

Dated: July 14, 2003.

Richard Armitage,

Deputy Secretary of State, Department of State.

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**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

**Request for Comments and Notice of
Public Hearing Concerning China's
Compliance With WTO Commitments**

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning China's compliance with its WTO commitments.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in its preparation of its annual report to the Congress on China's compliance with the commitments that it made in connection with its accession to the World Trade Organization (WTO).

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as a copy of their testimony, by noon, Friday, September 5, 2003. Written comments are due by noon, Wednesday, September 10, 2003. A hearing will be held in Washington, DC, on Thursday, September 18, 2003.

ADDRESSES: *Submissions by electronic mail:*

FR0082@ustr.gov (notice of intent to testify and written testimony); and *FR0083@ustr.gov* (written comments).

Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395-6143.

The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below.)

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, (202) 395-3475. All other questions should be directed to Terrence J. McCartin, Director of Monitoring and Enforcement for China, (202) 395-3900, or David L. Weller, Assistant General Counsel, (202) 395-3581.

SUPPLEMENTARY INFORMATION:

1. Background

China became a member of the WTO on December 11, 2001. In accordance

with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106-286), USTR is required to submit, by December 11 of each year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, the TPSC is hereby soliciting public comment. Last year's report is available on USTR's Internet Web site at <http://www.ustr.gov/regions/china-hk-mongolia-taiwan>.

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO Agreement. The Protocol and Working Party Report can be found on the Department of Commerce Web page, <http://www.mac.doc.gov/China/WTOAccessionPackage.htm>, or on the WTO Web site, <http://www.docsonline.wto.org> (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

2. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas: (a) Trading rights; (b) import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses); (c) export regulation; (d) internal policies affecting trade (e.g., subsidies, standards and technical regulations, sanitary and phytosanitary measures, trade-related investment measures, taxes and charges levied on imports and exports); (e) intellectual property rights (including intellectual property enforcement); (f) services; (g) rule of law issues (e.g., transparency, judicial review, uniform administration of laws and regulations) and status of legal reform; and (h) other WTO commitments. Persons submitting written comments should identify the commitments discussed therein by listing one or more of these categories on the first page of the comments.

Written comments must be received no later than noon, Wednesday, September 10, 2003.

A hearing will be held on Thursday, September 18, 2003, in Room 1, 1724 F Street, NW., Washington, DC 20508. If necessary, the hearing will continue on the next day.

Persons wishing to testify orally at the hearing must provide written notification of their intention by noon, Friday, September 5, 2003. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the commitments at issue and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

All documents should be submitted in accordance with the instructions in section 3 below.

3. Requirements for Submissions

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "China WTO" followed by (as appropriate) "Written Comments," "Notice of Testimony," or "Testimony." Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the characters "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notices of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked "BUSINESS CONFIDENTIAL" at the top

of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395-6186. Appointments must be scheduled at least 48 hours in advance.

General information concerning USTR may be obtained by accessing its Internet Web site: <http://www.ustr.gov>.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-294]

WTO Dispute Settlement Proceeding Regarding Offsets to Calculated Dumping Margins for Instances of Non-Dumping

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice that on June 12, 2003, the United States received from the European Communities ("EC") a request for consultations under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") regarding offsets to calculated dumping margins for instances of non-dumping. The EC asserts that various U.S. statutes, regulations, methodologies and determinations are inconsistent with Articles 1, 2.4, 5.8, 9.3, 9.5, 11, 18.3 and 18.4 of the Agreement on Implementation of Article VI of the General Agreements on Tariffs and Trade 1994 ("AD Agreement"), Articles VI:1 and VI:2 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article XVI:4 of the WTO Agreement. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before August 28, 2003, to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to FR0080@ustr.gov, with "Dumping Margin Offset" in the subject line, or (ii) by fax to Sandy McKinzy at (202) 395-3640, with a confirmation copy sent electronically to the address above, in accordance with the requirements for submission set out below.

