



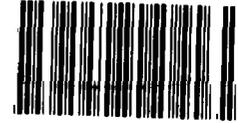
UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

B-214271

June 26, 1984



124535

The Honorable Sam M. Gibbons
Chairman, Subcommittee on Trade
Committee on Ways and Means
House of Representatives

Dear Mr. Chairman:

Subject: Judicial Review of Antidumping and
Countervailing Decisions (GAO/NSIAD-84-129)

In response to your letter of February 28, 1983, concerning trade remedy laws and to subsequent discussions with your staff, we reviewed the impact of certain changes made by the Trade Agreements Act of 1979 to the antidumping and countervailing duty laws. Specifically, we looked at the new provisions for judicial review of decisions (determinations) by the Department of Commerce and International Trade Commission (ITC) and for suspension of Commerce investigations through agreements reached with foreign exporters. This letter discusses our work concerning the judicial review process; suspension agreements were addressed in a separate report dated June 15, 1984 (GAO/NSIAD-84-125).

A major feature of the new judicial review provisions was the appeal of certain interlocutory (interim) decisions by Commerce and ITC in antidumping and countervailing cases. The Customs Court Act of 1980 also significantly affected the nature and scope of judicial review of such cases. Enclosure I discusses the background and impact of the changes in judicial review provided by the 1979 Trade Act and the 1980 Customs Court Act. Enclosure II lists the administrative determinations which may be appealed to the Court of International Trade (CIT).

We found that, from January, 1980 through July 1983, the CIT disposed of three matters (dispositions) involving two interlocutory appeals of agency determinations. This amounts to 2.2 percent of total CIT dispositions during our review period.

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These dispositions show that the Court was aware of the tight time frames for completion of administrative investigations in antidumping and countervailing duty cases and issued its opinions in a timely manner. We also found that the Office of Investigation--the Commerce Office responsible for such investigations--spent minimal resources to address interlocutory appeals.

Commerce has expressed support for Section 110 of H.R. 4784, which would eliminate judicial review of interlocutory determinations. Commerce contends that although experience shows few interlocutory appeals have taken place, these have been costly, time-consuming, and seldom effective. Commerce officials stated that interlocutory determinations are based on information gathered early during an investigation that likely will change, and therefore the Court will not be considering the same circumstances in any subsequent review of final agency actions. Also, Commerce believes that the elimination of interlocutory review should not be a disadvantage to industry or any other party since that type of review is unlikely to be concluded before the administrative process ends. Furthermore, Commerce claims that "the elimination of interlocutory reviews will remove the real threat that Commerce will not be free to devote the necessary resources to the administrative process." In Commerce's view, the proposed change should help to ensure timely and accurate determinations.

While we recognize that certain aspects of Commerce's position may have merit, there has not been a sufficient number of cases during the period covered by our review to demonstrate that interlocutory appeals would have the adverse effects that Commerce fears.

We examined all opinions concerning antidumping and countervailing actions issued by the Court of International Trade from January 1980 through July 1983. The results of our examination are summarized in enclosures III through VI. In addition, we interviewed officials of the Court, Departments of Commerce and Justice, ITC, industry representatives, and trade lawyers and attended conferences where government officials and private trade law practitioners discussed the judicial review process.

As arranged with your office, we did not obtain official comments on this report from Commerce or other U.S. agencies. However, Commerce officials reviewed a draft of the report, and their comments were considered. Except as noted above, we conducted this review according to generally accepted government auditing standards. At the time this report is issued, we will

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send copies to interested parties and make copies available to others upon request.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank C. Conahan".

Frank C. Conahan
Director

Enclosures - 6

JUDICIAL REVIEW OF ANTIDUMPING AND
COUNTERVAILING DECISIONS

NATURE AND SCOPE OF JUDICIAL REVIEW

The Trade Agreements Act of 1979, Public Law 96-39 (July 26, 1979) and the Customs Court Act of 1980, Public Law 96-417 (Oct. 10, 1980) both significantly affected the nature and scope of judicial review in antidumping and countervailing duty cases.

The Trade Agreements Act of 1979 repealed the Antidumping Act of 1921 and added new antidumping and countervailing duty provisions to the Tariff Act of 1930, including new judicial review provisions (Title X). The 1979 Act separated judicial review of antidumping and countervailing duty decisions from judicial scrutiny of import duty and classification issues. Specifically, it (1) allows immediate judicial review of interlocutory¹ and all final antidumping and countervailing duty determinations, (2) expands the categories of persons who may initiate suits for such review or participate in such litigation, (3) establishes the scope and standards for review, and (4) gives the Customs Court authority to provide some equitable relief.

