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Sunset Review
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MEMORANDUM TO: Paul Piquado
Acting Deputy Assistant Secretary
for Import Administration

FROM: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of the Full Sunset Review of Stainless Steel Plate in Coils from Belgium

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Summary

We have analyzed the case briefs and rebuttal briefs of the interested parties for the final results of this full second sunset review of the countervailing duty ("CVD") order on stainless steel plate in coils ("SSPC") from Belgium. We recommend you approve the positions we have developed in the "Discussion of the Issues" section of the memorandum. Below is the complete list of the issues in this full sunset review for which we received comments by parties.

1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Likely to Prevail

History of the Order:

On March 31, 1999, the Department of Commerce ("the Department") published its final determination in the CVD investigation of SSPC from Belgium.[1] The Department found that the Government of Belgium ("GOB") conferred countervailable benefits on ALZ N.V. ("ALZ"),[2] the sole producer that exported the subject SSPC to the United States during the period of investigation ("POI"). The Department further determined that various subsidies provided to ALZ's parent company, Sidmar N.V. ("Sidmar"), were also attributable to ALZ.[3] The CVD deposit rate calculated in the investigation was 1.82 percent for ALZ and for all manufacturers, producers, or exporters of SSPC from Belgium.[4] On April 5, 1999, Petitioners[5] filed a

[1] See Final Affirmative Countervailing Duty Determination; Stainless Steel Plate in Coils from Belgium, 64 FR 15567 (March 31, 1999) ("Final Determination").
[2] Subsequently known as Ugine and ALZ Belgium ("U&A Belgium") and currently known as ArcelorMittal Stainless Belgium N.V. ("AMS"). The GOB and AMS are collectively referred to as "Respondents."
[3] See Final Determination, 64 FR at 15572.
[4] Id. at 15584.

submission alleging ministerial errors pertaining to the margin calculations in the Department's Final Determination. As a result, the Department issued an amended final determination revising the cash deposit rate for ALZ and for "all others" from 1.82 percent to 2.00 percent.[6] Following the Department's affirmative finding of subsidization and the affirmative finding of the International Trade Commission ("ITC") that unfairly traded imports had materially injured the U.S industry,[7] the Department published a CVD order ("CVD Order") on SSPC from Belgium on May 11, 1999.[8]

Petitioners subsequently filed a complaint with the U.S. Court of International Trade ("CIT") challenging certain findings in the Department's final affirmative CVD determination. On June 7, 2000, the CIT remanded to the Department the final CVD determination on SSPC from Belgium.[9] On September 5, 2000, the Department issued its final results of redetermination.[10] The Department's remand determination was sustained by the CIT on July 18, 2001.[11]

On March 11, 2003, as a result of litigation involving the ITC determination, the Department published an amended CVD order on SSPC from Belgium.[12]

In the investigation, the following programs were found to confer countervailable subsidies resulting in a net subsidy rate of 2.00 percent for both ALZ and the "all others."[13]

1. Regional Subsidies under the Economic Expansion Law of 1970
    a) Investment and Interest Subsidies[14]
    b) Accelerated Depreciation
    c) Expansion Real Estate Tax Exemption
2. 1985 ALZ Share Subscriptions and Subsequent Transactions
3. Societé Nationale de Credite à L'Industrie ("SNCI") Loans
4. Belgian Industrial Finance Company ("Belfin") Loans

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[5] Allegheny Ludlum Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union ("Petitioners").

[6] See Notice of Amended Final Determinations: Stainless Steel Plate in Coils from Belgium and South Africa; and Notice of Countervailing Duty Orders: Stainless Steel Plate in Coils from Belgium, Italy and South Africa, 64 FR 25288 (May 11, 1999) ("Amended Final Determination and Order").

[7] See Investigations Nos. 701-TA-376, 377, and 379 (Final) and Investigations Nos. 731-TA-788-793 (Final); Certain Stainless Steel Plate From Belgium, Canada, Italy, Korea, South Africa, and Taiwan, 64 FR 25515 (May 12, 1999) (material injury with respect to hot-rolled SSPC only); Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan, Investigations Nos. 701-TA-376, 377, and 379 (Final) and 731-TA-788-793 (Final) (Remand), USITC Pub. 3541 (September 2002) (material injury with respect to cold-rolled plate on remand).

[8] See Amended Final Determination and Order, 64 FR at 25289.

[9] See Allegheny Ludlum Corp. v. United States, 24 CIT 452, 112 F. Supp. 2d 1141 (2000).

[10] See Final Results of Redetermination Pursuant to Court Remand: Allegheny Ludlum Corp., et al. v. United States, Ct. No. 99-06-00362 (September 5, 2000).

[11] See Allegheny Ludlum Corp. v. United States, 25 CIT 816 (2001).

[12] See Notice of Amended Countervailing Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Italy, and South Africa, 68 FR 11524 (March 11, 2003).

[13] See Final Determination, 64 FR at 15568-15573; Amended Final Determination and Order, 64 FR at 25288-89.

[14] This program was found to be used in the investigation, but the allocation period for the grant received under this program ended in 1997. Thus, the program was found not to be used in the initial administrative review. See Final Determination; Stainless Steel Plate in Coils From Belgium: Final Results of Countervailing Duty Administrative Review, 66 FR 45007 (August 27, 2001) ("First Review Final Results of SSPC Belgium").

