

**INTERNATIONAL TRADE ADMINISTRATION  
DEPARTMENT OF COMMERCE  
PETITION FORMAT GUIDELINES FOR REQUESTING RELIEF  
UNDER U.S. COUNTERVAILING DUTY LAW  
(Form ITA 366-P)**

The attached Format for Petition has been prepared in order to simplify the procedure for persons seeking to file a petition for relief under Title VII, Subtitle A, of the Tariff Act of 1930, as amended (19 U.S.C. 1671 (“the Act”). The petition should contain, or be accompanied by, information set out below, to the extent it is reasonably available<sup>1</sup> to you. Upon the receipt of this information, either in the accompanying format or in any other form you deem appropriate, the International Trade Administration (ITA) will be able to consider the initiation of a countervailing duty proceeding. Such proceeding is administrative in nature and may result in the imposition of special countervailing duties on specific imports. If any questions arise while completing the petition, please contact the Import Administration Office of Policy and Analysis at: (202) 482-3605.

Imports of foreign merchandise are liable for special countervailing duties only after:

(1) a determination is made by the Assistant Secretary of Commerce for Import Administration that a countervailable subsidy is being provided with respect to the merchandise subject to the investigation; and

(2) a determination is made by the United States International Trade Commission (ITC) that an industry in the United States is being injured, threatened with injury, or materially retarded by reason of imports of such merchandise. Please note that no injury investigation is required with respect to subsidized imports from a country which is not a Subsidies Agreement country.

Before completing the attached Format for Petition, applicants should consult the Act, and, if necessary, discuss particular problems with an official of the ITA or the ITC at the addresses and telephone numbers noted below on page 2. While this Format for Petition is intended to elicit the basic information required by the DOC and ITC, under the law a petitioner may file a petition in any form suitable for presenting the data required. Where available, documentation and supporting information should be included. Furthermore, those completing and submitting a countervailing duty petition should clearly indicate if information requested by this questionnaire is unavailable and the reasons for such unavailability.

Information for which proprietary (confidential) treatment is requested must clearly be marked as such on the pertinent pages with “Business Proprietary Treatment Requested.” A nonproprietary summary or approximate presentation of the proprietary information should also be submitted,

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<sup>1</sup> To satisfy the “reasonably available” standard, petitioner should consult all available sources including libraries, embassies, and Department of Commerce (DOC) Central Records Unit (Rm. B-099). In order to demonstrate that all available sources were sought, petitioner should describe in detail its methodology in seeking the required information.

together with a statement of the basis for the proprietary treatment and, if necessary, why a summary or approximation cannot be prepared. A summary of figures regarded as proprietary should be provided and expressed in a range of not more than ten percent above or below the actual figures. An information sheet concerning proprietary information and administrative protective order release of proprietary information is attached. Any questions regarding the treatment of proprietary data should be directed to the Import Administration APO/Dockets Center at (202) 482-3354.

Any information submitted in the petition, or in support thereof, which is in a foreign language, must be accompanied by an English translation unless DOC waives this requirement, following a request by the petitioner.

A completed Format for Petition and cover letter should be furnished along with **ten** copies of the business proprietary version and **five** public versions, and should be addressed to:

Assistant Secretary for Import Administration  
U.S. Department of Commerce  
14<sup>th</sup> Street & Constitution Avenue, NW  
Import Administration Dockets Center, Room 1870  
Washington, D.C. 20230

ATTN: Assistant Secretary for  
Import Administration

FOR: Director for Policy and Analysis  
(202) 482-4412

Simultaneously, **14** copies of the completed guide (petition) and a cover letter that includes, if necessary, a request for proprietary treatment and a certification under oath that substantially identical information is not available to the public, should be sent to:<sup>2</sup>

Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

Phone: 202-205-2000

Finally, we note that prior to the official filing of your petition, any communications with you on this matter will be treated as confidential information, and as such, we will not disclose any of this information to outside parties. In this regard, we refer you to section 702(b)(3)(C) of the Act, which provides:

NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority {Commerce} and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed . . . .

19 U.S.C. § 1671a(b)(3)(C).

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<sup>2</sup>In addition, if the petitioner has requested that portions of the document be treated as proprietary information, 4 copies of a public version of the document must be submitted to the ITC. These copies should be marked "Public Inspection."



Product: \_\_\_\_\_

Country from  
which imported: \_\_\_\_\_

## FORMAT FOR PETITION

### SECTION A: GENERAL INFORMATION

(A-1) Provide the name, address, and telephone number of the petitioner and any person, firm, or association represented by the petitioner.

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(A-2) Identify the industry and its members on whose behalf the petition is being filed. Also, provide the names of other persons included in this industry.