The Customs Court Act of 1980 redefined the jurisdiction and authorities of the Customs Court, which was redesignated as the Court of International Trade.² CIT obtained exclusive jurisdiction to resolve conflicts and disputes arising out of tariff and international trade laws. Specifically, it has exclusive jurisdiction for (1) the review of certain administrative antidumping and countervailing duty determinations under Section 516A of the Tariff Act of 1930, as amended, and (2) any other actions brought against the United States concerning the administration and enforcement of the antidumping and countervailing duty laws. The CIT also obtained authority to provide full legal and equitable relief.

¹For the purpose of this review, the term "interlocutory determinations" refers to certain interim determinations made by Commerce or the International Trade Commission, which are reviewable by the Court of International Trade pursuant to Section 516A(a)(1) (19 U.S.C. 1516 a(a)(i) (see enc. III).

²The 1980 Act also provided that appeals from CIT would go to the Court of Customs and Patent Appeals. Subsequently, the Court of Customs and Patent Appeals was abolished and appeals from CIT now go to the United States Appeals Court for the Federal Circuit (Public Law 97-164).

ANTIDUMPING AND COUNTERVAILING DUTY ACTIONS

Antidumping and countervailing duties are imposed on imports into the United States to correct unfair practices which benefit imports over domestically produced goods. Antidumping duties are placed on imports which are sold in the United States at a price lower than in the country where they are produced (dumping). Countervailing duties are levied to counteract export or other subsidies provided by the producing country for goods that are imported into the United States. Generally, antidumping or countervailing duties are applied only if an import materially injures or threatens to materially injure a U.S. industry or materially retards the establishment of an industry in the United States.

In dumping cases, the Department of Commerce³ investigates whether goods are being dumped in the United States. In countervailing duty cases, Commerce investigates whether foreign subsidies have been provided to U.S. imports. The International Trade Commission determines whether dumping practices or subsidies have harmed U.S. industry. Petitions for actions are reviewed by Commerce and ITC. Commerce determines whether a petition meets the requirements for an investigation of dumping or subsidies. Each agency makes preliminary and then final determinations in its area of responsibility subject to statutory timelines. The 1979 Act also requires that Commerce and the ITC make other kinds of determinations concerning antidumping and countervailing duty cases.

Prior to the passage of the 1979 Trade Act and the 1980 Customs Court Act, effective judicial review of antidumping and countervailing duty determinations was limited by the following factors.⁴

--An importer or an American manufacturer, producer, or wholesaler could obtain judicial review only of

³Subsequent to passage of the 1979 Act, in Executive Order 12,188 (45 Federal Register 989), President Carter transferred to Commerce all functions of the Treasury Department relating to antidumping and countervailing duties under Title VII of the Tariff Act of 1930, as amended by the 1979 Trade Act.

⁴These limits are discussed in S. Rep. 96-249 (July 17, 1979) at pp. 27 and 244-253; and H. Reps. 96-317 (July 3, 1979) at pp. 4 and 179-183; and 96-1235 (Aug. 20, 1980) at pp. 18-24.

a determination that a duty was or was not due on specific imports. No judicial review of interlocutory administrative determinations could be obtained.

- Not all persons affected by antidumping and countervailing duty determinations could challenge such determinations. For example, only American manufacturers, producers, or wholesalers of goods competing with articles which were the subject of a negative determination could seek judicial review. Other persons who were also affected by such determination--e.g., employees of U.S. manufacturers or manufacturers' trade associations--could not challenge such a determination in court.
- Uncertainty existed about the scope of Customs Court review of such determinations--whether determinations would be subject to a full (de novo)⁵ review or limited to the more traditional administrative law standard, i.e., arbitrary or capricious or contrary to law.
- The Customs Court lacked the full powers of other federal courts, particularly the equity power, and consequently could not fashion relief suitable to a particular situation. For example, it could not grant an injunction to prevent final settlement of duties owed on merchandise imported during the Court's review of an antidumping determination. Thus, antidumping duties could not be collected on such goods in the event the Court later found such duties were due.
- Many parties did not consider that the Customs Court had exclusive jurisdiction for reviewing antidumping and countervailing duty cases. Repeated attempts, usually unsuccessful, were made to obtain judicial review in federal district courts, with a considerable loss of time and money.

