

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/3180/Add.1

24 June 1970

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Original: English

## UNITED STATES ANTI-DUMPING REGULATIONS

### Addendum

The mission of the United States has transmitted to the secretariat the following communication regarding a modification of the Anti-Dumping Regulations as reproduced in document L/3180.

In accordance with Article 15 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, I have been asked to bring to the attention of the CONTRACTING PARTIES a modification of United States practice with respect to concluding anti-dumping investigations in which price revisions are made or sales terminated. The modification was announced in the Federal Register of 27 May 1970 together with a corresponding amendment to the Customs Regulations pertaining to anti-dumping proceedings (both reproduced hereunder).

### TITLE 19 - CUSTOMS DUTIES

#### Chapter 1 - Bureau of Customs, Department of the Treasury

(T.D. 70-127)

### PART 53 - ANTI-DUMPING

#### Discontinuance of Anti-Dumping Investigations

The present practice under the Customs Regulations is to conclude anti-dumping investigations in which price revisions are made which eliminate the likelihood of present or future sales at less than fair value, or in which sales to the United States of the merchandise have terminated and will not be resumed, by a determination of no sales below fair value. The Customs Regulations are hereby amended to change the foregoing practice to a practice of concluding such investigations by a notice that the investigation has been discontinued.

In addition, the last sentence of paragraph 53.15(b) is amended to make clear that price assurances are not accepted until a final decision of the Treasury Department is published in the FEDERAL REGISTER stating that such assurances have been accepted.

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Price assurances are normally regarded as a basis for terminating anti-dumping cases only when the home market price, third country price, or constructed value of the merchandise under consideration exceeds the purchase price or exporter's sales price by an amount that is considered minimal in relation to the total volume of sales. For example, in a situation in which home market price exceeded purchase price by a margin of 50 per cent in only one or two sales out of a total of 1,000 sales to the United States, an offer of price assurances might well be accepted. On the other hand, in a situation in which home market price exceeded purchase price by 4 per cent in 800 of 1,000 sales to the United States, an offer of price assurances might well be rejected.

Accordingly, paragraph 53.15(b) of the Customs Regulations (19 CFR 53.15(b)) is amended to read as follows:

Fair value; revision of prices or other changed circumstances.

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(b) Notice. The notice shall state the facts relied upon by the Secretary in publishing the notice and that those facts are considered to be evidence warranting the termination of the investigation. The notice shall also state that unless persuasive evidence or argument to the contrary is presented within such period as is specified in the notice the Secretary will publish a final notice terminating the investigation. The tentative acceptance of price assurances or the termination of sales to the United States will not prevent the Secretary from making a determination of sales at less than fair value in any case where he considers such action appropriate.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Effective date. This amendment shall become effective thirty days after the date of its publication in the FEDERAL REGISTER

(SEAL)

Edwin F. Rains,  
Acting Commissioner of Customs.

Approved: 22 May 1970

Eugene T. Rossides,  
Assistant Secretary of the  
Treasury.

(F.R. Doc. 70-6640; Filed 26 May 1970; 8:51 a.m.)