

**NAFTA SECRETARIAT
U.S. Section**

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**STATISTICAL SUMMARY OF DISPUTE SETTLEMENT PANELS
UNDER THE NAFTA AND THE CFTA**

TOTAL NUMBER OF DISPUTES AS OF DECEMBER 7, 1995: 77

PROCEEDINGS UNDER NAFTA CHAPTER 19 19

7 cases filed reviewing U.S. agencies' determinations:

- 5 cases are active (Porcelain-on-Steel Cookware from Mexico - AD; Gray Portland Cement and Cement Clinker from Mexico - AD; Color Picture TV Tubes from Canada - AD; Oil Country Tubular Goods from Mexico - AD; and Fresh Cut Flowers from Mexico - AD).
- 2 cases have been completed with 2 decisions issued;

4 cases filed reviewing Mexican agencies' determinations:

- 4 cases are active with 1 decision issued (Cut-to-Length Steel Plate from USA; Flat Coated Steel Sheet from USA; Solid and Crystal Polystyrene from USA; and Seamless Commercial Steel Tube from USA).

8 cases filed reviewing Canadian agencies' determinations:

- 3 cases are active with 3 decisions issued (Corrosion Resistant Steel from USA - AD; Malt Beverages from USA - Injury; and Refined Sugar and Refined Sugar Products from USA).
- 2 cases have been completed with 2 decisions issued;
- 3 cases were terminated at the request of participants.

PROCEEDINGS UNDER CFTA CHAPTER 19 52

30 cases filed reviewing U.S. agencies' determinations:

- 2 cases are stayed indefinitely pending CIT review of the negative injury determinations on the same goods (Cold-Rolled & Hot-Rolled Steel - AD);
- 17 cases have been completed with 33 decisions issued;
- 4 cases were consolidated into 2 panels; and
- 7 cases were terminated at the request of participants.

19 cases filed reviewing Canadian agencies' determinations:

- 13 cases have been completed with 17 decisions issued;
- 6 cases were terminated at the request of participants.

3 Extraordinary Challenge Committee Proceedings:

- 3 cases completed - 3 decisions issued (Pork, Live Swine & Softwood Lumber)

ACTIVE NAFTA CHAPTER 19 CASES
REVIEWING CANADIAN AGENCIES' DETERMINATIONS

CDA-94-1904-03	Certain Corrosion-Resistant Steel Sheet Products from Australia, Brazil, France, the Federal Republic of Germany, Japan, the Republic of Korea, New Zealand, Spain, Sweden, the United Kingdom and the United States of America Revenue Canada Final Determination of Dumping <u>Appealed by:</u> U.S. Producers <u>Decision Issued:</u> June 23, 1995, panel unanimously affirmed in part and remanded in part the agency's determination <u>Remand Filed:</u> August 4, 1995 <u>Decision Issued:</u> November 2, 1995, panel majority affirmed the agency redetermination with 2 partial dissenting opinions
CDA-95-1904-01	Certain Malt Beverages from the United States of America CITT Rescission of Injury Finding <u>Appealed by:</u> Canadian Producers <u>Decision Issued:</u> November 15, 1995, panel unanimously affirmed the agency's determination
CDA-95-1904-04	Refined Sugar, Refined from the United States of America <u>Appealed by:</u> U.S. Exporter <u>Decision Due:</u> September 27, 1996

ACTIVE NAFTA CHAPTER 19 CASES
REVIEWING MEXICAN AGENCIES' DETERMINATIONS

MEX-94-1904-01	Imports of Flat-Coated Steel Products from the United States of America SECOFI Final Antidumping Determination <u>Appealed by:</u> U.S. Producers <u>Suspended:</u> July 25, 1995 due to withdrawal of panelist <u>Resumed:</u> November 7, 1995 <u>Decision Due:</u> March 4, 1996 by Panel Order on November 22, 1995
MEX-94-1904-02	Imports of Cut-Length Plate Products from the United States of America SECOFI Final Antidumping Determination <u>Appealed by:</u> U.S. Producers <u>Decision Issued:</u> On August 30, 1995, the Panel, with 2 dissenters, remanded the final determination to the Investigating Authority to issue a new determination that terminates the proceeding <u>Remand Filed:</u> September 29, 1995 <u>Final Order:</u> October 30, 1995 the Panel affirmed the Determination on Remand
MEX-94-1904-03	Imports of Crystal and Solid Polystyrene from the United States of America SECOFI Final Antidumping Determination <u>Appealed by:</u> U.S. and Mexican Producers <u>Suspended:</u> April 28, 1995 due to withdrawal of panelist <u>Resumed:</u> October 23, 1995 <u>Decision Due:</u> April 15, 1996
MEX-95-1904-01	Seamless Commercial Steel Tube from the United States of America SECOFI Final Antidumping Determination <u>Appealed by:</u> U.S. Producers <u>Decision Due:</u> September 30, 1996