5. Industrial Reconversion Zone Program
    a) Captial Contribution to Alfin (an ALZ subsidiary)
    b) Exemptions from Taxes on Capital Registration and Dividend Payments to Albufin (an ALZ Subsidiary)
6. Subsidies Provided to Sidmar that Are Attributable to ALZ
    a) Assumption of Sidmar's Debt
    b) SidInvest

The Department has completed three administrative reviews of the CVD Order on SSPC from Belgium. The first administrative review was requested by Petitioners for the period September 4, 1998 through December 31, 1999.[15] On August 27, 2001, the Department published the final results, finding a net subsidy rate for ALZ of 3.25 percent for 1998 and 1.78 percent for 1999 for the following countervailable programs:[16]

1. Regional Subsidies under the Economic Expansion Law of 1970
    a) Accelerated Depreciation
    b) Expansion Real Estate Tax Exemption
2. 1985 ALZ Share Subscriptions
3. 1987 ALZ Common Share Transaction between GOB and Sidmar
4. SNCI Loans
5. Belfin Loans
6. Industrial Reconversion Zones
    a) Capital Contribution to Alfin (an ALZ subsidiary)
    b) Exemptions from Taxes on Capital Registration and Dividend Payments to Albufin (an ALZ Subsidiary)
7. Conversion of Sidmar's Debt to Equity OCPC-to-PB
8. SidInvest
9. 1984 Purchase of Sidmar's Common and Preference Shares

ALZ challenged the Department's final results and, on July 11, 2003, the CIT remanded the case back to the Department.[17] On December 10, 2003, the Department issued its final results of redetermination.[18] As a result of this redetermination, the Department recalculated the net subsidy rate for ALZ as 1.36 percent ad valorem for the period September 4, 1998, through December 31, 1998, and as 0.97 percent ad valorem for January 1, 1999, and for the period May 11, 1999, through December 31, 1999.[19] On April 22, 2004, the CIT sustained the Department's remand determination in the first administrative review.[20] Although the Department appealed the CIT's decision to the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"), the

[15] See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part, 65 FR 41942 (July 7, 2000), corrected at 65 FR 58733 (October 2, 2000) and at 65 FR 64662 (October 30, 2000).
[16] See First Review Final Results of SSPC Belgium.
[17] See ALZ N.V. v. United States, 283 F. Supp. 2d 1302 (CIT 2003).
[18] See Final Results of Redetermination Pursuant to Court Remand : ALZ N.V. v. United States, Ct. No. 01-00834 (December 10, 2003).
[19] Id. at 26. Based on the Department's practice of calculating subsidy rates on an annual basis, we calculated separate net subsidy rates for ALZ during the calendar years 1998 and 1999.
[20] See ALZ N.V. v. United States, 28 CIT 541 (2004).

Department did not pursue the appeal and the Federal Circuit dismissed the case on October 28, 2004. On April 11, 2005, pursuant to the remand, Department published its amended final results of the first review.[21]

On April 1, 2004, the Department initiated its first sunset review of the CVD Order.[22] Although the Department received substantive responses from the GOB and the Delegation of the European Commission, it did not receive a response from a subject producer.[23] Therefore, the Department found the respondent responses inadequate and conducted an expedited review. On November 4, 2004, the Department published the final results of review and determined that revocation of the CVD Order on SSPC from Belgium would be likely to lead to continuation or recurrence of countervailable subsidies at the ad valorem net subsidy rates of 1.13 percent for U&A Belgium (formerly ALZ, and now AMS) and 1.13 percent for the "all others."[24] On July 5, 2005, the ITC determined that revocation of the CVD order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.[25] On July 18, 2005, the Department published notice of the continuation of the CVD order on SSPC from Belgium.[26]

On June 29, 2007, the Department initiated an administrative review upon a request by U&A Belgium for the period January 1, 2006, through December 31, 2006.[27] On December 12, 2008, the Department published its final results and calculated a de minimis subsidy rate of 0.20 percent ad valorem for U&A Belgium.[28] As part of that review, the Department determined that the SidInvest program (a subsidy provided to Sidmar that was attributable to ALZ) that was found to confer subsidies in the investigation and the first administrative review was continuing to provide benefits to U&A Belgium during the 2006 period of review.[29]

On July 1, 2008, the Department initiated an administrative review for the period January 1, 2007, through December 31, 2007, upon a request by U&A Belgium.[30] Following a merger of its parent company, Arcelor S.A., with Mittal Steel N.V., U&A Belgium subsequently changed its name to AMS. On November 9, 2009, the Department published the final results of this

[21] See Stainless Steel Plate in Coils from Belgium: Notice of Amended Final Results of Countervailing Duty Administrative Review, 70 FR 18374 (April 11, 2005).
[22] See Initiation of Five-Year ("Sunset") Reviews, 69 FR 17129 (April 1, 2004).
[23] See Stainless Steel Plate in Coils From Belgium; Final Results of the Expedited Sunset Review of the Countervailing Duty Order, 69 FR 64277 (November 4, 2004) ("First Sunset Review of SSPC Belgium").
[24] Id. at 64278.
[25] See Certain Stainless Steel Plate From Belgium, Canada, Italy, Korea, South Africa, and Taiwan, 70 FR 38710 (July 5, 2005).
[26] See Continuation of Antidumping Duty Orders on Certain Stainless Steel Plate in Coils From Belgium, Italy, South Korea, South Africa, and Taiwan, and the Countervailing Duty Orders on Certain Stainless Steel Plate in Coils From Belgium, Italy, and South Africa, 70 FR 41202 (July 18, 2005).
[27] See Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review, 72 FR 35690 (June 29, 2007).
[28] See Stainless Steel Plate in Coils from Belgium: Final Results of Countervailing Duty Administrative Review, 73 FR 75673, 75674-75 (December 12, 2008) ("2006 Review Final Results of SSPC Belgium").
[29] Id. and accompanying Issues and Decision Memorandum at Comment 3.
[30] See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 73 FR 37409 (July 1, 2008).

administrative review.[31] The Department determined that AMS had no countervailable subsidies during the period of review and, thus, assigned AMS a net subsidy rate of 0.00 percent ad valorem.[32]

On June 24, 2009, the Department initiated an administrative review for the period January 1, 2008, through December 31, 2008, upon a request by AMS.[33] AMS later withdrew its request and, therefore, the Department rescinded the review.[34] On June 30, 2010, the Department initiated an administrative review for the period January 1, 2009, through December 31, 2009, upon a request by AMS.[35]

Background

On December 27, 2010, the Department published the Preliminary Results in this full second sunset review of the CVD Order on SSPC from Belgium. [36] In the Preliminary Results, we found that a countervailable subsidy was likely to continue or recur as a result of three programs preliminarily found not to be terminated: SNCI Loans, the 1985 Conversion of Sidmar's Debt to Equity and SidInvest. [37] The Department also preliminarily found that the net countervailable subsidy rate likely to prevail if the order were revoked was zero percent for AMS and all other companies.