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The use of this form is authorized by law (15 U.S.C. 1512 et seq., 15 U.S.C. 171 et seq.). Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Reports Clearance Officer, International Trade Administration, Room 4001, U.S. Department of Commerce, Washington, D.C. 20230 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625-0148), Washington, D.C. 20503.

(A-3) Have you filed within the past 12 months, or are you now filing or planning to file, for other forms of import relief involving the merchandise in question? If so, explain the type of import relief sought and the status of such efforts.

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(A-4) Identify other producers, or worker groups in the industry, including the percentage of domestic production each represents. State whether each party supports, opposes, or is neutral regarding the petition. If a position is unknown, leave column four blank. (See § 702(c)(4)(A) of the Act.)

Name of Producer or Group	Address, Telephone, and Name of Contact Person	Percent of Domestic Production	Support (S) Oppose (O) Neutral (N)

(A-5) Explain how percentage of domestic production was calculated in (A-4), above.

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(A-6) Identify any of the producers listed in (A-4) above, who are related (See § 771(4)(B)(ii) of the Act) to foreign producers, or are importers of the subject merchandise. (See § 732(b)(4)(B)(i) and (ii) of the Act.)

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**SECTION B: DESCRIPTION OF IMPORTED GOODS, EXPORTERS, AND IMPORTERS**

(B-1) Provide a detailed description of the imported merchandise including technical characteristics and use. Please supply available catalogues, sales literature, or other illustrations.

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(B-2) Provide the current Harmonized Tariff Schedule classification numbers of the imported merchandise. (Note: If this information is not readily available, please call the Import Administration Office of Policy and Analysis at 202-482-4412.)

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**SECTION C: SUBSIDY INFORMATION**

(C-1) Provide the statutory or other authority under which the alleged countervailable subsidy is provided (e.g., Export Promotion Act, or Section 355 of the Income Tax Act).

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(C-2) Indicate the manner in which the alleged countervailable subsidy is provided (e.g., short-term loans, grants, tax exemptions).

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(C-3) Identify how the subsidy program is either an export subsidy, an import substitution subsidy or is limited to a certain enterprise, group of companies, or industry within the country in question.

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(C-4) State the value of the alleged countervailable subsidy received and used by the producers and/or exporters of the merchandise.

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**SECTION D: CRITICAL CIRCUMSTANCES INFORMATION**

Prior to the issuance of the DOC preliminary determination, exporters may attempt to inundate the U.S. market with products being investigated in order to escape the pending countervailing duty. The Act provides a petitioner with the opportunity to seek relief from such massive imports. We refer to such a situation as "critical circumstances." An allegation of critical circumstances can be made at any time during an investigation up to 20 days before the final determination. The following information should be supplied when critical circumstances are alleged.

(D-1) Describe in detail the material injury to your industry due to the increased level of imports (e.g., lost sales, decreased capacity utilization, company closures). Provide supporting documentation.

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(D-2) Provide information indicating that there were massive imports of the merchandise over a relatively short period of time (i.e., an analysis of import statistics for the six-month period surrounding the filing month of the petition).

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(D-3) Describe how the merchandise benefits from an export subsidy (e.g., tax-exempt status provided only to exporters) or import substitution subsidy.

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(All citations in section E refer to section 771 of the tariff Act of 1930 (19 USC § 1677))

**Section E: INJURY INFORMATION**

(E-1) Report the quantity and value of imports of the allegedly subsidized merchandise from the country(ies) supplying such imports, and imports of like or similar merchandise from all countries in the three most recent calendar years and in the most recent partial year periods for which data are available (see 19 USC §§ 1677(7)(B)(i) and 1677(7)(C)(i)).

Source of Imports	January - _____ <sup>1</sup>				
	199_	199_	199_	199_	199_
	Quantity (specify units: _____)				
Total from all countries . . . . .					
Cited Country <sup>2</sup> . . .					
Cited Country <sup>3</sup> . . .					
Cited Country <sup>4</sup> . . .					
Cited Country <sup>5</sup> . . .					
	Value (1,000 dollars)				
Cited Country <sup>2</sup> . . .					
Cited Country <sup>3</sup> . . .					
Cited Country <sup>4</sup> . . .					
Cited Country <sup>5</sup> . . .					

