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**UNITED STATES – COUNTERVAILING DUTY MEASURES ON  
CERTAIN PRODUCTS FROM CHINA**

**RECOURSE TO ARTICLE 21.5 OF THE DSU BY CHINA**

**REQUEST FOR CONSULTATIONS**

The following communication, dated 13 May 2016, from the delegation of China to the delegation of the United States and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 21.5 of the DSU.

My authorities have instructed me to request consultations with the Government of the United States pursuant to Articles 4 and 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article XXII of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), Article 30 of the Agreement on Subsidies and Countervailing Measures ("SCM Agreement"), and paragraph 1 of the agreement between China and the United States dated 15 April 2016 concerning "Agreed Procedures under Articles 21 and 22 of the Dispute Settlement Understanding" ("sequencing agreement"), with respect to the failure of the United States to implement the recommendations and rulings of the Dispute Settlement Body ("DSB") in this dispute.

**I. BACKGROUND**

2. On 16 January 2015, the DSB adopted the Appellate Body Report and the Panel Report, as modified by the Appellate Body Report, in *United States – Countervailing Duty Measures on Certain Products from China* (WT/DS437). The measures at issue included 17 countervailing duty investigations initiated by the United States Department of Commerce ("USDOC") between 2007 and 2012.<sup>1</sup> The measures at issue also included the "rebuttable presumption" established by the USDOC that all Chinese state-owned enterprises ("SOEs") are public bodies within the meaning of Article 1.1(a)(1) of the SCM Agreement.

3. The DSB found that:

- (i) The United States acted inconsistently with Article 1.1(a)(1) of the SCM Agreement when the USDOC found that SOEs were public bodies in the Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Drill Pipe, Aluminum Extrusions, Steel Cylinders, and Solar Panels investigations.
- (ii) The USDOC's policy, articulated in Kitchen Shelving, to presume that a majority government-owned entity is a public body, is inconsistent, as such, with the obligations of the United States under Article 1.1 of the SCM Agreement.

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<sup>1</sup> For ease of reference, China will refer to these investigations using the short titles set forth in paragraph 7.1 of the Panel Report. China will refer to these investigations, the resulting countervailing duty orders, and all successive measures by which the United States imposes, assesses, or collects countervailing duties under these orders, including subsequent periodic and sunset reviews relating to these orders, as the "proceedings at issue".

- (iii) The United States acted inconsistently with Articles 1.1(b) and 14(d) of the SCM Agreement when the USDOC rejected in-country prices in China as benefit benchmarks in the OCTG, Solar Panels, Pressure Pipe, and Line Pipe investigations.
- (iv) The United States acted inconsistently with the last sentence of Article 2.1(c) of the SCM Agreement when the USDOC failed to take into account the two factors listed therein in the Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Drill Pipe, Aluminum Extrusions, Steel Cylinders, and Solar Panels investigations.
- (v) The United States acted inconsistently with Article 2.2 of the SCM Agreement when the USDOC made positive determinations of regional specificity concerning alleged subsidies for land-use rights in the Line Pipe, Thermal Paper, Citric Acid, OCTG, Wire Strand, and Seamless Pipe investigations.
- (vi) The United States acted inconsistently with its obligations under Article 11.3 of the SCM Agreement when the USDOC initiated investigations in respect of certain export restraints in the Magnesia Bricks and Seamless Pipe investigations.
- (vii) As a consequence of the inconsistencies of the USDOC's actions with Articles 1, 2, 11, and 14 of the SCM Agreement, the United States acted inconsistently with Articles 10 and 32.1 of the SCM Agreement.

4. On 13 February 2015, the United States announced its intention to implement the DSB's recommendations and rulings, and stated that it would need a reasonable period of time in which to do so.

5. Pursuant to Article 21.3(b) of the DSU, the parties held consultations over a period of several months regarding the length of the reasonable period of time. On 26 June 2015, when the parties had failed to reach agreement, China requested that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU. In an award issued on 9 October 2015, the arbitrator determined the reasonable period of time to be 14 months and 16 days. Consequently, the reasonable period of time for the United States to comply expired on 1 April 2016.