Interested parties were invited to comment on our Preliminary Results. The Department received case briefs from Petitioners, the GOB, and AMS within the deadline specified in 19 CFR 351.309(c)(1)(i). On February 16, 2011, the Department returned the case briefs submitted by the GOB and AMS, requesting the briefs to be resubmitted with the removal of certain references to information not on the record of this sunset review. Although both objected to the Department's decision, the GOB and AMS submitted revised versions of their case briefs on February 18, 2011. Timely rebuttal briefs were submitted by Petitioners, the GOB, and AMS.

A public hearing was requested by AMS and was held on Tuesday, March 8, 2011, in accordance with 19 CFR 351.310(c).

On April 7, 2011, the European Union ("EU") submitted a letter in support of the arguments made by the GOB and AMS.

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[31] See Stainless Steel Plate in Coils From Belgium: Final Results of Countervailing Duty Administrative Review, 74 FR 57627 (November 9, 2009) ("2007 Review Final Results of SSPC Belgium").
[32] Id. at 57628.
[33] See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 74 FR 30052 (June 24, 2009).
[34] See Stainless Steel Plate in Coils from Belgium: Rescission of Countervailing Duty Administrative Review, 74 FR 53707 (October 20, 2009).
[35] See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 75 FR 37759, 37761 (June 30, 2010).
[36] See Stainless Steel Plate in Coils From Belgium: Preliminary Results of Full Sunset Review, 75 FR 81217, 81218 (December 27, 2010) ("Preliminary Results").
[37] See Preliminary Results, 75 FR at 81218.

Discussion of the Issues:

In accordance with section 751(c)(1) of the Tariff Act of 1930, as amended ("the Act"), the Department is conducting this review to determine whether revocation of the CVD Order would be likely to lead to continuation or recurrence of a countervailable subsidy. Section 752(b) of the Act provides that in making this determination the Department shall consider 1) the net countervailable subsidy determined in the investigation and any subsequent reviews, and 2) whether any changes in the programs which gave rise to the net countervailable subsidy have occurred that are likely to affect the net countervailable subsidy.

Pursuant to section 752(b)(3) of the Act, the Department shall provide to the ITC the net countervailable subsidy likely to prevail if the order was revoked. In addition, consistent with section 752(a)(6) of the Act, the Department shall provide to the ITC information concerning the nature of the subsidy and whether the subsidy described is in Article 3 or Article 6.1 of the 1994 WTO Agreement on Subsidies and Countervailing Measures.

Below we address the substantive responses and rebuttals of the interested parties.

Comment 1: Likelihood of Continuation or Recurrence of a Countervailable Subsidy

Whether all Programs Have Been Terminated and the Department's Likelihood Standard
Petitioners argue that the Department correctly determined that subsidies would likely continue or recur if the CVD Order on SSPC from Belgium were revoked. Petitioners assert that absent evidence of full termination and full allocation of benefits, the Department will normally find likelihood of continuation or recurrence of a countervailable subsidy.[38] They argue that in determining whether a program has been terminated, the Department will consider the legal method by which the program was eliminated and if the government is likely to reinstate it.[39] Petitioners note that this is in accordance with the Department's regulation for addressing program-wide changes.[40] Petitioners contend that Respondents failed to provide supporting documentation, such as official acts or statutes, as evidence of termination of all programs {including, as discussed below, the programs under the Economic Expansion Law of 1970}.

Respondents disagree that revocation of the CVD Order would likely lead to recurrence of a countervailable subsidy because all the programs, as the GOB has certified, have been terminated and not replaced by new programs, or substituted by different programs. Moreover, there are no residual benefits. Thus, Respondents assert, there is no evidentiary support for

[38] See Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871, 18874 (April 16, 1998) ("Policy Bulletin") and Preliminary Results of Full Sunset Review: Certain Corrosion-Resistant Carbon Steel Flat Products from France, 71 FR 30875 (May 31, 2006) and accompanying Issues and Decision Memorandum at 5-7 (unchanged in Corrosion-Resistant Carbon Steel Flat Products From France; Final Results of Full Sunset Review, 71 FR 58584 (October 4, 2006) ("CORE from France Final")).
[39] See Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc 103-316, Vol. 1, at 888 (1994) ("SAA") and Final Results of Full Sunset Review: Live Swine From Canada, 64 FR 60301, 60302 (November 4, 1999) ("Live Swine From Canada").
[40] See 19 CFR 351.526(b)(2).

continuation of the CVD Order, and they request the Department to sunset it. To the extent the Department feels it does not have sufficient information on the record of this sunset review, Respondents contend that the Department should have exercised its discretion to ask additional questions (as it has already done by issuing one supplemental questionnaire in the course of this sunset review).

AMS argues that Petitioners misconceive the purpose of a sunset review. AMS states that the true purpose of a sunset review is to decide whether the continuation of an order "makes sense," and that it does not make sense for the Department and the ITC to spend scarce resources administering an order that serves no purpose other than to impose costs on foreign governments and companies. Moreover, in order to sustain an order, the Department must find that it is "likely" that a subsidy continues or recurs and, according to AMS, this requires that it is "probable" or "more likely than not" that revocation of the CVD order would lead to continuation or recurrence of a countervailable subsidy.[41]

Petitioners disagree that the Department is misapplying the statutory definition of the word "likely." Petitioners assert that Department applied the standard set forth in the Policy Bulletin and the court decisions cited by AMS do not relate to the Department's determinations. Instead, Petitioners note, the SAA and the Policy Bulletin both provide that evidence of subsidization during the investigation is evidence of what is likely to happen if the order is revoked.[42] Petitioners assert that AMS's claims that it is not using specific programs are not enough, because the SAA makes clear that, where a program still exists, the Department will not consider company and industry-specific allegations by themselves as evidence that continuation of subsidies is unlikely.[43] Petitioners assert that Respondents have not demonstrated termination and that the GOB admits that benefits still exist for at least some industries.

Prohibitions of the European Union

AMS asserts that, since the subsidies in this case were bestowed, the EU has barred the subsidies at issue. Thus, AMS states, even if any of the remaining programs were still in existence, the GOB could not utilize them because of binding laws enacted by the EU. According to AMS, these laws prohibit member states from providing steel companies with rescue and restructuring aid. AMS asserts that the three remaining programs in question clearly fall under this type of aid. In spite of this, AMS notes, the Department determined in the Preliminary Results that European Commission Decision 2496/96 was insufficient evidence of program termination.

