

Market-economy inputs. During 2005–2006, DOC adopted changes to its practice for valuing manufacturing inputs sourced by NME producers partly in their home market and partly from market-economy countries. Following various proposals and requests for public comment issued in May 2005, August 2005 and March 2006, DOC, in an October 2006 announcement, provided guidance on the circumstances under which it will accept market-economy purchase prices to value an entire input.

Market-oriented enterprises. DOC has floated the idea of recognizing a category of “market-oriented enterprises” to supplement the “market-oriented industry” category currently available in its NME practice. DOC sought public comment in May 2007 and October 2007.

NME designations. In 2003, DOC set out its approach for considering the potential NME status of countries to which no NME designation had previously been issued. Noting that U.S. law accords market-economy treatment except where a country has been formally designated as an NME, and that certain countries (e.g. Bulgaria) had never been involved in a U.S. AD investigation and thus never had their status as a potential NME considered, DOC stated that future AD investigations would proceed under market-economy procedures unless an interested party is able to rebut the presumption of market-economy status. To do this, the interested party must submit an allegation that the country is a NME, along with documentation responding to the six factors listed in 771(18)(B) of the Tariff Act.

Separate and combination rates. The issue of separate and combination rates in NME AD proceedings has received significant attention. It was the subject of requests for public comment in May 2004 and September 2004, of announcements of changes in practice in December 2004 and April 2005, of a Policy Bulletin in 2005, and of a further request for public comment in March 2007. DOC has also updated and published an “application template” for NME parties seeking separate rates.

Surrogate country selections. DOC’s approach to considering and selecting countries from which to draw surrogate data has received significant attention as well. On this subject, DOC published a Policy Bulletin in 2004 as well as proposed refinements to its practice and requests for public comment in March 2007 and July 2007. To do this, the interested party must submit an allegation that the country is an NME, along with documentation responding to the six factors listed in 771(18)(B) of the Tariff Act.