

**UNITED STATES - CONTINUED DUMPING AND SUBSIDY
OFFSET ACT OF 2000**

(DS217 & 234)

RESPONSE OF THE UNITED STATES TO QUESTION 13 FROM THE PANEL

25 March 2002

13. *Regarding para. 65 of the US oral statement at the second meeting, what proportion of affirmative preliminary determinations become negative final determinations upon completion of the investigation?*

Answer: In the United States, there are two agencies charged with conducting antidumping and countervailing duty investigations. The U.S. Department of Commerce investigates whether imports are being dumped or subsidized, and the U.S. International Trade Commission investigates whether those imports are causing material injury or threat thereof to the domestic industry or the establishment of an industry is being materially retarded.

After an investigation is initiated, both agencies make preliminary and final determinations in the following order: (1) Commission preliminary determination, (2) Commerce preliminary determination, (3) Commerce final determination, (4) Commission final determination. If the Commission's preliminary determination is negative, the investigation ends. If Commerce's preliminary determination is negative, however, the investigation proceeds to the final phase. If Commerce's final determination is negative, the investigation ends. If the Commission's final determination is negative, the investigation ends.¹

As we explained in our initial answer to this question, the United States does not regularly maintain information concerning all preliminary and final determinations in every antidumping and countervailing duty investigation in one database. The United States was able to provide the information in paragraph 65 because it was based on information available on the Commission's website. In response to the panel's question, however, we have reviewed statistics posted on the U.S. Department of Commerce's website as updated by *Federal Register* notices and estimate that, for investigations initiated between 1980 and 1999, which were not suspended or otherwise terminated (prior to a final determination), approximately 37% of affirmative Commission preliminary determinations became negative final Commerce or Commission determinations.

¹See 19 C.F.R. §§ 207.21, 351.205(a), 351.210(a).