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[41] AMS cites several CIT cases involving the ITC, in which the court was interpreting the exact statute at issue here (sunset reviews before both the ITC and the Department). AMS asserts the Department cannot find the plain and unambiguous meaning for the word likely means one thing for the ITC and a different thing to the Department. See, e.g., Siderca, S.A.I.C. v. United States, 350 F. Supp. 2d 1223, 1243 (CIT 2004); AG der Dilleger Hüttenwerke v. United States, 26 CIT 1091, 1100-1101 (2002); Usinor Industeel, S.A. v. United States, 26 CIT 467, 474-475 (CIT 2002); Usinor Industeel, S.A. v. United States, 26 CIT 1402, 1403-04 (CIT 2002), aff'd at 112 Fed. Appx. 59 (Fed. Cir. 2004). AMS also asserts that five decisions of the CIT, two of which have been affirmed, have found the term "likely" plain on its face. In addition to above cited three cases, the other two cases AMS cites are NSK Corp. v. United States, 712 F. Supp. 2d 1356, 1361 (CIT 2010); Weiland-Werke AG v. United States, 525 F. Supp. 2d 1353, 1361-62 (CIT 2007), aff'd 290 Fed. Appx. 348 (Fed. Cir. 2008).

[42] See SAA at 890, which provides a preference for the rate from the investigation as the rate likely to prevail if an order were revoked in the situation where a subsidy is fully allocated but the program has not been terminated.

[43] See SAA at 888.

AMS argues that any subsidy by the GOB to an SSPC producer would be subject to EU challenge and, therefore, there is no likelihood that the GOB would be permitted to grant new subsidies. AMS goes on to note that Petitioners have not explained why the GOB would likely violate the EU mandate and why it would be likely the EU, in spite of its mandate, would allow the GOB to provide such subsidies. AMS claims that the Department ignored its precedent in Carbon Steel Plate from the United Kingdom, in which the Department stated it would find EU prohibitions determinative where the Department is given "affirmative evidence" that these regulations are automatically, directly binding upon the member state.[44] AMS claims that, in that case, the Department accepted guidelines issued by the U.K. government, submitted in the parallel proceeding conducted under section 129 of the Uruguay Round Agreements Act. AMS asserts that, in the ongoing administrative review of the CVD Order on SSPC from Belgium, the GOB and AMS submitted court decisions holding that Belgium's international obligations trump inconsistent domestic legislation. According to AMS, this constitutes the type of "affirmative evidence" found in the Carbon Steel Plate from the United Kingdom case.

Petitioners dispute AMS's claim contending that EU prohibitions against state aid did not, and would not, prevent subsidization. Petitioners note that European Commission Decision 2496/96 expired in 2002 and is thus irrelevant to the likely effect of revocation of the order. They state that the finding in Carbon Steel Plate from the United Kingdom actually demonstrates the Department's practice to find EU directives to be probative only when accompanied by national government implementation. Petitioners assert that no "affirmative evidence" related to national government implementation exists in this review. Specifically, Petitioners assert that AMS cites to evidence not on the record of the sunset review and that the Department has made clear that such extra-record evidence cannot be considered for the final results. Also, Petitioners assert that the EU's attempted prohibition of state aid predated EC Decision 2496/96, but did not prevent the GOB from providing countervailable assistance to the Belgium steel industry in the 1980s and 1990s.

Arguments Regarding the De Minimis Nature of Certain Subsidies

Citing the SAA and Policy Bulletin, AMS asserts that if the combined benefits have never been above de minimis, and if there is no likelihood that the combined effect would be above de minimis, the Department should determine that there is no likelihood of continuation or recurrence of countervailable subsidies. According to AMS, the benefits AMS received from SNCI loans and the SidInvest program have both, individually, been below de minimis for the duration of the order. Thus, AMS claims, the Department cannot sustain the order on the basis of either the SNCI program alone or the SidInvest Program alone.

Petitioners assert that, in the Policy Bulletin, the Department is to consider the combined benefits of all programs when making its determination on the likelihood of a continuation or recurrence of subsidies. Consequently, Petitioners argue that the Department should reject AMS's argument that the likely effect of revocation would be de minimis, and instead apply the rates from the original investigation.

[44] See Cut-to-Length Carbon Steel Plate from the United Kingdom: Final Results of Full Sunset Review, 71 FR 58587 (October 4, 2006) ("Carbon Steel Plate from the United Kingdom") and accompanying Issues and Decision Memorandum at Comment 1.

Arguments Regarding the Policy Bulletin's "Exception"

AMS highlights the long track record it has of not using the remaining programs. Specifically, AMS notes Sidmar's non-use of the SidInvest and Conversion of Sidmar's Debt to Equity programs for 10 and 13 years, respectively, prior to the investigation in 1999. Regarding SNCI loans, AMS asserts that its loans under this program have been fully repaid, AMS is the only subject merchandise producer, and there were no new loans under the SNCI program since 1999. AMS asserts the Policy Bulletin recognizes this scenario, by providing that "if companies have a long track record of not using a program the mere availability of the program should not, by itself, indicate likelihood of continuation or recurrence of a countervailable subsidy."

Economic Expansion Law of 1970

Petitioners argue that the Department erred in preliminarily determining that the Economic Expansion Law of 1970 was terminated. Specifically, Petitioners discount action by the Government of Flanders ("GOF") as evidence of abolishment of the law because, in the investigation, the Department concluded that the Economic Expansion Law of 1970 was a national program. Petitioners assert that although the law was administered by the regional governments, no evidence has been provided showing that the Belgium regional governments have the authority to abolish a national law.

Respondents assert that Petitioners' claim with respect to the Economic Expansion Law of 1970 is unfounded. Respondents refer to the Final Determination, which describes the devolution of power from the GOB to the regional governments, showing the transfer of authority to administer the 1970 Law. Thus, Respondents assert that the GOF has the authority to terminate the program.