6. The USDOC initiated compliance proceedings pursuant to Section 129 of the Uruguay Round Agreements Act ("URAA") on 27 April 2015, nearly three and a half months after the adoption of the Panel and Appellate Body reports in this matter.<sup>2</sup> Between 1 May 2015 and 22 July 2015, the USDOC issued a series of questionnaires to interested parties in the Section 129 proceedings. It was not until 23 February 2016 that the USDOC issued the first of a series of preliminary determinations concerning the issues that the United States was required to re-examine in light of the recommendations and rulings of the DSB. The USDOC issued the last of these preliminary determinations on 7 March 2016.

7. As of the present date, the USDOC has issued final Section 129 determinations in the Thermal Paper, Citric Acid, Lawn Groomers, Kitchen Shelving, Wire Strand, Print Graphics, Aluminum Extrusions, and Steel Cylinders Section 129 proceedings, and the United States Trade Representative ("USTR") has directed the USDOC to implement those determinations under U.S. law. The USDOC has also issued final Section 129 determinations in the Magnesia Bricks and Seamless Pipe Section 129 proceedings. The USDOC has issued preliminary Section 129 determinations in the Pressure Pipe, Line Pipe, OCTG, and Solar Panels Section 129 proceedings, but has yet to issue final Section 129 determinations in those proceedings.<sup>3</sup> Details of the preliminary and final Section 129 determinations are set forth in Annex 2.

<sup>2</sup> China will refer to these proceedings as the "Section 129 proceedings".

<sup>3</sup> On 30 March 2016, the United States informed China that it would not issue and adopt all of the final Section 129 determinations by 1 April. The United States requested a two-month extension of the RPT, which China declined to accept. As described above, the RPT in this matter was established by arbitration pursuant to Article 21.3(c) of the DSU. The RPT of 14 months and 16 days was already significantly longer than the RPT that China considered reasonable in this matter. Moreover, there were long periods of time (e.g. between July and December 2015) in which the USDOC made no apparent progress toward compliance.

8. On 15 April 2016, China and the United States concluded an agreement on the procedures under Articles 21 and 22 of the DSU that would apply between them for the purposes of this dispute. Paragraph 2 of that agreement provides that the United States will accept the establishment of a panel at the first DSB meeting at which China's panel request appears on the agenda.

## II. MEASURES AT ISSUE

9. The measures at issue in this request include the measures identified in China's original request for establishment of a panel (WT/DS437/2) (21 August 2012), to the extent that the DSB made recommendations and rulings in respect of those measures. Those measures are set forth in Annex 1. The measures at issue also include the preliminary and final Section 129 determinations set forth in Annex 2, as well as any subsequent closely connected measures that the United States issues or adopts in the Section 129 proceedings, including any additional final Section 129 determinations that the United States issues or adopts in those proceedings.

10. The measures include the original final countervailing duty determination of the USDOC in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China*, as well as the countervailing order in that investigation.<sup>4</sup>

11. The measures at issue include, both as measures of general and prospective application and as measures relating to the proceedings at issue: (i) the so-called "Public Bodies Memorandum"<sup>5</sup>; and (ii) the "Benefit (Market Distortion) Memorandum".<sup>6</sup>

12. This request also concerns subsequent periodic and sunset reviews of the countervailing duty orders in the proceedings at issue. Details of the periodic review determinations are set forth in Annex 3, and details of the sunset review determinations are set forth in Annex 4. This request encompasses any other subsequent closely connected measure relating to the countervailing duty orders in the proceedings at issue, including subsequent periodic review determinations and subsequent sunset review determinations.