⁵De novo review refers to a court's complete review of the factual and legal circumstances involved in a case and its authority to make factual and legal determinations independent of the agency or tribunal whose decision it is reviewing.

CHANGES TO JUDICIAL REVIEW OF ANTIDUMPING
AND COUNTERVAILING DUTY DETERMINATIONS

The 1979 Trade Agreements Act and the Customs Court Act of 1980 address the factors which previously limited judicial review of antidumping and countervailing duty determinations. The 1979 Trade Act separated judicial review of these determinations from the review of traditional import actions and also defined, to a considerable extent, the scope and nature of such review. The 1980 Act redefined the jurisdiction and power of the Customs Court, giving its successor, CIT, exclusive jurisdiction for international trade cases and powers similar to other federal courts to grant legal and equitable relief.

Significant changes in the judicial review of antidumping and countervailing duty determinations made by the 1979 Trade Act are briefly discussed below.

Title X provides an opportunity for judicial review of interlocutory and final Commerce and ITC administrative decisions in antidumping and countervailing duty cases within a specified time frame after publication of a decision in the Federal Register.⁶ (See enc. II for a list of the different kinds of reviewable decisions and the time in which a suit must be initiated.) Increasing the number of determinations subject to judicial scrutiny is "intended to provide greater procedural safeguards than exist under existing law and expedite obtaining judicial relief."⁷

Expediting judicial review in this manner may significantly reduce the business uncertainties and damages that importers and American manufacturers might face under the old system. For example, an American manufacturer can now bring suit shortly after a preliminary decision that there is no reasonable indication of material injury. Previously, it would have had to wait for a final decision on the amount of duties due on specific imports.⁷

Title X also expands the categories of parties who may institute a suit to review a determination or participate in the litigation. Section 516A of the 1930 Tariff Act, as amended, provides that any "interested party" to an administrative proceeding may commence an action in CIT "contesting any factual

⁶Depending upon the kind of administrative determination, an action to review the determination must be brought with 10 or 30 days.

⁷S. Rep. 96-249, p. 250.

findings or legal conclusions on which the determination is based." Such a party "shall have the right to be heard as a party in interest and the complainant must notify all such persons that it has filed suit." Interested parties include

- a foreign manufacturer, producer, or exporter or U.S. importer of the merchandise which is the subject of the proceeding;
- the foreign government of the country where the goods were made;
- the U.S. manufacturer, producer, or wholesaler of a like product in the United States; and
- a trade or business association, the majority of whose members engage in business in the United States.

The new judicial review provisions define the scope and standard of review in the suits instituted by interested parties. De novo judicial review is eliminated and more traditional administrative law standards are adopted for reviews.⁸ In reviewing determinations made at a stage in a proceeding where no full evidentiary record had been compiled (e.g., a determination not to initiate an investigation after receiving a petition), the court has to uphold the administration determination unless it is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law. For a final proceeding where a full evidentiary record has been developed, the court can only overturn an administrative determination if this decision is unsupported by substantial evidence in the record or is otherwise not in accordance with law. Confining the parties to the record eliminates a de novo court review of the particular case and brings these proceedings more into line with administrative law practice.

Under the 1979 Act, the Customs Court for the first time received limited authority to provide equitable relief.⁹ Section 516A of the Tariff Act of 1930, as amended, provided that in the judicial review of certain Commerce or ITC final determinations, the Court, at the request of an interested party, could enjoin the liquidation of some or all entries of merchandise. This meant that a final decision on whether certain merchandise

⁸S. Rep. 96-249, pp. 251-252; H. Rep. No. 96-317, p. 181.

⁹S. Rep. 96-249, p. 252; H. Rep. 96-317, p. 182.

entering the United States during the judicial review period was or was not subject to antidumping or countervailing duty orders was postponed until the Court decided the case.

The Customs Court Act of 1980 complements the judicial review provisions of the 1979 Act. It prescribes the nature of CIT's jurisdiction and its powers in antidumping and countervailing duty determinations as well as procedures for commencing a civil action in CIT.

Prior to the 1980 Act, no major revision of functions, duties, and responsibilities of the Customs Court had taken place for many years. However, the nature of international trade litigation had gradually changed. Multilateral trade negotiations had led to a significant decrease in tariff duties and the importance of import class and valuation cases. Non-tariff cases, including antidumping and countervailing duty cases, showed a net increase.