U.S.-CANADA FREE TRADE AGREEMENT (FTA)

FTA CHAPTER 19 PANEL REVIEWS STAYED BY PANELS REVIEWING U.S. AGENCIES' DETERMINATIONS

USA-93-1904-01	Certain Cold-Rolled Carbon Steel Flat Products from Canada
USA-93-1904-02	Certain Hot-Rolled Carbon Steel Flat Products From Canada
	Commerce Final Antidumping Determination
<u>Appealed by:</u>	Canadian producers
<u>Suspended:</u>	On December 23, 1993, all proceedings in both matters were stayed by Panel Order pending a final resolution of the negative injury litigation before the U.S. Court of International Trade

Status Report revised December 6, 1995

NOTE: This report is provided for information only and does not purport to provide complete descriptions of Panel decisions. The full texts of all decisions may be obtained from the NAFTA Secretariat in Washington.

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NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

COMPLETED NAFTA CHAPTER 19 CASES
REVIEWING U.S. AGENCIES' DETERMINATIONS

- USA-94-1904-01** **Live Swine from Canada**
Commerce CVD Administrative Review for 1989/90
Appealed by: Canadian producers
Outcome: Panel unanimously affirmed in part and remanded in part the agency's determination and unanimously affirmed the remand determination.
- USA-94-1904-02** **Leather Wearing Appeal from Mexico**
Commerce CVD Administrative Review
Appealed by: Mexican producers
Outcome: Panel unanimously remanded at request of agency and affirmed determination on remand that resulted in 0% duties for both complainants.

COMPLETED NAFTA CHAPTER 19 CASES
REVIEWING CANADIAN AGENCIES' DETERMINATIONS

- CDA-94-1904-01** **Certain Fresh, Whole, Delicious, Red Delicious and Golden Delicious Apples, Originating in or Exported from the United States of America, Excluding Delicious, Red Delicious and Golden Delicious Apples Imported in Non-Standard Containers for Processing**
CITT Injury Finding
Appealed by: Canadian producers
Outcome: Panel review terminated by joint consent of participants
- CDA-94-1904-04** **Certain Corrosion-Resistant Steel Sheet Products, Originating in or Exported from the United States of America**
CITT Injury Finding
Appealed by: U.S. Producers
Outcome: Panel unanimously affirmed the agency's determination

CDA-95-1904-02 Fresh, Whole, Delicious, Red Delicious and Golden Delicious Apples, Originating in or Exported from the United States of America

Appealed by: U.S. Exporters
Outcome: Panel Review automatically terminated at request of complainant

CDA-94-1904-02 Synthetic Baler Twine with a Knot Strength of 200 lbs. or Less, Originating in or Exported from the United States of America

Appealed by: CITT Injury Finding
Outcome: U.S. producer/exporter and Canadian importer
Panel unanimously affirmed in part and remanded in part the agency's determination and affirmed the redetermination on remand.

CDA-95-1904-03 Machine Tufted Carpeting from the United States of America

Appealed by: Revenue Canada Redetermination of Dumping
Outcome: U.S. Producers
Panel review automatically terminated by the requestor.

