

UNITED STATES INTERNATIONAL TRADE COMMISSION

STANDARD CHRYSANTHEMUMS FROM THE NETHERLANDS

(Investigation No. 701-TA-278 (Review))

FRESH CUT FLOWERS FROM COLOMBIA, ECUADOR, AND MEXICO

(Investigations Nos. 731-TA-329, 331, and 333 (Review))

STANDARD CARNATIONS FROM CHILE

(Investigations Nos. 701-TA-276 and 731-TA-328 (Review))

STANDARD CARNATIONS FROM KENYA (Investigation No. 731-TA-332 (Review))

POMPON CHRYSANTHEMUMS FROM PERU (Investigation No. 303-TA-18 (Review))

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the countervailing duty orders on standard chrysanthemums from the Netherlands, standard carnations from Chile, and pompon chrysanthemums from Peru and the antidumping duty orders on fresh cut flowers from Colombia, Ecuador, and Mexico and standard carnations from Chile and Kenya.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the countervailing duty orders on standard chrysanthemums from the Netherlands, standard carnations from Chile, and pompon chrysanthemums from Peru and the antidumping duty orders on fresh cut flowers from Colombia, Ecuador, and Mexico and standard carnations from Chile and Kenya would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; the deadline for responses is March 23, 1999. Comments on the adequacy of responses may be filed with the Commission by April 16, 1999.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at <http://www.usitc.gov/rules.htm>.

EFFECTIVE DATE: **DATE OF PUBLICATION IN *FEDERAL REGISTER*.**

FOR FURTHER INFORMATION CONTACT: Mary Messer (202-205-3193) or Vera Libeau (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background.--On the dates listed below, the Department of Commerce issued orders on the subject imports:

<u>Date</u>	<u>Product/Country</u>	<u>Investigation No.</u>	<u>Federal Register Cite</u>
3/12/87	Standard chrysanthemums/Netherlands	701-TA-278	52 F.R. 7646
3/18/87	Fresh cut flowers ¹ /Colombia	731-TA-329	52 F.R. 8492
3/18/87	Fresh cut flowers ² /Ecuador	731-TA-331	52 F.R. 8494
3/19/87	Standard carnations/Chile	701-TA-276	52 F.R. 8635
3/20/87	Standard carnations/Chile	731-TA-328	52 F.R. 8939
4/23/87	Standard carnations/Kenya	731-TA-332	52 F.R. 13490
4/23/87	Fresh cut flowers ³ /Mexico	731-TA-333	52 F.R. 13491
4/23/87	Pompon chrysanthemums/Peru	303-TA-18	52 F.R. 13491

The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.

Definitions.--The following definitions apply to these reviews:

- (1) **Subject Merchandise** is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.
- (2) The **Subject Countries** in these reviews are Chile, Colombia, Ecuador, Kenya, Mexico, the Netherlands, and Peru.
- (3) The **Domestic Like Product** is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the **Subject Merchandise**. In its original determinations, consistent with the remand from the Court of International Trade, the Commission defined separate like products based on the types of subject flowers. The Commission made affirmative determinations with respect to each of four like products: standard carnations, miniature carnations, standard chrysanthemums, and pompon chrysanthemums. Certain Commissioners defined the **Domestic Like Product** differently.
- (4) The **Domestic Industry** is the U.S. producers as a whole of the **Domestic Like Product**, or those producers whose collective output of the **Domestic Like Product** constitutes a major proportion of the total domestic production of the product. In its original determinations,

¹Consists of standard carnations, miniature carnations, standard chrysanthemums, and pompon chrysanthemums.

²Consists of standard carnations, standard chrysanthemums, and pompon chrysanthemums.

³Consists of standard carnations, standard chrysanthemums, and pompon chrysanthemums.

consistent with the remand from the Court of International Trade, the Commission defined four separate *Domestic Industries*, each devoted to the production of one of the four *Domestic Like Products*, as defined above. The *Domestic Like Products* and the corresponding *Domestic Industries* and subject countries for which affirmative determinations were made are listed below:

<u>Domestic Like Product</u>	<u>Domestic Industry</u>	<u>Subject Country</u>
Standard carnations	Standard carnations	Chile, Colombia, Ecuador, Kenya, and Mexico
Miniature carnations	Miniature carnations	Colombia
Standard chrysanthemums	Standard chrysanthemums	Colombia, Ecuador, Mexico, and the Netherlands
Pompon chrysanthemums	Pompon chrysanthemums	Colombia, Ecuador, Mexico, and Peru

Certain Commissioners defined the *Domestic Industry* differently.

- (5) The **Order Dates** are the dates that the antidumping and countervailing duty orders under review became effective. In these reviews, the *Order Dates* are as follows:

<u>Order date</u>	<u>Product/Country</u>	<u>Investigation No.</u>
3/12/87	Standard chrysanthemums/Netherlands	701-TA-278
3/18/87	Fresh cut flowers/Colombia	731-TA-329
3/18/87	Fresh cut flowers/Ecuador	731-TA-331
3/19/87	Standard carnations/Chile	701-TA-276
3/20/87	Standard carnations/Chile	731-TA-328
4/23/87	Standard carnations/Kenya	731-TA-332
4/23/87	Fresh cut flowers/Mexico	731-TA-333
4/23/87	Pompon chrysanthemums/Peru	303-TA-18

- (6) An **Importer** is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list.--Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the *Federal Register*. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.--Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the *Federal Register*. Authorized applicants must represent interested parties, as defined in 19 U.S.C. § 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.--Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.--Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 23, 1999. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is April 16, 1999. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information.--Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

INFORMATION TO BE PROVIDED IN RESPONSE TO THIS NOTICE OF INSTITUTION: Please provide the requested information separately for each *Domestic Like Product*, as defined by the Commission in its original determinations, and for each of the products identified by Commerce as *Subject Merchandise*. If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

- (1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.
- (2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product* to which your response pertains, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a

union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

- (3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.
- (4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on each *Domestic Industry* for which you are filing a response in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. § 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.
- (5) A list of all known and currently operating U.S. producers of each *Domestic Like Product* for which you are filing a response. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. § 1677(4)(B)).
- (6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Countries* that currently export or have exported *Subject Merchandise* to the United States or other countries since 1986.
- (7) If you are a U.S. producer of a *Domestic Like Product*, provide the following information separately on your firm's operations on each product during calendar year 1998 (report quantity data in thousands of stems for standard carnations and standard chrysanthemums and thousands of bunches for miniature carnations and pompon chrysanthemums; report value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.
 - (a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production; and
 - (b) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s).
- (8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Countries*, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data in thousands of stems for standard carnations and standard chrysanthemums and thousands of bunches for miniature carnations and pompon chrysanthemums; report value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.
 - (a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Countries* accounted for by your firm's(s') imports; and

- (b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Countries*.
- (9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Countries*, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data in thousands of stems for standard carnations and standard chrysanthemums and thousands of bunches for miniature carnations and pompon chrysanthemums; report value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.
- (a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Countries* accounted for by your firm's(s') production; and
- (b) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Countries* accounted for by your firm's(s') exports.
- (10) Identify significant changes, if any, in the supply and demand conditions or business cycle for each *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Countries* since the *Order Dates*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Countries*, and such merchandise from other countries.
- (11) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

AUTHORITY: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: January 27, 1999