



C-570-921
C-570-938
Section 129 Proceeding
DS437
Public Document
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March 31, 2016

MEMORANDUM FOR: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: Christian Marsh 
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

RE: Section 129 Proceedings: United States – Countervailing Duty
(CVD) Measures on Certain Products from the People’s Republic
of China (WTO DS437)

SUBJECT: No Comment Final Determinations

Section 129 of the Uruguay Round Agreements Act (URAA) governs the actions of the Department of Commerce (the Department) following adverse World Trade Organization (WTO) dispute settlement reports. Consistent with Section 129, the Department is revising the analyses underlying the proceedings in *Thermal Paper from the PRC*¹ and *Citric Acid from the PRC*,² examined in WTO DS437, in accordance with the report adopted by the WTO Dispute Settlement Body (DSB).

On February 24, 2016, we issued the Land Preliminary Memorandum which addresses all our implementation obligations in the Section 129 proceedings for *Thermal Paper from the PRC* and *Citric Acid from the PRC*.³ Additionally, on March 11, 2016, we announced to interested parties the schedule for the submission of case and rebuttal briefs, which were due to the Department on March 25, 2016, and March 30, 2016, respectively.⁴ No case or rebuttal briefs were filed in

¹ See *Lightweight Thermal Paper from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 73 FR 57323 (October 2, 2008) (*Thermal Paper from the PRC*), and accompanying Decision Memorandum.

² See *Citric Acid and Certain Citrate Salts from People's Republic of China: Final Affirmative Countervailing Duty Determination*, 74 FR 16836 (April 13, 2009) (*Citric Acid from the PRC*), and accompany Decision Memorandum.

³ See Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, “Section 129 Proceeding: United States – Countervailing Duty Measures on Certain Products from the People’s Republic of China (WTO/DS437): Preliminary Determination Regarding Land Specificity,” (February 24, 2016) (Land Preliminary Memorandum).

⁴ See Department Memorandum regarding “Schedule for rebuttal factual information, written argument, and a hearing,” (March 11, 2016).



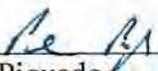
these two proceedings.

As a result of no comments submitted to the Department, we have not made any changes to the preliminary analysis relevant to *Thermal Paper from the PRC* and *Citric Acid from the PRC*. We therefore are adopting the findings and analysis in the preliminary determination for the final determination in these two proceedings. Specifically, as explained in the Land Preliminary Memorandum, there were no changes made to the net subsidy rate from the original investigations as a result of these Section 129 proceedings.⁵

RECOMMENDATION

In light of the report adopted by the DSB in WTO DS437, we recommend adopting the position described above which will render our determinations for *Thermal Paper from the PRC* and *Citric Acid from the PRC* not inconsistent with the recommendations and rulings of the DSB.

Agree Disagree



Paul Piquado
Assistant Secretary
for Enforcement and Compliance

31 MARCH 2016

(Date)

⁵ See Land Preliminary Memorandum at 9-13.