In 1970, Congress had examined the statutes of the Customs Court. However, although sweeping procedural reforms had been enacted, issues concerning the Custom Court's jurisdiction and powers were left unresolved.¹⁰ The 1979 Act may have provided the final impetus for substantive reform of the Customs Court. Title X of the 1979 Act established special judicial review provisions for antidumping and countervailing duty actions but left unresolved such issues as the nature of the Court's jurisdiction in such cases and its powers.

The 1980 Act resolves such questions, as well as others. It gives CIT exclusive jurisdiction in civil international trade cases involving the United States and other parties and "all the powers in law and equity . . . of a district court of the United States." Specifically, for antidumping and countervailing duty cases, the 1980 Act stipulates that CIT has exclusive jurisdiction of judicial review cases brought under section 516A of the Tariff Act of 1930, as amended by Title X of the 1979 Act.

The 1980 Act also contains a "catch all" provision that grants CIT exclusive jurisdiction for other civil international trade actions against the United States, including actions concerning the administration and enforcement of antidumping and countervailing duty statutes. This residual grant of jurisdiction creates no new causes of action not based on other provisions of law and is aimed at eliminating any confusion concerning CIT and federal district courts in this area.¹⁰ It should be noted that in four slip opinions we examined the CIT used this provision as the basis for its jurisdiction. (See enc. IV.) The Act also prescribed the procedures the CIT would follow, which incorporated some matters contained in Title X of the 1979 Act.

¹⁰H. Rep. 96-1235, pp. 18-19.

ANTIDUMPING AND COUNTERVAILING DUTY ADMINISTRATIVE
DETERMINATIONS REVIEWABLE BY COURT OF INTERNATIONAL TRADE
UNDER SECTION 516A OF THE TARIFF ACT OF 1930, AS AMENDED¹

A. Ten-Day Review^{2, 3}

a. Commerce determination that a case is extraordinarily complicated, so that the time should be extended for a preliminary determination that a reasonable basis exists to believe a subsidy is being provided or goods are being sold at less than fair value. 19 U.S.C. 1671b(c); 1673b(c).

b. Commerce preliminary determination that, based on the best information available at the time, there is no reasonable basis to believe or suspect that there is dumping or subsidization. 19 U.S.C. 1671b(b); 1673b(b).

B. Thirty-Day Review^{2, 3}

a. A Commerce determination that a petition to initiate a countervailing duty or antidumping investigation does not justify initiation of the investigation. 19 U.S.C. 1303(a)(3); 1671a(c); 1673a(c).

b. An ITC or Commerce determination not to review a suspension agreement based on changed circumstances in a countervailing duty or an antidumping case. 19 U.S.C. 1675 (b).

c. A decision not to review a final determination in a countervailing duty or antidumping case based on changed circumstances. 19 U.S.C. 1675(b).

d. A preliminary determination that there is no reasonable indication of material injury. 19 U.S.C. 1671b(a); 1673b(a).

¹Title X of the Trade Agreements Act of 1979 added section 516A to the Tariff Act of 1930, 19 U.S.C. 1516a.

²This period begins following the date the notice of the determination is published in the Federal Register.

³Reviews of these determinations are not based on a full evidentiary record of a proceeding.

C. Thirty-Day Review on Record

a. Commerce and ITC final affirmative determinations concluding that foreign country export subsidies or dumping and material injury have taken place. 19 U.S.C. 1303; 1671d; 1673d.

b. Commerce and ITC final negative determinations concerning unfair pricing, subsidies, and material injury. 19 U.S.C. 1303, 1671d; 1673d.

c. Commerce determinations resulting from periodic reviews of countervailing and antidumping duty orders. 19 U.S.C. 1675(a).

d. Commerce and ITC reviews of affirmative final determinations and suspension agreements because of changed circumstances. 19 U.S.C. 1675(b)

e. A Commerce determination to suspend an antidumping or countervailing duty investigation. 19 U.S.C. 1671c; 1673c.

f. An ITC determination whether a suspension agreement has eliminated injurious effect of imports. 19 U.S.C. 1671c(h); 1673c(h).

