-427-816, 65 FR 6585 of 10 February 2000). The rate of the *ad valorem* anti-dumping duty was 10.41% for Usinor and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 10.41% for Usinor while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

United States – Anti-Dumping Duties on Imports of Certain Cut-to-Length Carbon-Quality Steel Plate from Italy

Specific Case No. 14

The measure

This case concerns the imposition of anti-dumping duties on Certain Cut-to-Length Carbon-Quality Steel Plate from Italy (US case number A-475-826, 65 FR 6585 of 10 February 2000). The rate of the *ad valorem* anti-dumping duty was 7.85% for Palini and Bertoli SpA and all others.

Dumping margin without zeroing

DOC calculated a dumping margin of 7.85% for Palini and Bertoli SpA while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).

United States – Anti-Dumping Duties on Imports of Certain Pasta from Italy

Specific Case No. 15

The measure

This case concerns the imposition of anti-dumping duties on Certain Pasta from Italy (US case number A-475-818, 61 FR 38547 of 24 July 1996). The rates of the *ad valorem* anti-dumping duty were 21.34% for Italtasta, 14.78% for La Molisana, 12.41% for Liguori, 18.30% for Pagani and 12.09% for all others.

Dumping margin without zeroing

DOC calculated a dumping margin:

- of 21.34% for Italpasta. Without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [..%] (lower).
- of 14.78% for La Molisana. Without the zeroing methodology, the dumping margin would have been of [..%] (lower).
- of 12.41% for Liguori. Without the zeroing methodology the dumping margin would have been [..%] (lower).
- of 18.30% for Pagani. Without the zeroing methodology the dumping margin would have been [..%] (lower).

**ANNEX II
ADMINISTRATIVE REVIEWS**

Product	MS	No Case	Final Results	Amended Final Results	Company	Dumping Margin	Period covered by the Review
16. Industrial Nitrocellulose	F	A-427-009	66 FR 54213, October 26, 2001		Bergerac NC	3.26%	1 August 99-31 July 00
17. Industrial Nitrocellulose	UK	A-412-803	67 FR 77747, December 19, 2002		Imperial Chemical Industries	3.06%	1 July 00-30 June 01
18. Stainless steel plate in coils	B	A-423-808	67 FR 64352, October 18, 2002		ALZ NV & TrefilARBED (affiliated US importer)	3.84%	1 May 00-30 April 01
19. Certain pasta	I	A-475-818	66 FR 300, January 3, 2002	67 FR 5088, February 4, 2002	Ferrara Pallante PAM	1.25% 1.78% 4.10%	1 July 99-30 June 00
20. Certain pasta	I	A-475-818	68 FR 6882, February 11, 2003		Pastifi Garofalo	0.55%	1 July 00-30 June 01
21. Stainless steel sheet strip coils	I	A-475-824	67 FR 1715, January 14, 2002		Acciai Speciali Terni SpA	0.66%	4 January 99-30 June 00
22. Stainless steel sheet strip coils	I	A-475-824	68 FR 6719, February 10, 2003		Acciai Speciali Terni SpA	5.84%	1 July 00-30 June 01
23. Granular polytetrafluoethylene	I	A-475-703	67 FR 1960, January 15, 2002		Ausimont SpA	2.15%	1 August 99-31 July 00
24. Granular polytetrafluoethylene	I	A-475-703	68 FR 2007, January 15, 2003		Ausimont SpA	12.08%	1 August 00-31 July 01
25. Stainless steel sheet strip coils	F	A-427-814	67 FR 6493, February 12, 2002	67 FR 12522, March 19, 2002	Ugine	3.00%	4 January 99-30 June 00