SNCI Loans

Respondents assert that the SNCI Loan program has been terminated, pointing to the Final Determination, in which the Department found that SNCI was fully privatized in 1997 and no longer under GOB control. Specifically, Respondents note that the privately-held company Fortis[45] acquired the GOB's stake in SNCI in 1995 and assumed total ownership 1999; thus, the program ceased by 1999, at the very latest. AMS asserts that no new loans have been found and all loans found in the investigation were repaid in 2001.

Respondents argue that, in the Preliminary Results, the Department erred in its determination that Respondents did not submit information establishing termination and demonstrating that there are no longer any outstanding loans issued by SNCI to any other companies prior to its privatization in 1999. Specifically, Respondents argue that there is no justification for maintaining an order on subject merchandise simply because there could be outstanding loans to other industries not subject to the CVD Order. According to AMS, the Department impermissibly conflated two separate conditions for revocation – i.e., 1) whether a program is terminated and 2) any benefit stream is fully allocated – into one. AMS further argues that the Department has previously found programs terminated in similar circumstances, citing SSWR

[45] The GOB notes that the GOB originally transferred its share to Caisse Generale d'Espargne et de Retraite, which later merged into Fortis.

from Italy.[46] Finally, AMS notes that the Department's regulations also do not permit the Department to maintain an order because producers in other industries may continue to benefit, because the Department is restricted to considering subsidies on subject merchandise.[47]

Petitioners assert that the GOB in its case brief admits that SNCI loans are currently outstanding. Petitioners further insist that despite the sale of SNCI to Fortis, the GOB did not enact any statute, regulation, or decree terminating the program or require that the loans be immediately paid in full. Thus, Petitioners contend, Respondents failed to demonstrate the termination of the SNCI loan program. Petitioners dispute AMS's argument equating full allocation of a particular benefit stream to termination. They further state that the portion of the SAA that AMS quotes in support of its argument makes clear that termination of a program and full allocation of a benefit stream are two separate requirements.[48] Petitioners assert that both must be met to find that termination of the order is not likely to lead to a continuation or recurrence of the subsidy. [49] Petitioners conclude that the Department is not maintaining the order because other entities may continue to benefit from the program, but because AMS can benefit from the program in the future.

1985 Conversion of Sidmar's Debt to Equity

Noting that the findings in the instant proceeding were predicated on Certain Steel, Respondents argue that the Department found there that the 1985 Conversion of Sidmar's Debt to Equity program self-expired in 1979 by virtue of an expiration provision in the enacting legislation.[50] Further noting that the Department has previously referred to the program as a "transaction,"[51] AMS maintains this program is a single occurrence. In particular, the Department has not found any new disbursements under this program since the investigation, and there is no record evidence to suggest that the program has been used or could have been used since the early 1980s, according to AMS. Indeed, AMS asserts that it and its predecessors-in-interest never used the program at all.

Petitioners support the Department's preliminary conclusions. Petitioners further state that Certain Steel, cited by AMS, actually demonstrates the subsidies were part of a broader Belgian government program provided to multiple companies, and not one-time, company-specific assistance. Although agreements between the GOB and companies are referenced in Certain Steel, Petitioners contend, terms of these agreements, including expiration of the program provisions, are not discussed or provided.

[46] See Stainless Steel Wire Rod from Italy; Preliminary Results of Full Sunset Review of Countervailing Duty Order, 69 FR 10205 (March 4, 2004) and accompanying Issues and Decision Memorandum at Comment 4 (unchanged in Stainless Steel Wire Rod from Italy: Final Results of Full Sunset Review of Countervailing Duty Order, 69 FR 40354 (July 2, 2004) ("SSWR from Italy").
[47] See 19 CFR 222(c)(1)(i).
[48] See SAA at 880.
[49] See CORE from France Final and accompanying Issues and Decision Memorandum at 6.
[50] See Final Affirmative Countervailing Duty Determinations: Certain Steel Products From Belgium, 58 FR 37273, 37277 (July 9, 1993) ("Certain Steel").
[51] See First Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at G.2.

SidInvest

Respondents dispute the Department's preliminary conclusion that the SidInvest program has not been terminated. Specifically, they argue that the Department previously found that the Sidmar group repurchased the SidInvest shares,[52] thereby terminating the program (although the allocation period for the benefit stream ended in 2006). AMS notes that the Department has described the benefit AMS received from the program as a "transaction" completed in the 1980s.[53] AMS further asserts that because benefits from this program are now fully allocated and no additional subsidies have been found, the program cannot be more than a single occurrence. Finally, AMS notes that it and its predecessors-in-interest never used the program

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Department's Position:

Whether all Programs Have Been Terminated and the Department's Likelihood Standard

Section 751(d)(2) of the Act states that with respect to five-year (sunset) reviews, the administering authority shall revoke a CVD order unless it makes a determination that a subsidy would be likely to continue or recur. Section 752(b)(1) of the Act describes the determination of likelihood of continuation or recurrence of a countervailable subsidy, stating,

> the administering authority shall determine whether revocation of a countervailing duty order or termination of a suspended investigation under {section 704} would be likely to lead to continuation or recurrence of a countervailable subsidy. The administering authority shall consider—
>
> > (A) the net countervailable subsidy determined in the investigation and subsequent reviews, and
> >
> > (B) whether any change in the program which gave rise to the net countervailable subsidy described in subparagraph (A) has occurred that is likely to affect that net countervailable subsidy.

We further note that the SAA states that "{u}nder new section 752(b)(1), Commerce first will consider the net countervailable subsidies in effect after the issuance of the order and whether the relevant subsidy programs have been continued, modified, or eliminated."[54] The SAA further states that "If the foreign government has eliminated a subsidy program, the Administration intends that Commerce will consider the legal method by which the government eliminated the

[52]See Final Determination, 64 FR at 15572 and First Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at G.3.

[53]See First Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at G.2 and Certain Steel, 58 FR at 37282.

