

WORLD TRADE ORGANIZATION

G/SCM/2/Rev.1
2 November 2009

(09-5449)

Committee on Subsidies and Countervailing Measures

FORMAT FOR SEMI-ANNUAL REPORTS OF COUNTERVAILING DUTY ACTIONS PURSUANT TO ARTICLE 25.11 OF THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES

Revision

INSTRUCTIONS

GENERAL INSTRUCTIONS

Terminology/definitions: These instructions should be referred to for the full definitions and explanations of the terms used in the semi-annual report tables, as some terminology in the format is abbreviated.

Confidential information: Nothing in this format requires the notification of confidential information, including confidential business information. Where information is omitted from a semi-annual report due to confidentiality, the code "CF" shall be inserted in the pertinent space in the format.

Footnote for website address: Where the published reports relating to countervailing duty investigations are available on an official website, the address of that website shall be furnished on the first page of each semi-annual report, updated as necessary to reflect any changes.

Codes: The reporting Member shall include in each semi-annual report a list of all of the codes that it uses in the report.

Column headings - presentation of tables: All three rows of the column headings (title, description of content, column number) shall appear on the first page of each semi-annual report table. On the second and following pages of each table, only the first and third rows of the column headings need to appear.

I. ORIGINAL INVESTIGATIONS TABLE

All original investigations initiated or open during the period covered by the report shall be reported using this table.

All pending original investigations shall be included in the report, even if no reportable action has occurred during the period covered by the report.

COLUMN-BY-COLUMN INSTRUCTIONS

Column 1

- (a) The names of the countries/customs territories whose imports are subject to action shall be listed in alphabetical order.
- (b) If there is more than one action involving imports from a given country/customs territory, these actions shall be listed in chronological order. (See, for example, country Alpha in the attached illustrative report.)

Column 2

- (a) The name of the investigated product shall be provided (abbreviated where necessary, but sufficiently clear to permit a general understanding of the type of product). The product name associated with a given investigation and any resulting measure(s) shall be kept consistent over time in successive semi-annual reports.
- (b) The 6-digit HS category within which the investigated product is classified shall be reported for reference purposes only, it being understood that the official product description used in the investigation is controlling as to the scope of the investigation. Members have a general understanding that the reported 6-digit HTS number may not define the scope of the investigation. Where the coverage of the 6-digit category is broader than the investigated product, this can be indicated (e.g., "ex-9999.99").
- (c) When imports of any particular product from more than one country/customs territory are investigated, the names of the countries/customs territories concerned shall be provided separately, i.e. each product-country/customs territory combination should be treated as one action. In addition, an asterisk (*) shall be placed next to the product name for each of the countries/customs territories involved. This is shown, for example, for the product "coated groundwood paper" in the attached illustrative report.
- (d) At the time of initiation, a separate identification number should be assigned to each product/country combination for each new investigation. Where an investigation has already commenced and an identification number has not been assigned, a unique and separate identification number should be assigned for each product/country combination. The identification number shall be reported each time an action relating to that investigation or any resulting **measure** is notified. Where a Member assigns two different identification numbers to the subsidy and injury investigations in a given case, the Member should report the number that would be referred to in any final countervailing duty order that might result from the investigation. **The identification number shall remain unchanged and shall be reported each time an action relating to that investigation or any resulting measure is notified.**

Column 3

- (a) The date of initiation shall be reported.
- (b) The periods of investigation for subsidization and injury analysis shall be reported once they are known. If not known at the time the initiation is first reported in a semi-annual report, this information shall be added to Column 3 in the subsequent semi-annual reports in which the updated information on the investigation is provided.

Column 4

- (a) The publication date of the notice of application of any provisional measures shall be reported as the date of duties. If this date differs by more than three days from the date on which collection began, both dates shall be reported, with the notation "P" for publication and "C" for collection.
- (b) The range (highest and lowest) of amounts of subsidy calculated for individual exporters or producers shall be reported, along with, separately, any "other" rates to be applied (e.g., "all other" rates).
- (c) If an affirmative preliminary determination is made but no provisional measures are applied (such as might happen, for example, in a bifurcated system, where determinations of injury and subsidization are separate), the date of such determination shall be reported, along with the notation "affirmative but no duties".
- (d) If a negative preliminary determination is made that does not result in termination of the investigation, the determination date shall be reported along with an indication that no provisional duties are applied (e.g., "0%", or "no duties").
- (e) If the investigation is terminated at the stage of the preliminary determination, this shall be reported in Column 7.

Column 5

- (a) The publication date of the notice of application of definitive measures shall be reported as the date of duties. If this date differs by more than three days from the date on which duty collection began, both dates shall be reported, with the notation "P" for publication and "C" for duty collection.
- (b) The range (highest and lowest) of amounts of subsidy calculated for individual exporters or producers shall be reported, along with, separately, any "other" rates to be applied (e.g., "all other" rates, "new shipper" rates, etc.).
- (c) Where the rates of countervailing duties to be applied are different from the calculated amounts of subsidy (e.g., in the case of lesser duties), the range of applied rates also shall be reported, in square brackets [], along with a code for the reason (e.g., "LDR" for lesser duty).