**ANNEX II
ADMINISTRATIVE REVIEWS**

Product	MS	No Case	Final Results	Amended Final Results	Company	Dumping Margin	Period covered by the Review
26. Stainless steel sheet strip coils	F	A-427-814	67 FR 78773, December 26, 2002	68 FR 4171, January 28, 2003	Ugine	1.44%	1 July 00-30 June 01
27. Stainless steel sheet strip coils	G	A-428-825	67 FR 7668, February 20, 2002	67 FR 15178, March 29, 2002	KTN	2.61%	4 January 99-30 June 00
28. Stainless steel sheet strip coils	G	A-428-825	68 FR 6716, February 10, 2003	68 FR 14193, March 24, 2003	TKN	4.74%	1 July 00-30 June 01
29. Ball bearings	F	A-427-801	67 FR 55780, August 30, 2002		SKF France SA and Sarma	8.51%	1 May 00-30 April 01
30. Ball bearings	I	A-475-801	67 FR 55780, August 30, 2002		FAG Italia SpA SKF Industrie SpA	1.42% 3.70%	1 May 00-30 April 01
31. Ball bearings	UK	A-412-801	67 FR 55780, August 30, 2002		NSK Bearings Europe Ltd The Barden Corporation UK	16.87% 3.87%	1 May 00-30 April 01

***United States – Anti-Dumping Administrative Review on Imports
of Industrial Nitrocellulose from France***

Specific Case No. 16

The administrative review

This case concerns the administrative review of anti-dumping duties on Industrial Nitrocellulose from France, produced and exported by Bergerac NC. (US case number A-427-009, 66 FR 54213 of 26 October 2001). The period of review is 1 August 1999 through 31 July 2000 and the rate of anti-dumping duty for Bergerac NC was 3.26% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.26% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Industrial Nitrocellulose from the United Kingdom***

Specific Case No. 17

The administrative review

This case concerns the administrative review of anti-dumping duties on Industrial Nitrocellulose from the United Kingdom, produced and exported by Imperial Chemical Industries PLC. (US case number A-412-803, 67 FR 77747 of 19 December 2002). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Imperial Chemical Industries was 3.06% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.06% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Plate in Coils from Belgium***

Specific Case No. 18

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Plate in Coils from Belgium, produced and exported by ALZ NV (US case number A-423-808, 67 FR 64352 of 18 October 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty for ALZ NV was 3.84% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.84% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

United States – Anti-Dumping Administrative Review on Certain Pasta from Italy

Specific Case No. 19

The administrative review

This case concerns the administrative review of anti-dumping duties on Certain Pasta from Italy, produced and exported by Pastificio Guido Ferrara S.r.L. (Ferrara), Pastificio Antonio Pallante S.r.L. (Pallante) and PAM S.r.L. (PAM). (US case number A-475-818, 66 FR 300 of 3 January 2002, 67 FR 5088 of 4 February 2002). The period of review is 1 July 1999 through 30 June 2000 and the rate of anti-dumping duty was, *ad valorem*, 1.25% for Ferrara, 1.78% for Pallante, 4.10% for PAM.

Dumping margin without zeroing

DOC calculated for Ferrara a dumping margin of 1.25% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

As for Pallante, DOC calculated a dumping margin of 1.78%, while without the zeroing methodology (i.e. the negative unit margins included), the dumping margin would have been [...%] (lower).

As for PAM, DOC calculated a dumping margin of 4.10%, while without the zeroing methodology (i.e. the negative unit margins included), the dumping margin would have been *de minimis*.

United States – Anti-Dumping Administrative Review on Certain Pasta from Italy

Specific Case No. 20

The administrative review

This case concerns the administrative review of anti-dumping duties on Certain Pasta from Italy, produced and exported by Pastificio Garofalo S.p.A. (US case number A-475-818, 68 FR 6882 of 11 February 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty was 0.55% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 0.55% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet Strip in Coils from Italy***

Specific Case No. 21

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet Strip in Coils from Italy, produced and exported by Acciai Speciali Terni SpA (US case number A-475-824, 67 FR 1715 of 14 January 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for Acciai Speciali Terni SpA was 0.66% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 0.66% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet Strip in Coils from Italy***

Specific Case No. 22

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet Strip in Coils from Italy, produced and exported by Acciai Speciali Terni SpA (US case number A-475-824, 68 FR 6719 of 10 February 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Acciai Speciali Terni SpA was 5.84% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 5.84% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative).