[54]See SAA at 888.

program and whether the government is likely to reinstate the program."[55]

As the Department has stated in prior sunset determinations, two conditions must be met in order for a subsidy program not to be included in determining the likelihood of continued or recurring subsidization: (1) the program must be terminated; and (2) any benefit stream must be fully allocated.[56] Moreover, in determining whether a program has been terminated, the Department will consider the legal method by which the government eliminated the program and whether the government is likely to reinstate the program. The Department normally expects a program to be terminated by means of the same legal mechanism used to institute it.[57] Where a subsidy is not bestowed pursuant to a statute, regulation or decree, the Department may find no likelihood of continued or recurring subsidization if the subsidy in question was a one-time, company-specific occurrence that was not part of a broader government program.[58]

We have analyzed the parties' comments, particularly with respect to the termination or elimination of the programs at issue in accordance with the statute, SAA, and our administrative practice. As further explained below, we find that the totality of the circumstances indicate that the four programs at issue no longer exist –various government acts have caused the programs to terminate - and any residual benefits have been fully allocated. We note that in our last review we found that all remaining subsidies under consideration in this sunset review and conferred on the single SSPC producer had been fully allocated, and its subsidy rate was found to be zero.[59] We further note that the assistance given under two of these programs (the debt-to-equity conversion program and the SidInvest program) was not bestowed on Belgian SSPC producers, but instead on the carbon steel producing parent of AMS, and that assistance was bestowed over twenty years ago and has not been repeated. With respect to the third program, the SNCI program, the government entity providing benefits under the program no longer exists, and this program has not been recreated. While these facts are not determinative in and of themselves, they inform our analysis. In particular, they inform our consideration of whether the government is likely to reinstate these programs and support the Department's finding of no likelihood of continued or recurring subsidies in this case.

Prohibitions of the European Union

Because we have found termination of the programs in question on other grounds, we do not address AMS's arguments that EC Decision 2496/96 provides a basis to determine that the various subsidy programs have been terminated.

Arguments Regarding the De Minimis Nature of Certain Subsidies

Because we have found termination of the programs in question on other grounds, we do not address AMS's arguments that the de minimis nature of certain subsidies provides a basis to determine that the various subsidy programs have been terminated.

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[55] Id. See also Policy Bulletin, 63 FR at 18875.
[56] See, e.g., CORE from France Final and accompanying Issues and Decision Memorandum at Comment 1.
[57] Id.
[58] Id. (discussing Final Results of Full Sunset Review: Brass Sheet and Strip from France, 71 FR 10651 (March 2, 2006) and accompanying Issues and Decision Memorandum at 4-5 ("Brass Sheet and Strip from France")).
[59] See 2007 Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at 3-5.

Arguments Regarding the Policy Bulletin's "Exception"

Because we have found termination of the programs in question on other grounds, we do not address AMS's arguments that the long track record of non-use of certain subsidies provides a basis to determine that the various subsidy programs have been terminated.

Economic Expansion Law of 1970

In the Preliminary Results, the Department identified evidence that the authority to administer the 1970 Law was transferred from the national government to the regional governments, including the GOF. [60] We earlier stated in the Final Determination:

> While the 1970 Law is currently administered by the GOF, the GOB originally oversaw the implementation of 1970 Law benefits to disadvantaged regions throughout Belgium. Pursuant to the overall devolution of power from the GOB to the regional governments since the early 1980s, the authority to administer the 1970 Law has been transferred to the regional governments. With respect to Flanders, many of the 1970 Law subsidy programs have been implemented and administered by the GOF since the late 1980s and the "execution modalities" have been amended by several Flemish decrees. Currently, funding for programs under the 1970 Law is included in a lump sum amount from the GOB as part of the funds needed to finance the overall operation of the GOF. The GOF retains full authority over the distribution of funds within its budget.[61]

Thus, as previously found by the Department, the authority to implement and administer the 1970 Law resided with the GOF. Therefore, we find that the GOF's 2005 "Decree Regarding Provision to Accompany the 2006 Budget" abolishing this program is sufficient evidence to conclude the termination of this program.[62] That decree states in Article 8 that "The following regulations shall be abolished, to the degree that they related to the Flemish region: The Act of December 30, 1970 on economic expansion, amended mostly by the decree of December 21, 2001."[63] Therefore, the Department continues to find that this program has been terminated.

SNCI Loans

Upon further review of the parties' arguments, we have reconsidered whether the GOB is likely to provide public credit assistance to the Belgian SSPC industry through the SNCI loan program. With regard to this program, we stated the following in the Preliminary Results:

> The GOB and AMS submitted the company history of Fortis, the Belgian financial institution that bought SNCI. Fortis' history notes that in 1995 "Fortis takes over the Belgian bank, Societe Nationale de Credite a l'Industrie/Nationale Maatschappij vor Kredit aan de Nijverheid, ("SNCI-NMKN") through Algemene Spaar-en Lijfrentekas/Caisse Generale d'Espargne et de Retraite ("ASLK-CGER"). SNCI-NMKN merges fully with ASLK-CGER in 1997. In addition,

[60] See Preliminary Results and accompanying Issues and Decision Memorandum at Comment 2.
[61] See Final Determination, 64 FR at 15568.
[62] See Preliminary Results and accompanying Issues and Decision Memorandum at Comment 2.
[63] See GOB's July 9, 2010, Substantive Response Rebuttal ("GOB's Rebuttal") at Appendix 1 and Appendix 6; AMS's July 9, 2010, Substantive Response Rebuttal ("AMS's Rebuttal") at Appendix 1.

> company history of Fortis also reports that in 1999 "Fortis acquires the remaining 25% of the shares of ASLK-CGER."
>
> Notwithstanding AMS' and the GOB's information on SNCI, we note that they have not submitted any information demonstrating there are no longer any outstanding loans issued by SNCI to any other companies prior to its privatization in 1999.[64]

The company history submitted by the GOB and AMS was sourced from Fortis' website, and the information therein is consistent with our statement in the Final Determination that SNCI was 50-percent owned by the GOB until 1997.[65] The GOB's subsequent disposal of the remainder of its shares in 1999 supports a finding that the SNCI loan program does not continue to exist, because the government entity, SNCI ceased to exist, and neither the entity nor the program has been replaced.

