

07-1059 UNITED STATES V. EURODIF S.A., ET AL.

DECISION BELOW:506 F3d 1051

LOWER COURT CASE NUMBER: 2007-1005, 2007-1006

QUESTIONS PRESENTED:

Section 1673 of Title 19 of the United States Code provides that, when “a class or kind of foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value,” to the detriment of a domestic industry, the Department of Commerce (Commerce) shall impose antidumping duties on entries of the foreign merchandise. The question presented is:

Whether the court of appeals erred in rejecting Commerce’s conclusion that foreign merchandise is “sold in the United States” within the meaning of 19 U.S.C. 1673 when a purchaser in the United States obtains foreign merchandise by providing monetary payments and raw materials to a foreign entity that performs a major manufacturing process in which substantial value is added to the raw materials, thereby creating a new and different article of merchandise that is delivered to the U.S. purchaser.

CERT. GRANTED 4/21/2008

CONSOLIDATED WITH 07-1078 FOR ONE HOUR ORAL ARGUMENT