

U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: October 2, 2003.
James J. Jochum,
Assistant Secretary for Import Administration.

APPENDIX—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross ¹ subsidy (\$/lb)	Net ² subsidy (\$/lb)
Austria	European Union (EU) Restitution Payments	0.08	0.08
Belgium	EU Restitution Payments	0.01	0.01
Canada	Export Assistance on Certain Types of Cheese	0.24	0.24
Denmark	EU Restitution Payments	0.05	0.05
Finland	EU Restitution Payments	0.15	0.15
France	EU Restitution Payments	0.12	0.12
Germany	EU Restitution Payments	0.05	0.05
Greece	EU Restitution Payments	0.08	0.08
Ireland	EU Restitution Payments	0.04	0.04
Italy	EU Restitution Payments	0.06	0.06
Luxembourg	EU Restitution Payments	0.07	0.07
Netherlands	EU Restitution	0.05	0.05
Norway	Indirect (Milk) Subsidy	0.35	0.35
	Consumer Subsidy	0.16	0.16
		0.51	0.51
Portugal	EU Restitution Payments	0.05	0.05
Spain	EU Restitution Payments	0.03	0.03
Switzerland	Deficiency Payments	0.06	0.06
U.K.	EU Restitution	0.06	0.06

¹ Defined in 19 U.S.C. 1677(5).

² Defined in 19 U.S.C. 1677(6).

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first Request for Panel Review.

SUMMARY: On October 1, 2003, CEMEX, S.A. de C.V. ("CEMEX") filed a first Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. A second request was received on behalf of GCC Cementos, S.A. de C.V. ("GCC"). Panel review was requested of the 12th administrative review made by the International Trade Administration, respecting Gray Portland Cement and Clinker from Mexico. This determination was published in the **Federal Register** (68 FR 54203) on September 16, 2003. The NAFTA Secretariat has assigned Case Number USA-MEX-2003-1904-03 to this request.

FOR FURTHER INFORMATION CONTACT:

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on October 1, 2003, requesting panel

review of the determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 31, 2003);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 17, 2003); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: October 2, 2003.

Caratina L. Alston,
United States Secretary, NAFTA Secretariat.
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