UNITED STATES-CANADA FREE TRADE AGREEMENT (FTA)

COMPLETED FTA CHAPTER 19 CASES REVIEWING U.S. AGENCIES' DETERMINATIONS

USA-89-1904-01 Red Raspberries from Canada

Commerce Antidumping Administrative Review for 1986-87

Appealed by: Three Canadian exporters

Outcome: Duties upheld against one exporter; on second remand, agency eliminated duties for two other exporters; both panel decisions were unanimous

USA-89-1904-02 Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada

Commerce Scope Determination

Appealed by: Canadian exporter and U.S. producer

Outcome: Panel unanimously affirmed the agency's determination

USA-89-1904-03 Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada

Commerce Antidumping Administrative Review for 1986-87

Appealed by: Canadian exporter and U.S. producer

Outcome: Panel unanimously affirmed the agency's determination

USA-89-1904-04 Dried, Heavy, Salted Codfish from Canada

Commerce Antidumping Administrative Review for 1986-87

Appealed by: Canadian exporter

Outcome: Panel review terminated by joint consent of participants

USA-89-1904-05 Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada

Commerce Amended Administrative Review for 1986-87

Appealed by: Canadian exporter and U.S. producer

Outcome: Panel consolidated this matter with 89-1904-03 and terminated this panel review

USA-89-1904-06 Fresh, Chilled and Frozen Pork from Canada

Commerce Final Affirmative CVD Determination

Appealed by: Canadian producers, Canadian and provincial governments

Outcome: Panel affirmed in part and remanded in part the agency's determination; on second remand, the duty was reduced from 8 cents to 3 cents per kilo; both decisions were unanimous with one concurring opinion

USA-89-1904-07 New Steel Rail, Except Light Rail, from Canada

Commerce Final Affirmative CVD Determination

Appealed by: Canadian producer

Outcome: Panel unanimously affirmed in part and remanded in part the agency's determination; on remand, duty was reduced from 112.34% to 94.57%

USA-89-1904-08 New Steel Rail, Except Light Rail, from Canada

Commerce Final Determination of Sales at Less than Fair Value

Appealed by: Canadian producer

Outcome: Panel affirmed, with one partial dissent, the agency's determination

USA-89-1904-09/10 New Steel Rails from Canada

USITC Threat of Injury Determinations

Appealed by: Canadian and U.S. producers

Outcome: Panel affirmed, with one partial dissent, the agency's determinations

USA-89-1904-11 Fresh, Chilled or Frozen Pork from Canada

USITC Threat of Injury Determination

Appealed by: Canadian producers and provincial governments

Outcome: Panel unanimously remanded, with one concurring opinion, the agency's determination; the agency reversed its determination following second unanimous panel decision. A request for Extraordinary Challenge Committee was filed (see completed ECC Proceedings)

USA-90-1904-01 Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada

Commerce Antidumping Administrative Review for 1988-89

Appealed by: Canadian exporter and U.S. producer

Outcome: Panel remanded the determination to Commerce three times, in each instance affirming part of the determination. Final Order unanimously affirmed the third Determination on Remand on December 27, 1992

USA-90-1904-02 Oil Country Tubular Goods from Canada

Commerce Final Determination — Abolishment of End Use
Certification Procedure

Appealed by: Canadian exporter

Outcome: Panel review terminated by joint consent of participants

USA-90-1904-03 Sheet Piling from Canada

Commerce Cancellation of Suspension Agreement and Antidumping
Administrative Review

Appealed by: Canadian producer

Outcome: Panel review terminated by joint consent of participants

USA-91-1904-01 Oil Country Tubular Goods from Canada

Commerce Final Determination - Scope Exclusion Request

Appealed by: Canadian producers

Outcome: Panel review terminated by joint consent of participants

USA-91-1904-02 Iron Construction Castings from Canada

Commerce Antidumping Administrative Review for 1985-87

Appealed by: Canadian producer

Outcome: Panel review automatically terminated at request of complainant

USA-91-1904-03 Live Swine from Canada

Commerce Final Results of CVD Administrative Review for 1988-89

Appealed by: Canadian and provincial governments and Canadian producers

Outcome: In two decisions, Panel affirmed in part and remanded in part, with one partial dissent in both decisions, the agency's determinations. An Extraordinary Challenge Committee upheld the panel decisions (see completed ECC Proceedings)

USA-91-1904-04 Live Swine from Canada

Commerce Final Results of CVD Administrative Review for 1989-90

Appealed by: Canadian and provincial governments and Canadian producers

Outcome: In two unanimous decisions, Panel affirmed in part and remanded in part the agency's determinations; Panel unanimously affirmed the second Determination on Remand