Column 6

The effective date(s) of any undertaking(s) shall be reported, along with any publicly-available data on the range of amounts of subsidy or minimum prices determined or applied in connection with the undertaking(s). Where the publication date of any notice of an undertaking differs by more than three days from the effective date, both dates shall be reported with the notation "P" for publication and "E" for effective date.

Column 7

- (a) The dates of all terminations of original investigations without the imposition of definitive measures shall be reported in Column 7, regardless of the reason or the stage of the investigation at which the termination occurs. (See instruction (e) for Column 4, above.) Possible examples include: the withdrawal by the applicant of its application between the date of initiation and the expected date of a preliminary determination; the termination of an

investigation due to a negative final determination of subsidization and/or injury; or the decision not to apply definitive measures following an affirmative final determination.

- (b) The reporting Member shall provide a code indicating the reason for the termination / non-application of measures.

Column 8

Column 8 shall be used to report any other action affecting an original investigation which does not fit within another column or within the review table. Possible examples include: the extension of time for an investigation to be completed; a corrigendum to a final measure; the date of an affirmative determination of subsidization and injury, where such determinations are referred to another authority for decision as to whether or not a definitive measure will be applied (with the results of such decisions, once taken, reported in Columns 5 through 7, as applicable).

Column 9

- (a) Data on the volume or value of the investigated imports as contained in the published report of the investigation shall be provided, along with a specification of the units of volume or the currency.
- (b) Where the product coverage of the import data is different from the scope of the investigated product as reported in Column 2, or where the period covered by the import data is different from the period of investigation reported in Column 3, the product(s) and/or period covered by the import data shall be reported.

Column 10

The percentage ratio of investigated imports to apparent domestic consumption from data in the published report of the investigation shall be provided. If this is not available, the percentage ratio of subsidized imports to total imports shall be provided. In addition, a code shall be provided to indicate which of these two ratios is reported. A Member shall be free to report both ratios if it wishes, indicating which is which.

Column 11

Provide the name(s) used for the countervailed subsidy programme(s) in the notice or report of the preliminary or final determination pursuant to Article 22.3 of the SCM Agreement.

II. REVIEWS / OTHER SUBSEQUENT PROCEEDINGS TABLE

All reviews or other proceedings affecting definitive countervailing measures after those measures have come into force (other than any referred to in the instructions for Column 8 of the original investigations table, such as corrigenda to final measures) shall be reported using this table.

All pending proceedings shall be included in the report, even if no reportable action has occurred during the period covered by the report.

COLUMN-BY-COLUMN INSTRUCTIONS

Columns 1 and 2

Same as for original investigations table.

Column 3

- (a) In addition to the date of initiation or commencement of the review or other subsequent proceeding, a code shall be reported to indicate the type of proceeding involved (e.g., duty assessment review; sunset review; domestic judicial review; etc.).
- (b) To the extent that the review or proceeding is related to a particular period (as, for example, in a duty assessment review), this period shall be specified.

Columns 4 and 5

- (a) These columns shall be used to report on the preliminary and final results of the reported proceeding, on the same basis as in the original investigations table, where measures remain in force at the end of the preliminary or final phase of the proceeding, respectively.
- (b) Concerning the effective dates of the measures, these shall be the publication dates of the notices of amendments to the measures to reflect the new determinations. If the publication dates differ by more than three days from the dates on which any changes to collection rates take effect, both dates shall be reported with the notation "P" for publication and "C" for collection.
- (c) As is the case for original investigations, the range (highest and lowest) of amounts of subsidy calculated for individual exporters or producers shall be reported, along with, separately, any "other" rates to be applied (e.g., "all other" rates, "new shipper" rates, etc.).

Column 6

Column 6 shall be used to report the results of any review or subsequent proceeding affecting an undertaking in force (for example, a review of the level of an undertaking, or a review of a measure where duties and undertakings are in force). The effective date of any change to an undertaking in force shall be reported on the same basis as set forth in the instructions for Columns 4 and 5.

Column 7

As is the case for the original investigations table, Column 7 shall be used to report all terminations of definitive measures in force for any reason (i.e., as the result of a determination or decision in a review or other subsequent proceeding, or as the result of lapsing at the end of the period of application, such as where no sunset review has been conducted). The reporting Member shall provide a code to indicate the reason for each reported termination.

Column 8

Column 8 shall be used to report any other procedure or action related to a definitive measure in force that does not fit easily within any other column, for example, an action that does not affect the rate of duty, such as a formal classification review to determine whether a given product is or is not covered by the measure.