General observations

The administration's views on H.R. 4748, the Trade Act Remedies Reform Act of 1984, support amendments to the Trade Agreements Act of 1979 which would eliminate interlocutory judicial review. One of the arguments in support of eliminating this type of review is that all judicial review should be concentrated in one proceeding after the end of the administrative process. In the administration's opinion, interlocutory reviews are costly, time consuming, and seldom effective since a final decision mooting the litigation is usually made before the judicial review is completed.

The administration contends that eliminating the interlocutory reviews should not be a disadvantage to any party, since they would still have a right to challenge any aspect of the Commerce or ITC determination. Another contention is that "the elimination of interlocutory reviews will remove the real threat that Commerce will not be free to devote the necessary resources to the administrative process." In Commerce's view, the proposed change should help ensure more timely and accurate determinations.

We found that, from January 1980 through July 1983, the CIT disposed of three matters (dispositions) involving two interlocutory appeals of agency determinations. Thus total dispositions during our review period amounted to 2.2 percent. These dispositions show that the Court was aware of the tight time frames for completing administrative investigations and issued its opinions in a timely manner. We also found that the Office of Investigation--the Commerce office responsible for such investigations--spent minimal resources to address interlocutory appeals. While we recognize that certain aspects of Commerce position may have merit, there has not been a sufficient number of cases during the period covered by our review to demonstrate that interlocutory appeals would have the adverse effect that Commerce fears.

SUMMARY OF COURT OF INTERNATIONAL TRADE ANTIDUMPING
AND COUNTERVAILING DUTY DISPOSITIONS
January 1980 through 1983

A. Summary of Enclosure IV--Agency Determinations Challenged

	<u>AD</u>	<u>CVD</u>	<u>AD/CVD</u>	<u>Total</u>
19 U.S.C. 1516a(a)(1) (Interlocutory Determinations)	-	3 (2.2%)	-	3 (2.2%)
19 U.S.C. 1516a(1)(2)(B) (Final Determinations)	85 (62.0%)	35 (25.6%)	3 (2.2%)	123 (89.8%)
Other	<u>10 (7.3%)</u>	<u>1 (0.7%)</u>	<u>-</u>	<u>11 (8.0%)</u>
	95 (69.3%)	39 (28.5%)	3 (2.2%)	137 (100%)

B. Summary of Enclosure V--Remand Actions

<u>Agency</u>	<u>AD</u>	<u>CVD</u>	<u>AD/CVD</u>	<u>Total</u>
Commerce	5 (22.7%)	8 (36.4%)	1 (4.5%)	14 (63.6%)
ITC	<u>8 (36.4%)</u>	<u>-</u>	<u>-</u>	<u>8 (36.4%)</u>
	13 (59.1%)	8 (36.4%)	1 (4.5%)	22 (100%)

C. Summary of Enclosure VI--Countries Involved in the Greatest Amount of Litigation

<u>Country</u>	<u>Percent</u>
Japan	35.2
Canada	7.5
Mexico	5.7
France	4.4
Italy	4.4
Taiwan	<u>4.4</u>

61.6

D. Summary of Enclosure VI--Products Involved in the Greatest Amount of Litigation

<u>Product</u>	<u>Percent</u>
Steel	28.9
Color T.V. sets	17.0
Chemicals	10.7
Typewriters	<u>8.8</u>
	65.4

CIT ANTIDUMPING AND COUNTERVAILING DUTY DISPOSITIONS
January 1980 through July 1983^a

<u>BASIS OF JURISDICTION</u>	<u>AD</u>	<u>CVD</u>	<u>AD/CVD</u>	<u>Total</u>
<u>Interlocutory Determinations</u>				
<u>under</u>				
19 U.S.C. 1516a(a)(1):				
(1.) Extraordinarily Complicated Determination	-	-	-	-
(2.) Not to Review Based on Changed Circumstances, Suspension Agreement or Final Agreement	-	-	-	-
(3.) Preliminary Negative Determination (Commerce)	<u>-</u>	<u>3</u>	<u>-</u>	<u>3</u>
Subtotal	-	3	-	3
<u>Final Determinations under</u>				
<u>19 U.S.C. 1516a(a)(1):</u>				
(1.) Not to Initiate Investigation	2	4	2	8
(2.) Preliminary Negative Determination (ITC)	7	1	1	9
19 USC 1516a(a)(2)(B):				
(1.) Final Affirmative Determination	20	20 ^b	-	40
(2.) Final Negative Determination	13	8	-	21
(3.) Annual Review Determination	43	1	-	44
(4.) Determination to Suspend (Commerce)	-	1	-	1
(5.) Injurious Effect Determination (ITC)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Subtotal	85	35	3	123

^aThe total number of dispositions may be greater than the number of cases CIT has considered because some cases may require more than one CIT disposition (e.g., order for expedited consideration).