USA-91-1904-05 Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada

Commerce Antidumping Administrative Review Jan. 89 - Aug. 89

Appealed by: Canadian producer

Outcome: Panel review automatically terminated at request of complainant

USA-92-1904-01 Certain Softwood Lumber Products from Canada

Commerce Final Affirmative CVD Determination

Appealed by: Canadian and provincial governments, Canadian producers and U.S. Industry

Outcome: In two decisions, each with two dissents, the panel overturned the agency's determination. An Extraordinary Challenge Committee reviewed and a majority upheld the panel decisions (see completed ECC Proceedings)

USA-92-1904-02 Softwood Lumber from Canada

USITC Final Injury Determination

Appealed by: Canadian and provincial governments and Canadian producers

Outcome: After three decisions unanimously affirming in part and remanding in part the agency's determinations, the Panel granted a motion to dismiss the panel review

USA-92-1904-03 Pure and Alloy Magnesium from Canada

Commerce Final Affirmative CVD Determination

Appealed by: Gouvernement du Quebec and Canadian producer

Outcome: Panel unanimously affirmed in part and remanded in part the agency's determination; Panel unanimously affirmed the Determination on Remand

USA-92-1904-04 Pure and Alloy Magnesium from Canada

Commerce Final Affirmative AD Duty Determination

Appealed by: Canadian producer

Outcome: Panel unanimously affirmed the agency's Determination on Remand

USA-92-1904-05/06 Magnesium from Canada

USITC Final Injury Determinations - (CVD & AD)

Appealed by: Canadian producer and the Gouvernement du Québec

Outcome: Panel unanimously affirmed in part and remanded in part the agency's determination. Panel unanimously affirmed the Determination on Remand.

**USA-93-1904-03 Certain Corrosion-Resistant Carbon Steel Flat Products
From Canada**

Commerce Final Antidumping Determination

Appealed by: Canadian producers

Outcome: Panel affirmed in part and remanded in part the agency's determination, with two dissenting opinions; Panel unanimously affirmed in part and remanded in part the agency's determination on remand

USA-93-1904-04 Certain Cut-To-Length Carbon Steel Plate from Canada
Commerce Final Antidumping Determination

Appealed by: Canadian producers

Outcome: Panel affirmed in part and remanded in part the agency's determination, with two dissenting opinions; Panel unanimously affirmed in part and remanded in part the agency's determination on remand

**USA-93-1904-05 Certain Corrosion-Resistant Carbon Steel Flat Products
From Canada**

USITC Final Injury Determination

Appealed by: Canadian producers

Outcome: Panel unanimously affirmed the agency's final determination.

CDA-92-1904-01 Certain Machine Tufted Carpeting Originating in or Exported from the United States of America

Revenue Canada Final Determination of Dumping

Appealed by: U.S. producers

Outcome: Panel unanimously affirmed in part and remanded in part the agency's determination. Panel unanimously affirmed the Determination on Remand

CDA-92-1904-02 Certain Machine Tufted Carpeting Originating in or Exported from the United States of America

CITT Injury Finding

Appealed by: U.S. producers

Outcome: Panel remanded the determination to the agency twice in each instance affirming part of the determination. Final decision affirming the third Determination on Remand issued on April 21, 1994.

CDA-93-1904-01 Gypsum Board Originating in or Exported from the United States of America

Revenue Canada Final Determination of Dumping

Appealed by: U.S. producers

Outcome: Panel unanimously remanded the agency's determination for further action. Final Order affirming the Determination on Remand issued on March 24, 1994

CDA-93-1904-02 Gypsum Board Originating in or Exported from the United States of America

CITT Injury Finding

Appealed by: U.S. producers

Outcome: Panel review terminated by joint consent of participants

CDA-93-1904-03 Tomato Paste in Containers Larger than 100 Fluid Ounces, Originating in or Exported from the United States of America

Revenue Canada Final Determination of Dumping

Appealed by: U.S. producers

Outcome: Panel review automatically terminated at request of participants

CDA-93-1904-04 Certain Hot-Rolled Carbon Steel Plate and High Strength Low Alloy Plate, Heat-Treated or not, from the United States of America

Revenue Canada Final Affirmative Determination of Dumping

Appealed by: U.S. producers

Joinder: CDA-93-1904-04 & CDA-93-1904-06; under Rule 37(1), affirmative dumping and negative material injury determinations respecting the same goods are reviewed by one Panel

Outcome: No Panel decision issued because negative injury finding affirmed; see companion case below.