Columns 9, and 10

Same as for the original investigation table, with updated data to be provided where generated in the course of the procedure in question. (For example, trade data normally would be updated during the course of a sunset review.)

Column 11

Provide the name(s) used for the countervailed subsidy programme(s) in the notice or report of the preliminary or final determination pursuant to Article 22.3 of the SCM Agreement.

III. ANNEXES

Each semi-annual report shall contain at least the two annexes appended to this format:

- (1) Definitive countervailing measures (duties and undertakings) in force as of the end of the reporting period; and
- (2) Terminations of definitive measures during the reporting period.

Members shall be free to include any additional annexes that they may wish.

The information in each annex shall be listed alphabetically by country/customs territory, and for each measure included in an annex, the product description and investigation identification number shall be provided.

Definitive countervailing measures in force

The type of each definitive measure (duty or undertaking) shall be indicated. Where both are in force in relation to a single investigation/measure, both shall be listed. For each listed measure, the date of original imposition, and date(s) of any extensions, shall be provided along with publication references.

Termination of measures

Each definitive measure that has terminated during the reporting period shall be listed, with the date of termination and the reason for the termination.

Reporting Member: **ARCADIA**¹

SEMI-ANNUAL REPORT OF COUNTERVAILING DUTY ACTIONS²
For the period 1 January-30 June 2007

Original Investigations

Country or customs territory	Product	Initiation	Provisional measures and preliminary determinations	Final measures		No final measures / termination	Other	Trade data (from published report(s))		Countervailed programme(s)
				Definitive duty	Undertaking			Import volume or value (units / currency); product coverage, period, if different from cols. 2 / 3	Import volume as % of apparent domestic consumption or as % of total imports	
1	2	3	4	5	6	7	8	9	10	11
Alpha	Coated ground-wood paper (*); xxxx.xx; 06-0001	04.05.2006 S: 1-12/2005; I: 1/2003-12/2005	12.10.2006 8-21%	03.02.2007 5-18%; [9.5% LDR] new shpr: 15%	03.02.2007 \$3-4/kg min. pr.			32,000 MT (2005)		
Alpha	Machine tufted carpeting; yyyy.yy; 05-0062	12.30.2005 S: 10/2004-9/2005; I: 1/2003-12/2005		03.01.2007 (P) 30.01.2007 (C) 12-32%; all other: 25%				CF		
Beta	Coated ground-wood paper(*); xxxx.xx; 06-0002	04.05.2006 S: 1-12/2005; I: 1/2003-12/2005	12.10.2006 1-3%			03.02.2007 no subsidization		23,000 MT (2005)		

¹ Website address where published reports on investigations are available: www.arcadia.gov/import.

² All terms and column headings used in this format have the meanings assigned to them in the instructions.

³ For reference purposes only.

Reviews / Other subsequent proceedings

Country or customs territory	Product	Initiation	Preliminary results / determination	Final results		Revocation of Measures	Other (e.g., procedures not affecting the duty level)	Trade Data (if available from published report(s) on proceeding)		Countervailed programme(s)
				Definitive duty	Undertaking			Import volume or value (units /currency); product coverage, period, if different from cols. 2 / 3	Import volume as % of apparent domestic consumption or as % of total imports	Name(s) of the subsidy programme(s) countervailed
1	2	3	4	5	6	7	8	9	10	11
Gamma	Pure and alloy magnesium; zzzz.zz; 03-0045	03.05.2007 (SNR)						n/a		
Gamma	Stuffed rabbits qqqq.qq; 01-0012					25.02.2007 (EXP)				

CF – Information not provided for reasons of confidentiality

n/a – not available

LDR – Lesser duty

SNR – Sunset review

EXP – Measure expired without review

P – Publication date

C – Date of commencement of duty collection

ANNEXES

DEFINITIVE COUNTERVAILING MEASURES IN FORCE AS OF 30 JUNE 2007

Country/Customs Territory	Product, investigation ID number	Measure(s)	Date of original imposition; publication reference	Date(s) of extension; publication reference(s)
Alpha	Coated groundwood paper, 06-0001	Duties Undertakings	03.02.2007 Gazette, 42/25 03.02.2007 Gazette, 42/25	
Alpha	Machine tufted carpeting 05-0062	Duties	03.01.2007 Gazette, 42/10	
Delta	Preserved ducks 98-0005	Duties	08.06.98 Gazette, 33/152	08.06.2003 Gazette, 38/64
Theta	Snub-nosed screwdrivers 00-0014	Duties	17.06.2000 Gazette, 35/97	15.05.2005 Gazette, 40/261

**TERMINATION OF MEASURES DURING THE PERIOD
1 JANUARY THROUGH 30 JUNE 2007**

Country/Customs Territory	Product, investigation ID number	Date of termination	Reason for termination
Gamma	Stuffed rabbits 01-0012	02.25.2007	Expiry without review