13. Since the expiration of the RPT, the United States has maintained and issued instructions and notices in the proceedings at issue to impose, assess, and collect cash deposits and countervailing duties at the rate(s) established in the original investigation or, in the case of countervailing duty orders for which there has been a subsequent periodic review, at the countervailing duty rate(s) established for a particular period (or periods) of review. This request encompasses all such instructions and notices by which the United States imposes, assesses, and/or collects cash deposits and countervailing duties in the proceedings at issue. This request

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Under Section 129(b)(2) of the URAA, the USDOC is required to issue all final Section 129 determinations no later than 11 June 2016. Section 129(b)(2) requires the USDOC to issue compliance determinations within 180 days of the formal initiation of Section 129 proceedings. The USDOC did not formally initiate the Section 129 proceedings relating to the original measures at issue until 14 December 2015. It is unclear to China why the United States did not formally initiate the Section 129 proceedings so as to achieve compliance by 1 April 2016, i.e. the end of the RPT. In any event, the timelines established for Section 129 proceedings under U.S. law have no bearing upon the obligation of the United States to have complied with the recommendations and rulings of the DSB no later than 1 April 2016.

<sup>4</sup> *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China*: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, 77 Federal Register 63788 (17 October 2012), and unpublished Issues and Decision Memorandum pertaining to same; *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China*: Countervailing Duty Order, 77 Federal Register 73017 (7 December 2012).

<sup>5</sup> USDOC memorandum regarding "Section 129 Determination of the Countervailing Duty Investigation of Circular Welded Carbon Quality Steel Pipe; Light-Walled Rectangular Pipe and Tube; Laminated Woven Sacks; and Off-the-Road Tires from the People's Republic of China: An Analysis of Public Bodies in the People's Republic of China in Accordance with the WTO Appellate Body's Findings in WTO DS379" (18 May 2012) ("Public Bodies Memorandum"). The Public Bodies Memorandum includes the appended USDOC memorandum regarding "The relevance of the Chinese Communist Party for the limited purpose of determining whether particular enterprises should be considered to be 'public bodies' within the context of a countervailing duty investigation" (18 May 2012) ("CCP Memorandum").

<sup>6</sup> USDOC memorandum regarding "Section 129 Proceeding: United States – Countervailing Duty Measures on Certain Products from the People's Republic of China (WTO/DS437); Benefit (Market Distortion) Memorandum" (7 March 2016) ("Benefit (Market Distortion) Memorandum").

also encompasses the ongoing conduct by the United States of imposing, assessing, and/or collecting cash deposits and countervailing duties in the proceedings at issue.

14. Pursuant to Section 129(e) of the URAA, 19 U.S.C. § 1516a(a)(2), interested parties may seek judicial review of Section 129 determinations for which the USDOC publishes a notice of implementation under Section 129(c) of the URAA, 19 U.S.C. § 3538(c). Requests for judicial review must be filed within 30 days of the publication of such notice. Such actions can result in reversal or modification of a Section 129 determination, and/or a delay in its implementation. To the extent that an interested party seeks judicial review of any of the Section 129 determinations set forth in Annex 2, or any subsequent Section 129 determination that the USDOC may issue in the Section 129 proceedings, the measures include, as an omission, the failure of the United States to implement measures that achieve full, final, and effective compliance with the recommendations and rulings of the DSB no later than the expiration of the RPT.

### **III. CLAIMS**

15. As detailed in this Part III, China's claims in respect of the measures at issue concern the continued and ongoing application by the USDOC of unlawful standards and methodologies for determining financial contribution, specificity, and benefit in respect of the alleged provision of inputs and land-use rights for less than adequate remuneration. The USDOC has applied unlawful standards and methodologies for these purposes both in the Section 129 determinations and in periodic review determinations in the proceedings at issue, and will continue to do so. China's claims also concern certain other violations of the covered agreements as detailed below.

#### **A. Public Body**

16. China considers that the original final determination in the Solar Panels investigation is inconsistent with Articles 1.1(a)(1) of the SCM Agreement because as the DSB found in respect of the preliminary determination in the same investigation, the USDOC applied an incorrect legal standard for determining whether certain entities were public bodies within the meaning of that provision.