The next issue is whether there are any countervailable loans granted before 1999 that are still outstanding. Respondents claim that all of AMS' loans (given to its predecessors-in-interest) were repaid in 2001.[66] Indeed, in the 2006 Review Final Results of SSPC Belgium, we found there were no subsidies remaining from this program.[67] With respect to any other loans given by SNCI to other companies, AMS claims they are irrelevant to the Department's analysis. Citing SSWR from Italy, AMS states that the Department found a program terminated despite the fact that pre-existing exchange rate guarantees continued on loans outstanding (to other companies) after the termination date, because we found SSWR producers could no longer apply for subsidies.[68]

We agree that the facts here are similar to those in SSWR from Italy. First, AMS (and its predecessors-in-interest) are the only known producers of SSPC in Belgium. In the preliminary determination of the CVD investigation,[69] we stated that the GOB named ALZ as the only producer/exporter of SSPC from Belgium. We have never found any other producers in any segment of this proceeding, and Petitioners have never alleged there were other producers. Second, all SNCI loans to AMS have been repaid with the result that SSPC producers can no longer receive benefits from the SNCI program.[70] Third, the GOB's disposal of its ownership position in SNCI in 1999 indicates that no additional loans were bestowed under this program. Looking at these factors together, we conclude that there is no possibility of additional benefits being provided under the SNCI loan program (or a replacement program) through which SSPC producers could obtain future benefits. As such, we find that there is no likelihood of

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[64] See Preliminary Results and accompanying Issues and Decision Memorandum at Comment 7 (citing GOB's Rebuttal at Appendix 1 and 4 and AMS's Rebuttal at Appendix 1 and 4).
[65] See Final Determination, 64 FR at 15570; GOB's Rebuttal at Appendix 4; AMS's Rebuttal at Appendix 4.
[66] See AMS's Rebuttal at Appendix 1, which references the First Review "Final Results Calculations" Memorandum at 12 (Aug. 21, 2001), which is not on the record of this sunset proceeding.
[67] See 2006 Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at 6.
[68] See SSWR from Italy and accompanying Issues and Decision Memorandum at Comment 4.
[69] See Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination: Stainless Steel Plate in Coils From Belgium, 63 FR 47239, 47239-40 (September 4, 1998) (unchanged in Final Determination).
[70] See 2006 Review Final Results of SSPC Belgium and accompanying Issues and Decision Memorandum at 6.

continuation or recurrence of countervailable subsidies under this program.

1985 Conversion of Sidmar's Debt to Equity

We have further reviewed the history of this program and accordingly determine that the 1985 Conversion of Sidmar's Debt to Equity program has been terminated.[71]

As part of the Claes Plan, two Council of Minister Decisions, dated November 23, 1978, and February 2, 1979, respectively, authorized the GOB to assume the interest incurred between 1979 and 1983 on all medium- and long-term loans agreed to before January 1, 1979, for certain carbon steel producers including AMS's parent, Sidmar.[72] In exchange for the GOB's assumption of financing costs, Sidmar agreed to conditional issuance of convertible profit sharing bonds ("OCPCs"). Subsequently, pursuant to additional Council of Minister decisions dated May 31, and June 7, 1985, Sidmar and the GOB signed another agreement on July 15, 1985, that converted the GOB's claims from OCPCs to parts beneficiaries ("PBs"), which were equity-like instruments. The subsequent event, the debt-to-equity conversion, gave rise to a countervailable subsidy because the debt claims were converted to equity at a rate favorable to Sidmar.

In the Preliminary Results, we stated that the 1985 Conversion of Sidmar's Debt to Equity program was instituted by the two Council of Minister Decisions as part of the Claes Plan and that the GOB and AMS had not provided evidence that the program had been terminated by through similar enactments.[73] Upon closer consideration of the record evidence, we determine that this program was self-terminating in that the GOB's assumption of interest was temporally limited by the Council of Minister Decisions that authorized it. Specifically, the interest to be assumed was the interest incurred between 1979 and 1983 on loans agreed to prior to 1979. These same limitations were reflected in the April 5, 1979 agreement between Sidmar and the GOB implementing the debt assumption.[74] Moreover, with the subsequent conversion of the OCPCs to PBs, the entire amount of the assumed interest was converted with the result that no additional debt-to-equity conversion was possible under this program.[75]

For these reasons, the Department departs from its preliminary findings and determines that the 1985 Conversion of Sidmar's Debt to Equity program has been terminated and that there are no additional subsidy benefits. In addition, the benefits are fully allocated, and no additional subsidies have been reported. Therefore, we find that revocation of the CVD order is not likely to lead to continuation or recurrence of a countervailable subsidy with respect to the 1985 Conversion of Sidmar's Debt to Equity program.

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[71] See Final Determination, 64 FR at 15572 and Certain Steel, 58 FR at 37277. See also GOB's November 23, 2010, submission, at Attachment 1, containing the verification report from the original investigation in this case. The verification report shows that, in the original investigation, the Department replied upon its previous findings in Certain Steel with respect to this program.

[72] See GOB's November 23, 2010 submission at Attachment 1 (Sidmar's Verification Report at 6 and Appendix IV).

[73] See Preliminary Results and accompanying Issues and Decision Memorandum at Comment 10.

[74] See GOB's November 23, 2010 submission at Attachment 1 (Sidmar's Verification Report at 6 and Appendix IV).

[75] Id.

SidInvest

We have further reviewed the history of this program and, based upon record information, determine that it has been terminated.[76]

Pursuant to the GOB's 20 point-plan adopted in 1981, the GOB created holding companies, "INVESTS," that were financed jointly by the government and private companies including Sidmar. These INVESTS could obtain conditional refundable advances ("CRAs") from the GOB. The CRAs were interest-free but repayable based on a company's profitability. SidInvest made periodic repayments, but in 1988, the GOB decided it wanted to accelerate the repayment (and was seeking immediate repayment of a portion owed to it). To accomplish this, three different agreements were signed in July 1988 that had the effect of extinguishing the CRAs. In Certain Steel and the Final Determination, we determined that the July 1988 agreements effectively resulted in a debt cancellation.[77]