CDA-93-1904-05 Certain Flat Hot-Rolled Carbon Steel Sheet Products Originating in or Exported from the United States of America

Revenue Canada Final Determination of Dumping

Appealed by: Canadian producers

Joinder: CDA-93-1904-05 and CDA-93-1904-07; under Rule 37(1), affirmative dumping and negative material injury determinations respecting the same goods are reviewed by one panel

Outcome: No Panel decision issued because negative injury finding affirmed; see companion case below

CDA-93-1904-06 Certain Hot-Rolled Carbon Steel Plate and High Strength Low Alloy Plate, Heat-Treated or not, from the United States of America

CITT Negative Injury Finding

Appealed by: Canadian producers

Joinder: CDA-93-1904-04 & CDA-93-1904-06; under Rule 37(1), affirmative dumping and negative material injury determinations respecting the same goods shall be reviewed by one Panel

Outcome: Panel unanimously affirmed the agency's Finding

**CDA-93-1904-07 Certain Flat Hot-Rolled Carbon Steel Sheet Products
Originating in or Exported from the United States of
America**

CITT Negative Injury Finding

Appealed by: Canadian producers

Joinder: CDA-93-1904-05 and CDA-93-1904-07; under Rule 37(1), affirmative
dumping and negative material injury determinations respecting the
same goods are reviewed by one panel

Outcome: Panel affirmed, with two partial dissents, the agency's Finding

**CDA-93-1904-08 Certain Cold-Rolled Steel Sheet Originating in or
Exported from the United States of America**

Revenue Canada final Determination of Dumping

Appealed by: U.S. Producers

Outcome: Panel unanimously affirmed in part and remanded in part the agency's
determination. Panel unanimously affirmed the remand determination

**CDA-93-1904-09 Certain Cold-Rolled Steel Sheet Originating in or
Exported from the United States of America**

CITT Injury Finding

Appealed by: U.S. producers

Outcome: Panel unanimously affirmed the agency's determination

**CDA-93-1904-10 Certain Solder Joint Pipe Fittings Originating in or
Exported from the United States of America**

Revenue Canada Final Determination of Dumping

Appealed by: U.S. producers

Outcome: Panel review terminated by joint consent of participants

**CDA-93-1904-11 Certain Solder Joint Pressure Pipe Fittings and Solder
Joint Drainage, Waste and Vent Pipe Fittings, Made of
Cast Copper Alloy, Wrought Copper Alloy or Wrought
Copper, Originating in or Exported from the United
States of America**

CITT Injury Finding

Appealed by: U.S. producers

Outcome: Panel, with one partial dissent, affirmed the agency's Determination

CDA-93-1904-12 Preformed Fibreglass Pipe Insulation with a Vapour Barrier, Originating in or Exported from the United States of America

Revenue Canada Final Determination of Dumping

Appealed by: U.S. producer

Outcome: Panel review terminated by joint consent of participants

CDA-93-1904-13 Preformed Fibreglass Pipe Insulation with a Vapour Barrier, Originating in or Exported from the United States of America

CITT Injury Finding

Appealed by: U.S. producers

Outcome: Panel dismissed the panel review due to failure to file briefs

COMPLETED CHAPTER 18 CASES

CDA-89-1807-01 West Coast Salmon and Herring from Canada

Appealed by: U.S. Government

Outcome: Unanimous Panel issued decision on October 16, 1989

USA-89-1807-01 United States Regulations on Lobster

Appealed by: Canadian Government

Outcome: 3 member majority with 2 member dissent issued decision on May 25, 1990

USA-92-1807-01 Treatment of Non-Mortgage Interest Under Article 304

Appealed by: Canadian Government

Outcome: Unanimous Panel issued decision on June 8, 1992

CDA-92-1807-01 The Interpretation of and Canada's Compliance with Article 701.3 with Respect to Durum Wheat Sales

Appealed by: U.S. Government

Outcome: Unanimous Panel issued decision on February 8, 1993

USA-93-1807-01 Puerto Rico Regulations on the Import, Distribution and Sale of UHT Milk from Quebec

Appealed by: Canadian Government

Outcome: Unanimous Panel issued decision on June 3, 1993

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NOTE: This report is provided for general information only. The full texts of all decisions may be obtained from:

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