17. China considers that the preliminary and final Section 129 determinations in the Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Aluminum Extrusions, Steel Cylinders, and Solar Panels Section 129 proceedings are inconsistent with Article 1.1(a)(1) of the SCM Agreement because they conclude that enterprises with full or majority government ownership, enterprises with less than majority government ownership, and wholly private enterprises (collectively, "Chinese commercial enterprises") are public bodies based on an erroneous interpretation of this term and in the absence of any evidence that these enterprises possess, exercise, or are vested with governmental authority pertaining to the provision of the relevant input(s).

18. China considers that the periodic review determinations identified in Annex 3 are inconsistent with Article 1.1(a)(1) of the SCM Agreement because they conclude that Chinese commercial enterprises are public bodies based on an erroneous interpretation of this term and in the absence of any evidence that these enterprises possess, exercise, or are vested with governmental authority pertaining to the provision of the relevant input(s). This claim relates to the specific periodic review determinations and inputs identified in the "public body" column of Annex 3.

19. To the extent that any of the public body determinations identified in paragraphs 16-18 are based in whole or in part on "facts available", these determinations are additionally inconsistent with Article 12.7 of the SCM Agreement because they are based on an erroneous interpretation of the term "public body" in Article 1.1(a)(1) of the SCM Agreement and because the USDOC identified no evidence on the record that the enterprises at issue possess, exercise, or are vested with governmental authority pertaining to the provision of the relevant input(s).

20. China considers that the Public Bodies Memorandum is inconsistent, as such, with Article 1.1(a)(1) of the SCM Agreement because it concludes that Chinese commercial enterprises are public bodies based on an erroneous interpretation of this term and in the absence of any

evidence that these enterprises possess, exercise, or are vested with governmental authority pertaining to the provision of a financial contribution.

#### **B. Input Specificity**

21. China considers that the original final determination in the Solar Panels investigation is inconsistent with Article 2.1(c) of the SCM Agreement for the same reasons that the DSB identified in respect of the preliminary determination in that investigation.

22. China considers that the USDOC's preliminary and final input specificity determinations in the Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Aluminum Extrusions, Steel Cylinders, and Solar Panels Section 129 proceedings are inconsistent with Article 2.1(c) of the SCM Agreement because the USDOC did not properly identify the existence or duration of a "subsidy programme", as this term is properly interpreted, and therefore had no basis to evaluate "the length of time during which the subsidy programme has been in operation". To the extent that any of the foregoing input specificity determinations are based on "facts available", these determinations are additionally inconsistent with Article 12.7 of the SCM Agreement because the USDOC misinterpreted the term "subsidy programme", and because the USDOC identified no evidence on the record to substantiate the existence or duration of a "subsidy programme" and therefore had no basis to evaluate "the length of time during which the subsidy programme has been in operation".

23. China considers that the periodic review determinations identified in Annex 3 are inconsistent with Article 2.1(c) of the SCM Agreement because the USDOC failed to take into account the factors set forth in the last sentence of that provision. This claim relates to the specific periodic review determinations and inputs identified in the "input specificity" column of Annex 3.

#### **C. Land Specificity**

24. China considers that the USDOC's preliminary and final land specificity determinations in the Thermal Paper, Line Pipe, Citric Acid, OCTG, Wire Strand, and Seamless Pipe Section 129 proceedings are inconsistent with Articles 2.2 and 2.4 of the SCM Agreement because the USDOC did not clearly substantiate on the basis of positive evidence that the alleged land use subsidies are limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority. To the extent that any of the foregoing land specificity determinations are based on "facts available", these determinations are additionally inconsistent with Article 12.7 of the SCM Agreement because the USDOC identified no evidence on the record to conclude that the alleged land use subsidies are limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority.