In the Preliminary Results, we disagreed with the GOB's and AMS's claims that subsidies under the SidInvest program were a single occurrence.[78] Upon closer consideration of the record, we now agree with the GOB and AMS. First, in contrast to our conclusion in the Preliminary Results, we find that the countervailable subsidy bestowed under this program was not the establishment of the "INVESTS" program in 1981 or the establishment of SidInvest in 1982. Instead, the termination of the CRAs was the subsidy event and the creation, execution, and termination of this subsidy stream all occurred in the contractual agreements between the GOB and Sidmar in 1988. Second, we acknowledge that the circumstances surrounding the extinguishment of the CRAs indicate that it was a one-time, company-specific subsidy covering a specific event that was not part of a broader government program. Specifically, the CRAs were extinguished because the GOB wanted to speed up repayment of the money owed to it by Sidmar. There is no indication of this extinguishment taking place under a law, regulation, or decree. Furthermore, another company that also received CRAs (Forges de Clabecq) appears simply to have repaid them, demonstrating that the subsidy conferred by the extinguishment of Sidmar's CRAs was company-specific.[79] Finally, we agree with the GOB and AMS that, in circumstances involving one-time, company-specific events, the Department's practice is to find that there is no likelihood of continuing or recurring subsidization.[80]

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[76] See Final Determination, 64 FR at 15572 and Certain Steel, 58 FR at 37281. See also GOB's November 23, 2010, submission, containing the verification report from the original investigation in this case. The verification report shows that in the original investigation, the Department replied upon its previous findings in Certain Steel with respect to this program.

[77] See Final Determination, 64 FR at 15572 and Certain Steel, 58 FR at 37281.

[78] See Preliminary Results and accompanying Issues and Decision Memorandum at Comment 10.

[79] See Certain Steel, 58 FR at 37282.

[80] In Brass Sheet and Strip from France and the accompanying Issues and Decision Memorandum at 4-5, the Department determined certain programs no longer served as a basis for determining a likelihood of continued or recurring subsidies. In CORE from France Final and the accompanying Issues and Decision Memorandum at 6-8, we described the Brass Sheet and Strip from France precedent as follows:

> In {Brass Sheet and Strip from France}, information from the investigation showed that certain subsidies were not provided pursuant to any legal mechanism, such as statute, regulation or decree and the Department explicitly noted that there was no information indicating that the loans were available to more than one company. As such, the evidence on the record showed that these subsidies were one-time, company-specific subsidies to cover a specific event that was not part of a broader government program

For these reasons, the Department finds the 1988 extinguishment of Sidmar's CRAs obtained by the GOB under the SidInvest program to be a one-time, company-specific subsidy that no longer serves as a basis for determining that there is a likelihood of continuing or recurring subsidies. In addition, the benefits are fully allocated and no additional subsidies had been reported. Therefore, we find that revocation of the CVD order is not likely to lead to continuation or recurrence of a countervailable subsidy with respect to the SidInvest program.

Comment 2: Net Countervailable Subsidy Likely to Prevail

Petitioners disagree with the Department's preliminary conclusion that because the subsidies countervailed pursuant to the original investigation were fully allocated prior to the sunset review, a zero percent subsidy rate would be likely to prevail if the order were revoked. In accordance with section 752(b)(3) of the Act, they urge the Department to use the rate assigned in the original investigation, arguing that the investigation rate most accurately reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place. Petitioners further argue that the conditions listed by the SAA,[81] which allow the Department to use a rate other than the investigation rate, have not been met as the Department preliminarily determined three of the programs are not terminated and there is no record evidence of a program-wide change. Petitioners assert that full allocation of benefits does not constitute a program-wide change because it does not preclude future allocation of benefits under the same program. Petitioners assert that, in situations where the subsidy has been fully allocated but the program has not been terminated, the SAA provides a preference for the rate from the original investigation.[82] Petitioners minimize the importance of the zero or de minimis margins yielded in the most recently completed administrative reviews, arguing that section 752(B)(4)(A) of the Act provides that zero or de minimis found in a review shall not by itself require the Department to determine that revocation of this CVD order would not be likely lead to continuation or recurrence of a countervailable subsidy. Petitioners further note that in recent administrative reviews, the Department found many subsidy programs to be "not used" rather than terminated, asserting that the recent rates of zero or de minimis are not indicative of the likely margin upon revocation but instead show the discipline established under the order.

Respondents argue that the Department should maintain its preliminary finding that zero percent is the rate likely to prevail if the CVD order were revoked. Respondents assert that the Department found that AMS, the only producer and exporter of SSPC from Belgium, was no longer receiving any residual benefits from any of the programs, and that the majority of the programs were terminated. AMS asserts that in arguing for the rate from the investigation because it is the best indication of what AMS and the GOB would do in the absence of the CVD Order, Petitioners are ignoring the facts of the instant case. AMS asserts that its predecessors-in-interest did not receive subsidies for, in some cases, 15 years prior to the CVD Order. Given that investigation focused on subsides 15 years prior, AMS asserts that there is no basis to suggest that, if the CVD Order were revoked, AMS would rush to use any of the programs found to be not used. The GOB asserts that, in light of the directives from the European Commission

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under which subsidies would continue to be available.

[81] See SAA at 890.

[82] Id.

generally prohibiting the GOB and its regional governments from providing aid to the steel sector, there is no possibility that the GOB will reinstate or replace the abolished programs.

Department's Position:

The Department normally will provide to the ITC the net countervailable subsidy that was determined in the original investigation as the subsidy rate likely to prevail if the order is revoked because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order in place.[83] This rate, however, may not be the most appropriate rate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, there has been a program-wide change, or the rate ignores a program found to be countervailable in a subsequent administrative review.[84]

We now find all programs previously found countervailable have now been terminated without residual benefits and without replacement programs. As explained above, based on this we have now determined that there is no likelihood of continuation or recurrence of countervailable subsidy, and we are revoking the CVD Order. Because we are revoking the CVD Order, no rate will be reported to the ITC.[85]

Final Results of Review:

As a result of this sunset review, the Department finds that revocation of the CVD Order would not be likely to lead to continuation or recurrence of a countervailable subsidy for the reasons set forth in these results of review.

[83] See section 752(b)(3) of the Act.
[84] See SAA at 890.
[85] For the same reason, the Department will not report to the ITC information concerning the nature of the subsidy and whether the subsidy described is in Article 3 or Article 6.1 of the 1994 WTO Agreement on Subsidies and Countervailing Measures.

Recommendation:

Based on our analysis of the comments received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of this full sunset review in the Federal Register, notify the ITC of our decision, and revoke the countervailing duty order on SSPC from Belgium.

_____ Agree

_____ Disagree

_____
Paul Piquado
Acting Deputy Assistant Secretary
for Import Administration

_____
Date