<sup>1</sup> Specify month and years in the blanks provided

<sup>2</sup> Specify country: \_\_\_\_\_

<sup>3</sup> Specify country: \_\_\_\_\_

<sup>4</sup> Specify country: \_\_\_\_\_

<sup>5</sup> Specify country: \_\_\_\_\_

(E-2) Report prices<sup>1</sup> for a representative imported product<sup>2</sup> that is allegedly subsidized and sold in the United States in direct competition with articles produced by the petitioner in each of the periods shown. Also report the petitioner's prices<sup>3</sup> for the like or most similar domestically produced article sold to the same class of customer<sup>4</sup> to which the imported article was sold (see 19 USC §§ 1677(7)(B)(ii) and 1677(7)(C)(ii)). Report prices in dollars and cents per unit.<sup>5</sup>

	5th most recent calendar quarter (specify)	4th most recent calendar quarter (specify)	3rd most recent calendar quarter (specify)	2nd most recent calendar quarter (specify)	Most recent calendar quarter (specify)
Product from --	_____	_____	_____	_____	_____
	Quantity (specify units: _____)				
Petitioner . . . . .					
Cited Country <sup>6</sup> . . . . .					
Cited Country <sup>7</sup> . . . . .					
Cited Country <sup>8</sup> . . . . .					
Cited Country <sup>9</sup> . . . . .					

<sup>1</sup> Specify the basis of the prices reported (e.g., price quoted by importer, f.o.b. U.S. port of entry): \_\_\_\_\_

<sup>2</sup> Provide a detailed description of the specific article for which you are giving price information. \_\_\_\_\_

<sup>3</sup> Specify the basis of the prices reported (e.g., weighted average of all sales made during this period, f.o.b. plant): \_\_\_\_\_

<sup>4</sup> Specify class of customer (e.g., distributor or end user): \_\_\_\_\_

<sup>5</sup> Specify unit (e.g. pounds, piece, etc.): \_\_\_\_\_

<sup>6</sup> Specify country: \_\_\_\_\_ <sup>7</sup> Specify country: \_\_\_\_\_

<sup>8</sup> Specify country: \_\_\_\_\_ <sup>9</sup> Specify country: \_\_\_\_\_

(E-3a) Report the petitioner's capacity, production, domestic like sales, export sales, and end-of-period inventories of U.S.-produced merchandise like or most similar to the allegedly subsidized imports in the three most recent calendar years and in the most recent partial periods for which data are available (see 19 USC §§ 1677(7)(C)(iii)).

Item	January - _____ <sup>1</sup>				
	199__	199__	199__	199__	199__
	Quantity (specify units: _____)				
Capacity <sup>2</sup> . . . . .					
Production . . . . .					
Domestic sales . . .					
Export sales . . . . .					
End-of-period inventories . . . . .					
	Value (1,000 dollars) <sup>3</sup>				
Domestic sales. . . .					
Export sales . . . . .					

<sup>1</sup> Specify month and years in the blanks provided

<sup>2</sup> Define basis (i.e., number of shifts per day, days per year, etc.):

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\_\_\_\_\_

<sup>3</sup> f.o.b. plant, net of all discounts and allowances.

(E-4) For the petitioner and, in aggregate, for all U.S. producers (including the petitioner), report the number of production and related workers employed in the production of merchandise like or most similar to the allegedly subsidized imports, and the hours worked by those employees, in the three most recent calendar years and in the most recent partial periods for which data are available (see 19 USC § 1677(7)(C)(iii)).

Item				January - _____ <sup>1</sup>	
	199_	199_	199_	199_	199_
	Petitioner				
Number of production related workers . . . . .					
Hours worked (1000 hours) . . . .					
	All U.S. producers				
Number of production related workers . . . . .					
Hours worked (1000 hours) . . . .					

<sup>1</sup> Specify month and years in the blanks provided

(E-5) For the petitioner and, in aggregate, for all U.S. producers (including the petitioner), report the specified income-and-loss data on U.S. operations producing merchandise like or most similar to the allegedly subsidized imports in the three most recent calendar years (or accounting years, if easier) and in the most recent partial periods for which data are available (see 19 USC § 1677(7)(C)(iii)). If you cannot provide the specific income-and-loss data for U.S. operations producing the merchandise like the imported products, report data on the next larger category of operations which includes that merchandise, estimate the share of the total accounted for by the subject product, and identify the other products that are included.

(In thousands of dollars)

Item	January - _____ <sup>2</sup>				
	199__	199__	199__	199__	199__
Petitioner					
Net sales . . . . .					
Cost of goods sold . . . . .					
Gross profit or (loss) . . . . .					
Selling, general, and administrative expenses . . .					
Operating income or (loss) . . . . .					
All U.S. producers					
Net sales . . . . .					
Cost of goods sold . . . . .					
Gross profit or (loss) . . . . .					
Selling, general, and administrative expenses . . .					
Operating income or (loss) . . . . .					

<sup>1</sup> If you report petitioner data on an accounting-year basis, please specify the date that year ends: \_\_\_\_\_

<sup>2</sup> Specify month and years in the blanks provided