^bThree of these challenges each contained allegations by more than one country.

<u>Disclosure Under a Protective Order</u>	1	-	-	1
19 USC 1677f(c)(1)) ^c :				
<u>Disclosure Under Court Order</u> 19 USC 1677f(c)(2)) ^d :	3	1	-	4
<u>Actions Against the United States under</u> 28 USC 1581: ^e	4	-	-	4
<u>Actions Commencement under</u> 19 USC 1516a(b)(2)(B) ^f	<u>2</u>	<u>-</u>	<u>-</u>	<u>2</u>
Subtotal	10	1	-	<u>11</u>
	<u>95</u>	<u>39</u>	<u>3</u>	<u>137</u>

^cCase involved challenge to release of confidential information under an administrative agency protective order pursuant to U.S.C. 1677 f(c)(1)

^dCIT may issue protective order for disclosure of certain confidential information if Commerce or ITC deny request.

^eResidual grant of jurisdiction in Customs Court Act of 1980. (See discussion, enc. I p. 6.)

^fProvides for the treatment of confidential information in appeals of administrative determinations.

SUMMARY OF CIT REMAND ACTIONS OF ANTIDUMPING
AND COUNTERVAILING DUTY DISPOSITIONS FROM
January 1980 through July 1983

<u>Product</u>	<u>AD/CVD</u>	<u>Country</u>	<u>Disposition date</u>	<u>Reason</u>
Chemicals				
	AD	Austria, Italy, Netherlands	3/25/83	Remand to DOC for redetermination.
	AD	Canada	5/3/83	Remand to DOC for reconsideration of final results of admin. review.
Color T.V.				
	AD	Japan	7/14/83 as amended 7/18/83	Remand of ITC injury determination (evidence not substantial to sup- port threat of injury).
Glass				
	CVD	West Germany	4/24/81	Remand to DOC to deter- mine amount of CVD due as assessed by Customs officers.
Industrial Fasteners				
	CVD	India	10/29/81	Remand to DOC to explain basis of sub- sidy determination.
	CVD	India	1/15/82	Remand to DOC to re- determine amount of subsidies.
Rail Cars				
	AD	Japan, Italy	12/29/80	Remand to ITC for further consideration in AD investigation.
	AD	Japan, Italy	2/20/81	ITC ordered to supple- ment present findings of fact by adoption of additional findings and resulting conclusions of law.

<u>Product</u>	<u>AD/CVD</u>	<u>Country</u>	<u>Disposition Date</u>	<u>Reason</u>
<u>Sugar</u>	AD	Canada	7/8/81	Remand to ITC to determine injury and to state "standards" applied and reasoning used.
	AD	Canada	12/28/82	2nd Remand to ITC to determine whether the second largest produce in the regional industry suffered injury within the meaning of the law and if not, whether there is any reason to conclude that those who were injured are the producers of all or almost all of the production in the region.
	AD	Canada	12/14/82	3rd Remand to ITC to determine material injury. Regional injury definition not in accordance with law.
<u>Steel</u>	AD	Japan	8/20/81	Remand to ITC relating to preliminary negative injury determination (unsupported by substantial evidence and not in accordance with law).
	AD	Belgium	11/24/81	Remand to DOC (failure to extend investigation into cost of production).
	AD	Belgium	4/2/82	Remand to DOC to submit statement of reasons for conclusion in original administrative determination that information relevant to cost of production presented too late to be considered.

<u>Product</u>	<u>AD/CVD</u>	<u>Country</u>	<u>Disposition date</u>	<u>Reason</u>
	AD/CVD	European	7/22/82	DOC ordered to initiate CVD and AD investigations of the cited countries.
	CVD	S. Africa	6/2/83	Remand to DOC to continue investigation (questionable status of an alleged railroad subsidy.)
Textiles				
	CVD	Korea	9/11/81	Remand to DOC-negative CVD determination vacated. Redetermination to be made in accordance with CVD law in effect before 1/1/80.
	CVD	Taiwan	6/19/81	Remand to DOC-negative CVD determination.
	CVD	Canada	10/26/81	Remand to DOC to recalculate subsidy because of error in original subsidy determination.
	AD	Taiwan	5/12/82	Remand to DOC for re-determination, to be based if necessary on home market warranties and credit terms.
	CVD	Canada	12/15/82	Remand to DOC for re-determination. Determination arbitrary and not in accordance with law.
Type-writers				
	AD	Japan	7/1/81	Remand to ITC to reconsider and provide additional information.

