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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement, Article 1904

#### NAFTA Panel Reviews; First 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 November 18, 2015, Irving Paper Limited 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. Also, on November 18, 2015, additional Requests for Panel Review were filed on behalf of Resolute FP Canada Inc., Port Hawkesbury Paper LP, the Government of Canada and the Governments of the Provinces of British Columbia, Ontario, New Brunswick, Nova Scotia and Québec. Panel Review was requested of the U.S. Department of Commerce's final affirmative countervailing duty determination regarding Supercalendered Paper from Canada. This determination was published in the Federal Register (80 Fed. Reg. 63535), on October 20, 2015. The NAFTA Secretariat has assigned Case Number USA-CDA-2015-1904-01 to this request.

FOR FURTHER INFORMATION CONTACT: Paul Morris, United States Secretary, NAFTA Secretariat, Suite 2061, 14<sup>th</sup> and Constitution Avenue, N.W., Washington, D.C. 20230, (202)-482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free Trade Agreement (“Agreement”) established 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 to 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 8685) and subsequently amended on April 10, 2008 (73 FR 19458).

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 November 18, 2015, requesting a panel review of the determination and order 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 December 18, 2015);

(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 January 4, 2016); 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 panel review and the procedural and substantive defenses raised in the panel review.

Dated: November 19, 2015.

Paul Morris,  
United States Secretary,  
NAFTA Secretariat.