#### **D. Benefit**

25. China considers that the original final determination in the Solar Panels investigation is inconsistent with Articles 1.1(b) and 14(d) of the SCM Agreement for the same reasons that the DSB identified in respect of the preliminary determination in that investigation.

26. China considers that the preliminary benchmark determinations in the OCTG, Solar Panels, Pressure Pipe, and Line Pipe Section 129 proceedings are inconsistent with Articles 1.1(b) and 14(d) of the SCM Agreement because they erroneously conclude that domestic Chinese prices for the inputs at issue are not "market" prices within the meaning of that provision. China further considers that these preliminary benchmark determinations are inconsistent with Article 32.1 of the SCM Agreement because they constitute a specific action against subsidization not in accordance with the provisions of the SCM Agreement insofar as the USDOC relies on subsidies allegedly provided to upstream input producers as a factor to support its finding of "distortion".

27. China considers that the periodic review determinations identified in Annex 3 are inconsistent with Articles 1.1(b) and 14(d) of the SCM Agreement because they erroneously conclude that domestic Chinese prices for the inputs at issue are "distorted" and therefore unsuitable as benchmarks for evaluating the adequacy of remuneration. This claim relates to the specific periodic review determinations and inputs identified in the "benefit" column of Annex 3.

28. To the extent that the benchmark determinations identified in paragraphs 25-27 are based in whole or in part on "facts available", the determinations are additionally inconsistent with Article 12.7 of the SCM Agreement because they are based on a misinterpretation of Article 14(d) of the SCM Agreement, and because the USDOC identified no evidence on the record to support the conclusion that domestic Chinese prices for the inputs at issue are "distorted" or are not "market" prices.

29. China considers that the Benefit (Market Distortion) Memorandum is inconsistent, as such, with Articles 1.1(b) and 14(d) of the SCM Agreement because it erroneously concludes that domestic Chinese prices are not "market" prices within the meaning of that provision.

#### **E. Other**

30. In respect of the periodic review determinations identified in Annex 3 pertaining to the Magnesia Bricks countervailing duty order, China considers that the United States has continued to act inconsistently with Article 11.3 of the SCM Agreement by including within the so-called "adverse facts available rate" the alleged export restraint subsidy that the DSB found had been improperly initiated in the original investigation. China further considers that the United States has acted inconsistently with Article 12.7 of the SCM Agreement by including within the so-called "adverse facts available rate" the alleged export restraint subsidy that the USDOC revoked in its preliminary export restraints determination in the Section 129 proceedings.

31. In respect of the sunset review determinations identified in Annex 4, China considers that these determinations are inconsistent with Article 21.3 of the SCM Agreement because they rely on prior determinations of subsidization contained in either or both of (i) original investigation determinations that were found inconsistent with relevant provisions of the SCM Agreement for the reasons set forth in the recommendations and rulings of the DSB, the deficiencies of which have not been remedied by the Section 129 determinations; or (ii) subsequent periodic review determinations that China considers to be inconsistent with relevant provisions of the SCM Agreement for the reasons set forth in paragraphs 18-19, 23, and 27-28 above.

32. Since the expiration of the RPT, in the proceedings at issue, the United States has improperly continued to impose, assess, and/or collect cash deposits and countervailing duties in excess of the amount of the subsidy properly determined to exist in accordance with the provisions of the SCM Agreement, for the reasons detailed in this Part III. China considers that this ongoing conduct is inconsistent with:

- (i) The provisions of Articles 1, 2, 11, 12, and 14 of the SCM Agreement identified in Part III.A to Part III.E in relation to specific Section 129 determinations and periodic review determinations, because the cash deposits and countervailing duties that the United States continues to impose, assess, and/or collect in the proceedings at issue are inconsistent with those provisions for the reasons detailed therein;
- (ii) Article 19.1 of the SCM Agreement, because the United States is impose countervailing duties not in accordance with the provisions of Article 19 of the SCM Agreement;
- (iii) Article 19.3 of the SCM Agreement, because the United States is not levying countervailing duties in the appropriate amounts in each case; and
- (iv) Article 19.4 of the SCM Agreement and Article VI:3 of the GATT 1994, because the United States is levying countervailing duties in excess of the amount of the subsidy found to exist.