SUMMARY BY COUNTRY AND PRODUCT OF COURT OF INTERNATIONAL TRADE
ANTIDUMPING AND COUNTERVAILING DUTY DISPOSITIONS

January 1980 through July 1983

<u>Country</u>	<u>Bear-ings</u>	<u>Ceramic tile</u>	<u>Chemicals</u>	<u>Drugs</u>	<u>Float glass</u>	<u>Industrial fasteners</u>	<u>Lumber</u>	<u>Rail cars</u>	<u>Roses</u>	<u>Steel</u>	<u>Sugar</u>	<u>T.V.</u>	<u>Textiles</u>	<u>Tires</u>	<u>Toys</u>	<u>Type-writers</u>	<u>Other^a</u>	<u>Total</u>
Austria																		
AD:			2															2
CVD:																		-
Belgium																		
AD:										3								3
CVD:																		-
AD/CVD:										2								2
Brazil																		
AD:																		-
CVD:										5							1	6
Canada																		
AD:			4								4							8
CVD:							2							2				4
Colombia																		
AD:																		-
CVD:									2									2
EC																		
AD:																		-
CVD:																		-
AD/CVD:										1								1
France																		
AD:			1	3														4
CVD:										1								1
AD/CVD:										2								2
West Germany																		
AD:										1								1
CVD:					1					1								2
AD/CVD:										2								2

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SUMMARY BY COUNTRY AND PRODUCT OF COURT OF INTERNATIONAL TRADE
 ANTIDUMPING AND COUNTERVAILING DUTY DISPOSITIONS
 January 1980 through July 1981

Country	Bear-ings	Ceramic tile	Chem-icals	Drugs	Float glass	Industrial fasteners	Lumber	Rail cars	Roses	Steel	Sugar	T.V.	Tex-tiles	Tires	Toys	Type-writers	Other ^a	Total
India																		
AD:																		-
CVD:						5												5
Israel																		
AD:																		-
CVD:									1									1
Italy																		
AD:			2					3										5
CVD:																		-
AD/CVD:										2								2
Japan																		
AD:	3		1					3		3		27	4			14	1	56
CVD:																		-
Korea																		
AD:										3								3
CVD:										1				2				3
Luxembourg																		
AD/CVD:										1								1
Mexico																		
AD:																		-
CVD:			4										1		4			9
Netherlands																		
AD:			3															3
CVD:																		-
AD/CVD:										3								3
PRC																		
AD:			3															3
CVD:																		-

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SUMMARY BY COUNTRY AND PRODUCT OF COURT OF INTERNATIONAL TRADE
ANTIDUMPING AND COUNTERVAILING DUTY DISPOSITIONS

January 1980 through July 1983

<u>Country</u>	<u>Bear-ings</u>	<u>Ceramic tile</u>	<u>Chemicals</u>	<u>Drugs</u>	<u>Float glass</u>	<u>Industrial fasteners</u>	<u>Lumber</u>	<u>Rail cars</u>	<u>Roses</u>	<u>Steel</u>	<u>Sugar</u>	<u>T.V.</u>	<u>Textiles</u>	<u>Tires</u>	<u>Toys</u>	<u>Type-writers</u>	<u>Other^a</u>	<u>Total</u>
Romania																		
AD:										2								2
CVD:																		-
AD/CVD:										1								1
South Africa																		
AD:																		-
CVD:			1							5								6
Spain																		
AD:																		-
CVD:										1								1
Sweden																		
AD:																		-
CVD:													1					1
Taiwan																		
AD:					3													4
CVD:														1				3
United Kingdom																		
AD:																		-
CVD:					1													1
AD/CVD:										2								2
Foreign Producers																		
AD:										4								4
CVD:																		-
TOTAL	3	4	17	3	5	5	2	6	3	46	4	27	6	8	4	14	2	159 ^b ====

^aIncludes one CVD for airplanes and one AD for electrical components.

^bDoes not add to total of 137 dispositions because some challenges involved were more than one country, in which case we counted each country separately.

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