***United States – Anti-dumping Administrative Review on Imports
of Granular Polytetrafluoroethylene Resin from Italy***

Specific Case No. 23

The administrative review

This case concerns the administrative review of anti-dumping duties on Granular Polytetrafluoroethylene resin from Italy, produced and exported by Ausimont SpA. (US case number A-475-703, 67 FR 1960 of 15 January 2002). The period of review is 1 August 1999 through 31 July 2000 and the rate of anti-dumping duty for Ausimont SpA SA was 2.15% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 2.15% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Granular Polytetrafluoroethylene Resin from Italy***

Specific Case No. 24

The administrative review

This case concerns the administrative review of anti-dumping duties on Granular Polytetrafluoroethylene Resin from Italy, produced and exported by Ausimont SpA. (US case number A-475-703, 68 FR 2007 of 15 January 2003). The period of review is 1 August 2000 through 31 July 2001 and the rate of anti-dumping duty for Ausimont SpA SA was 12.08% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 12.08% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [...%] (lower).

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from France***

Specific Case No. 25

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France, produced and exported by Ugine (US case number A-427-814, 67 FR 6493 of 12 February 2002, 67 FR 12522 of 19 March 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for Ugine was 3.00% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 3.00% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from France***

Specific Case No. 26

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from France, produced and exported by Ugine SA (US case number A-427-814, 67 FR 78773 of 26 December 2002, 68 FR 4171 of 28 January 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for Ugine SA was 1.44% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 1.44% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from Germany***

Specific Case No. 27

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Germany, produced and exported by KTN (US case number A-428-825, 67 FR 7668 of 20 February 2002, 67 FR 15178 of 29 March 2002). The period of review is 4 January 1999 through 30 June 2000 and the rate of anti-dumping duty for KTN was 2.61% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 2.61% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Stainless Steel Sheet and Strip in Coils from Germany***

Specific Case No. 28

The administrative review

This case concerns the administrative review of anti-dumping duties on Stainless Steel Sheet and Strip in Coils from Germany, produced and exported by TKN (US case number A-428-825, 68 FR 6716, February 10, 2003, 68 FR 14193, March 24, 2003). The period of review is 1 July 2000 through 30 June 2001 and the rate of anti-dumping duty for TKN was 4.74% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 4.74% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from France***

Specific Case No. 29

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from France, produced and exported by SKF France SA and Sarma (US case number A-427-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty for SKF France SA and Sarma was 8.51% *ad valorem*.

Dumping margin without zeroing

DOC calculated a dumping margin of 8.51% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from Italy***

Specific Case No. 30

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from Italy, produced and exported by SKF Industrie SpA and FAG Italia SpA (US case number A-475-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty was, *ad valorem*, 3.70% for SKF Industrie SpA and 1.42% for FAG Italia SpA.

Dumping margin without zeroing

DOC calculated a dumping margin for SKF Industrie SpA of 3.70% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

As for FAG Italia SpA, DOC calculated a dumping margin of 1.42% while without the zeroing methodology the dumping margin would have been [-..%] (negative) and no anti-dumping duty would have been collected.

***United States – Anti-Dumping Administrative Review on Imports
of Ball Bearings from the United Kingdom***

Specific Case No. 31

The administrative review

This case concerns the administrative review of anti-dumping duties on Ball Bearings from the United Kingdom, produced and exported by NSK Bearings Europe Ltd and the Barden Corporation UK (US case number A-412-801, 67 FR 55780 of 30 August 2002). The period of review is 1 May 2000 through 30 April 2001 and the rate of anti-dumping duty was, *ad valorem*, 16.87% for NSK Bearings Europe Ltd and 3.87% for the Barden Corporation UK.

Dumping margin without zeroing

DOC calculated for NSK Bearings Europe Ltd a dumping margin of 16.87% while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ...%] (negative) and no anti-dumping duty would have been collected.

As for the Barden Corporation UK, DOC calculated a dumping margin of 3.87%, while without the zeroing methodology (i.e. with the negative unit margins included), the dumping margin would have been [- ..%] (negative) and no anti-dumping duty would have been collected.