33. With respect to the measure identified in paragraph 14, China considers that the United States has acted inconsistently with Articles 3.3, 21.1 and 21.3 of the DSU by failing to achieve full, final, and effective compliance with the recommendations and rulings of the DSB no later than the expiration of the RPT.

#### **IV. CONCLUSION**

34. China reserves its rights in respect of all other aspects of the United States' purported compliance with the recommendations and rulings of the DSB in this matter, and reserves its right to raise further factual and legal issues during the course of consultations.

35. China looks forward to receiving a response to the present request from the United States and to establishing a mutually convenient date for consultations.

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**Annex 1****DS437 Original Measures at Issue Found to Be Inconsistent****Investigation C-570-921 ("Thermal Paper")**

- *Lightweight Thermal Paper From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 73 Federal Register 57323 (2 October 2008).
- *Lightweight Thermal Paper From the People's Republic of China*: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order, 73 Federal Register 70958 (24 November 2008).

**Investigation C-570-931 ("Pressure Pipe")**

- *Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 74 Federal Register 4936 (28 January 2009).
- *Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China*: Countervailing Duty Order, 74 Federal Register 11712 (19 March 2009).

**Investigation C-570-936 ("Line Pipe")**

- *Certain Circular Welded Carbon Quality Steel Line Pipe from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 73 Federal Register 70961 (24 November 2008).
- *Certain Circular Welded Carbon Quality Steel Line Pipe from the People's Republic of China*: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order, 74 Federal Register 4136 (23 January 2009).

**Investigation C-570-938 ("Citric Acid")**

- *Citric Acid and Certain Citrate Salts From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 74 Federal Register 16836 (13 April 2009).
- *Citric Acid and Certain Citrate Salts From the People's Republic of China*: Notice of Countervailing Duty Order, 74 Federal Register 25705 (29 May 2009).

**Investigation C-570-940 ("Lawn Groomers")**

- *Certain Tow Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 74 Federal Register 29180 (19 June 2009).
- *Certain Tow Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China*: Countervailing Duty Order, 74 Federal Register 38399 (3 August 2009).

**Investigation C-570-942 ("Kitchen Shelving")**

- *Certain Kitchen Appliance Shelving and Racks from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 74 Federal Register 37012 (27 July 2009) (including the "rebuttable presumption" that a majority government-owned entity is a "public body", articulated therein).
- *Certain Kitchen Appliance Shelving and Racks from the People's Republic of China*: Countervailing Duty Order, 74 Federal Register 46973 (14 September 2009).



**Investigation C-570-944 ("OCTG")**

- *Certain Oil Country Tubular Goods from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, Final Negative Critical Circumstances Determination, 74 Federal Register 64045 (7 December 2009).
- *Certain Oil Country Tubular Goods from the People's Republic of China*: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 75 Federal Register 3203 (20 January 2010).

**Investigation C-570-946 ("Wire Strand")**

- *Pre-Stressed Concrete Steel Wire Strand from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 75 Federal Register 28557 (21 May 2010).
- *Pre-Stressed Concrete Steel Wire Strand from the People's Republic of China*: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order, 75 Federal Register 38977 (7 July 2010).

**Investigation C-570-955 ("Magnesia Bricks")**

- *Certain Magnesia Carbon Bricks From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 75 Federal Register 45472 (2 August 2010).
- *Certain Magnesia Carbon Bricks from the People's Republic of China*: Countervailing Duty Order, 75 Federal Register 57442 (21 September 2010).

**Investigation C-570-957 ("Seamless Pipe")**

- *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China*: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination, 75 Federal Register 57444 (21 September 2010).
- *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China*: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 75 Federal Register 69050 (10 November 2010).

