

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration,

U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: March 29, 2002.

**Faryar Shirzad,**  
Assistant Secretary for Import Administration.

## Appendix

### SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross <sup>1</sup> subsidy (\$/lb)	Net <sup>2</sup> subsidy (\$/lb)
Austria .....	European Union Restitution Payments .....	\$0.10	\$0.10
Belgium .....	EU Restitution Payments .....	0.03	0.03
Canada .....	Export Assistance on Certain Types of Cheese .....	0.22	0.22
Denmark .....	EU Restitution Payments .....	0.05	0.05
Finland .....	EU Restitution Payments .....	0.14	0.14
France .....	EU Restitution Payments .....	0.09	0.09
Germany .....	EU Restitution Payments .....	0.06	0.06
Greece .....	EU Restitution Payments .....	0.00	0.00
Ireland .....	EU Restitution Payments .....	0.04	0.04
Italy .....	EU Restitution Payments .....	0.03	0.03
Luxembourg .....	EU Restitution Payments .....	0.07	0.07
Netherlands .....	EU Restitution Payments .....	0.03	0.03
Norway .....	Indirect (Milk) Subsidy .....	0.28	0.28
	Consumer Subsidy .....	0.13	0.13
<b>Total .....</b>		<b>0.41</b>	<b>0.41</b>
Portugal .....	EU Restitution Payments .....	0.04	0.04
Spain .....	EU Restitution Payments .....	0.02	0.02
Switzerland .....	Deficiency Payments .....	0.06	0.06
U.K. .....	EU Restitution Payments .....	0.04	0.04

<sup>1</sup>Defined in 19 U.S.C. 1677(5).

<sup>2</sup>Defined in 19 U.S.C. 1677(6).

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On March 27, 2002, Veg Gro Sales, Inc. (a.k.a. K&M Produce Distributors Inc.); Red Zoo Marketing (a.k.a. Performance Produce Limited); Mastronardi Produce Limited; J-D Marketing Inc.; and all Ontario companies subject to the "all others" rate filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free

Trade Agreement. A second request on behalf of BC Hot House Foods, Inc. was filed on the same date. Panel review was requested of the final results of the final Determination of Sales at Less Than Fair Value respecting Greenhouse Tomatoes From Canada made by the United States International Trade Administration. These determinations were published in the **Federal Register**, (67 FR 8781) on February 26, 2002. The NAFTA Secretariat has assigned Case Number USA-CDA-2002-1904-04 to these requests.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for

Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on March 27, 2002, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30

days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is April 26, 2002);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is May 13, 2002); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: March 28, 2002.

**Caratina L. Alston,**  
United States Secretary, NAFTA Secretariat.  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement (NAFTA), Article 1904 NAFTA Panel Reviews; Decision of the Panel

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of decision of NAFTA Panel.

**SUMMARY:** On March 27, 2002 the NAFTA Panel issued its decision in the matter of Pure Magnesium and Alloy Magnesium from Canada, Full Sunset Reviews of Countervailing Duty Orders, Secretariat File No. USA-CDA-00-1904-07.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it

conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was conducted in accordance with these Rules.

### Background Information

On August 4, 2000, the Government of Quebec filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of Full Sunset Reviews of CVD orders made by the International Trade Administration respecting Pure Magnesium and Alloy Magnesium from Canada. This determination was published in the **Federal Register** on July 5, 2000 (65 FR 41,444). The request was assigned File No. USA-CDA-00-1904-07.

### Panel Decision

The Panel remanded this matter back to the Department to reconsider (i) the determination to utilize the results of the sixth review as the subsidy rate to be reported to the ITC; (ii) the basis for the all others rate; and (iii) the reasons for the failure to investigate subsidies alleged to have been received by Magnola.

The Panel ordered the Department to issue a determination on remand consistent with the instructions set forth in the Panel's decision. The determination on remand shall be issued within sixty (60) days of the date of the Order (not later than May 27, 2002).

Dated: March 29, 2002.

**Caratina L. Alston,**  
United States Secretary, NAFTA Secretariat.  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement (NAFTA), Article 1904 NAFTA Panel Reviews; Decision of the Panel

**AGENCY:** NAFTA Secretariat, United States Section, International Trade

Administration, Department of Commerce.

**ACTION:** Notice of decision of NAFTA Panel.

**SUMMARY:** On March 27, 2002 the NAFTA Panel issued its decision in the matter of Pure Magnesium from Canada, Secretariat File No. USA-CDA-00-1904-06.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was conducted in accordance with these Rules.

### Background Information

On August 4, 2000, the Government of Quebec filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of the Full Sunset Review made by the International Trade Administration respecting Pure Magnesium from Canada. This determination was published in the **Federal Register** on July 5, 2000 (65 FR 41,436). The request was assigned File No. USA-CDA-00-1904-06.

### Panel Decision

The Panel remanded this matter back to the Department to reconsider (1) the GOC's claims regarding "good cause" under the standards set forth in Section 752(c)(2) of the statute; and (2) the determination to report the investigation rate as the margin of dumping likely to prevail if the order is revoked.