FOR FURTHER INFORMATION CONTACT: William D. Hunter, Associate General Counsel, Office of the United States Trade Representative, (202) 395-3582.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the EC

With respect to the measures at issue, the EC's request for consultations refers to the following:

- The Tariff Act of 1930, in particular sections 751, 771(35)(A) and 771(35)(B);
- The implementing regulations of the U.S. Department of Commerce ("DOC"), 19 CFR Part 351, in particular section 351.414(c)(2);
- The methodology of the DOC for determining the dumping margin in investigations on the basis of the comparison of a weighted average normal value with a weighted average export price;
- The methodology of the DOC for determining the dumping margin in reviews;
- The determinations of dumping by the DOC, the determinations of injury by the U.S. International Trade Commission ("ITC"), and the DOC notices for the imposition of the antidumping duty in the following investigations:¹

¹ For the precise EC description of these determinations and notices, including the dates of publication in the *Federal Register*, see Annex I of the EC's consultation request, which is available on the WTO Web site's document distribution facility as document "WT/DS294/1".

- Certain hot-rolled carbon steel from the Netherlands, DOC Case No. A-421-807, ITC Case No. A-903;
- Stainless steel bar from France, DOC Case No. A-427-820, ITC Case No. A-913;
- Stainless steel bar from Germany, DOC Case No. A-428-830, ITC Case No. A-914;
- Stainless steel bar from Italy, DOC Case No. A-475-829, ITC Case No. A-915;
- Stainless steel bar from the United Kingdom, DOC Case No. A-412-822, ITC Case No. A-918; and
- The final results of the administrative reviews by the DOC in the following proceedings:²
 - Industrial nitrocellulose from France, DOC Case No. A-427-009, 66 FR 54213 (Oct. 26, 2001);
 - Industrial nitrocellulose from the United Kingdom, DOC Case No. A-412-803, 67 FR 77747 (Dec. 19, 2002);
 - Stainless steel plate in coils from Belgium, DOC Case No. A-423-808, 67 FR 64352 (Oct. 18, 2002);
 - Certain pasta from Italy, DOC Case No. A-475-818, 66 FR 300 (Jan. 3, 2002), amended 67 FR 5088 (Feb. 4, 2002);
 - Certain pasta from Italy, DOC Case No. A-475-818, 68 FR 6882 (Feb. 11, 2003);
 - Stainless steel sheet and strip in coils from Italy, DOC Case No. A-475-824, 67 FR 1715 (Jan. 14, 2002);
 - Stainless steel sheet and strip in coils from Italy, DOC Case No. A-475-824, 68 FR 6719 (Feb. 10, 2003);
 - Granular polytetrafluoroethylene [*sic*] from Italy, DOC Case No. A-475-703, 67 FR 1960 (Jan. 15, 2002);
 - Granular polytetrafluoroethylene [*sic*] from Italy, DOC Case No. A-475-703, 68 FR 2007 (Jan. 15, 2003);
 - Stainless steel sheet and strip in coils from France, DOC Case No. A-427-814, 67 FR 6493 (Feb. 12, 2002), amended 67 FR 12522 (March 19, 2002);
 - Stainless steel sheet and strip in coils from France, DOC Case No. A-427-814, 67 FR 78773 (Dec. 26, 2002), amended 68 FR 4171 (Jan. 28, 2003);
 - Stainless steel sheet and strip in coils from Germany, DOC Case No. A-428-825, 67 FR 7668 (Feb. 20, 2002), amended 67 FR 15178 (March 29, 2002);
 - Stainless steel sheet and strip in coils from Germany, DOC Case No. A-428-825, 68 FR 6716 (Feb. 10, 2003);
 - Ball bearings from France, DOC Case No. A-427-801, 67 FR 55780 (Aug. 30, 2002);

² For the precise EC description of these final results, see Annex II of the EC's consultation request, which is available on the WTO Web site's document distribution facility as document "WT/DS294/1".