**Investigation C-570-959 ("Print Graphics")**

- *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 75 Federal Register 59212 (27 September 2010).
- *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China*: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 75 Federal Register 70201 (17 November 2010).

**Investigation C-570-966 ("Drill Pipe")**

- *Drill Pipe From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination, 76 Federal Register 1971 (11 January 2011).
- *Drill Pipe From the People's Republic of China*: Countervailing Duty Order, 76 Federal Register 11758 (3 March 2011).

**Investigation C-570-968 ("Aluminum Extrusions")**

- *Aluminum Extrusions From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 76 Federal Register 18521 (4 April 2011).

- *Aluminum Extrusions From the People's Republic of China*: Countervailing Duty Order, 76 Federal Register 30653 (26 May 2011).

#### **Investigation C-570-978 ("Steel Cylinders")**

- *High Pressure Steel Cylinders From the People's Republic of China*: Initiation of Countervailing Duty Investigation, 76 Federal Register 33239 (8 June 2011).
- *High Pressure Steel Cylinders From the People's Republic of China*: Final Affirmative Countervailing Duty Determination, 77 Federal Register 26738 (7 May 2012).
- *High Pressure Steel Cylinders From the People's Republic of China*: Countervailing Duty Order, 77 Federal Register 37384 (21 June 2012).

#### **Investigation C-570-980 ("Solar Panels")**

- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Initiation of Countervailing Duty Investigation, 76 Federal Register 70966 (16 November 2011).
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, 77 Federal Register 17439 (26 March 2012).

**Annex 2**

**DS437 Preliminary and Final Section 129 Determinations**

<b>Preliminary Section 129 Determinations</b>	<b>Date</b>	<b>Affected Section 129 Proceedings</b>
Input Specificity: Preliminary Analysis of the Diversification of Economic Activities and Length of Time	31-Dec-15	Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Drill Pipe, Aluminum Extrusions, Steel Cylinder, and Solar Panels
Section 129 Proceeding: United States – Countervailing Duty Measures on Certain Products from the People’s Republic of China (WTO/DS437): Preliminary Determination Regarding Export Restraints	23-Feb-16	Magnesia Bricks and Seamless Pipe
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	24-Feb-16	Thermal Paper, Line Pipe, Citric Acid, OCTG, Wire Strand, and Seamless Pipe
Preliminary Determination of Public Bodies and Input Specificity	25-Feb-16	Pressure Pipe, Line Pipe, Lawn Groomers, Kitchen Shelving, OCTG, Wire Strand, Seamless Pipe, Print Graphics, Drill Pipe, Aluminum Extrusions, Steel Cylinder, and Solar Panels
Benefit (Market Distortion) Memorandum	7-Mar-16	Pressure Pipe, Line Pipe, OCTG, and Solar Panels
Supporting Memorandum to Preliminary Benefit (Market Distortion) Memorandum	7-Mar-16	Pressure Pipe, Line Pipe, OCTG, and Solar Panels
<b>Final Section 129 Determinations</b>		

Section 129 Proceeding: United States – Countervailing Duty Measures on Certain Products from the People’s Republic of China (WTO/DS437): Final Determination of Public Bodies and Input Specificity	31-Mar-16	Lawn Groomers, Kitchen Shelving, Wire Strand, Print Graphics, Aluminum Extrusions, and Steel Cylinders
Section 129 Proceeding: United States – Countervailing Duty Measures on Certain Products from the People’s Republic of China (WTO/DS437): No Comment Final Determinations	31-Mar-16	Citric Acid and Thermal Paper
Letter from Amb. Michael Froman to the Honorable Penny Pritzker regarding nine CVD proceedings	1-Apr-16	Lawn Groomers, Kitchen Shelving, Wire Strand, Print Graphics, Drill Pipe, Aluminum Extrusions, Citric Acid, Thermal Paper, and Steel Cylinders
Section 129 Proceedings: United States – Countervailing Duty (CVD) Measures on Certain Products from the People's Republic of China (WTO DS437): Final Determination on the Initiation of Allegations of Export Restraints in <i>Magnesia Bricks</i>	25-Apr-16	Magnesia Bricks
Section 129 Proceedings: United States – Countervailing Duty (CVD) Measures on Certain Products from the People's Republic of China (WTO DS437): Final Determination for Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China ( <i>Seamless Pipe from the PRC</i> ).	25-Apr-16	Seamless Pipe

**Annex 3**  
**Periodic Reviews of DS437 CVD Orders**

<b>Investigation</b>	<b>Periodic Review (Final Determination)*</b>	<b>Period Covered</b>	<b>Public Body</b>	<b>Input Specificity</b>	<b>Benefit</b>
Kitchen Shelving	77 Fed. Reg. 21744 (11 April 2012)	7 January 2009 - 31 December 2009	Steel wire rod, steel strip	Steel wire rod, steel strip	n/a
	78 Fed. Reg. 21594 (11 April 2013)	1 January 2010 - 31 December 2010	Steel wire rod, steel strip	Steel wire rod, steel strip	n/a
	79 Fed. Reg. 14668 (17 March 2014)	1 January 2011 - 31 December 2011	Steel wire rod, steel strip	Steel wire rod, steel strip	n/a
OCTG	78 Fed. Reg. 49475 (14 August 2013)	1 January 2011 - 31 December 2011	Steel rounds	Steel rounds	Steel rounds
	79 Fed. Reg. 52301 (3 September 2014)	1 January 2012 - 31 December 2012	Steel rounds	Steel rounds	Steel rounds
Magnesia Bricks	78 Fed. Reg. 22235 (15 April 2013)	2 August 2010 - 31 December 2010	n/a	n/a	n/a
	79 Fed. Reg. 62101 (16 October 2014)	1 January 2012 - 31 December 2012	n/a	n/a	n/a
Aluminum Extrusions	79 Fed. Reg. 106 (2 January 2014)	7 September 2010 - 31 December 2011	Primary aluminum	Primary aluminum	n/a
	79 Fed. Reg. 78788 (31 December 2014)	1 January 2012 - 31 December 2012	Primary aluminum	Primary aluminum	n/a
	80 Fed. Reg. 77325 (14 December 2015)	1 January 2013 - 31 December 2013	Primary aluminum, aluminum extrusions, glass	Primary aluminum, aluminum extrusions, glass	n/a

Solar Panels	80 Fed. Reg. 41003 (14 July 2015)	26 March 2012 - 31 December 2012	Polysilicon, solar glass	Polysilicon, solar glass	Polysilicon, solar glass
	81 Fed. Reg. 908 (8 January 2016) (Prelim)	1 January 2013 - 31 December 2013	Polysilicon, solar glass	Polysilicon, solar glass	Polysilicon, solar glass

\* The annex 3 measures at issue include (i) any unpublished "Issues & Decision Memorandum" relating to the final determination; and (ii) the preliminary periodic review determination in each review.

**Annex 4**

**Sunset Reviews of DS437 CVD Orders**

<b>Investigation</b>	<b>Sunset Review</b>
Thermal Paper	79 Fed. Reg. 10477 (25 February 2014)
Pressure Pipe	79 Fed. Reg. 32911 (9 June 2014)
Line Pipe	79 Fed. Reg. 15313 (19 March 2014)
Citric Acid	79 Fed. Reg. 45761 (6 August 2014)
Kitchen Shelving	79 Fed. Reg. 73029 (9 December 2014)
OCTG	80 Fed. Reg. 19282 (10 April 2015)
Wire Strand	80 Fed. Reg. 53497 (4 September 2015)
Magnesia Bricks	80 Fed. Reg. 75971 (7 December 2015)
Seamless Pipe	81 Fed. Reg. 5985 (4 February 2016)
Print Graphics	81 Fed. Reg. 7081 (10 February 2016)