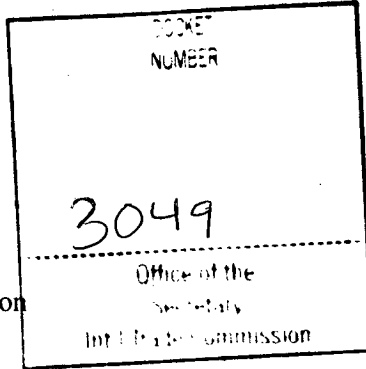


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January 8, 2015



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By Hand

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Re: Sugar from Mexico, Inv. Nos. 701-TA-513 and 731-TA-1249 (Final) – Petition for Review of Suspension Agreements to Eliminate the Injurious Effect of Subject Imports

Dear Secretary Barton:

On behalf of Imperial Sugar Company (“Imperial Sugar”), we hereby file a petition requesting that the Commission initiate an investigation to review the suspension agreements accepted by the U.S. Department of Commerce (“Department”) on December 19, 2014, and published in the *Federal Register* on December 29, 2014.¹ The above-referenced investigations were suspended pursuant to these agreements.

The statute provides that review of a suspension agreement may be requested by an “interested party” who is a “party to the investigation.”² The purpose of the review is to “determine whether the injurious effect of imports of the subject merchandise is eliminated completely by the agreement.”³ The Commission’s regulations state that “the Commission, upon petition, shall initiate an investigation to

¹ *Sugar From Mexico: Suspension of Countervailing Duty Investigation*, 79 Fed. Reg. 78044 (Dec. 29, 2014); *Sugar From Mexico: Suspension of Antidumping Investigation*, 79 Fed. Reg. 78039 (Dec. 29, 2014).

² 19 U.S.C. §§ 1671c(h)(1), 1673c(h)(1); *see also* 19 C.F.R. § 207.41 (2014).

³ 19 U.S.C. §§ 1671c(h)(2), 1673c(h)(2).

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determine whether the injurious effect of imports of the merchandise which was the subject of the suspended investigation is eliminated completely by the agreement.”⁴

Imperial Sugar is a manufacturer and producer in the United States of cane sugar, a domestic like product. Therefore, Imperial Sugar is an “interested party,” and is the type of interested party that is entitled to petition for review of the suspension agreements.⁵ Imperial Sugar also is a “party to the investigations,” having completed responses to the Commission’s U.S. producers’ and U.S. importers’ questionnaires in the preliminary phase of investigations and having filed a notice of appearance in the final phase of investigations.

This petition also is timely filed. The Department suspended the investigations on December 19, 2014, and the suspension notices were published in the *Federal Register* on December 29, 2014.⁶ Accordingly, this petition is filed within 20 days of the suspensions and, therefore, is timely submitted.⁷

Imperial Sugar invokes its statutory right to petition for review of the suspension agreements in these investigations because a serious question exists whether the injurious effect of subject merchandise is “eliminated completely” by the agreements as written. By requiring complete elimination of the injurious effect, the statute sets forth a rigorous standard of review, reflecting the importance that Congress attached to this special mechanism in the statutory scheme. Agreements of this particular type permit the continuation of some dumping and subsidization and, therefore, are permitted only if they completely eliminate the injurious effect of the subject imports. In order for the agreements to remain in place, the Commission must find that there would be “no discernable injurious effect” by reason of the amount of net subsidy or dumping permitted by the agreements.⁸

⁴ 19 C.F.R. § 207.41 (2014).

⁵ 19 U.S.C. § 1677(9)(C) (providing that a “manufacturer” or “producer” in the United States of a domestic like product is an “interested party”); 19 U.S.C. §§ 1671c(h)(1), 1673c(h)(1) (indicating that interested parties identified in subparagraph (C) of section 1677(9) are entitled to petition for review of this type of suspension agreement).

⁶ *Sugar From Mexico: Suspension of Countervailing Duty Investigation*, 79 Fed. Reg. 78044 (Dec. 29, 2014); *Sugar From Mexico: Suspension of Antidumping Investigation*, 79 Fed. Reg. 78039 (Dec. 29, 2014).

⁷ 19 U.S.C. §§ 1671c(h)(1), 1673c(h)(1); 19 CFR § 207.41 (2014).

⁸ S. Rep. No. 96-249, at 54 and 71 (1979).

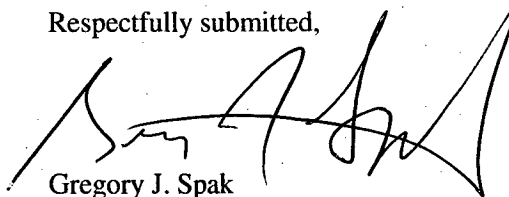
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Commission review of the suspension agreements is necessary and appropriate in this case. The agreements as written would not completely eliminate the injurious effect of subsidization and dumping for U.S. cane sugar refiners. The stakes are high for Imperial Sugar, the other domestic cane sugar refiners, the workers at the cane sugar refineries, and the consumers who depend on a viable domestic cane sugar refining industry. If these agreements enter into force, domestic production of cane sugar and related jobs would be at risk. This is a situation that Congress clearly intended to avoid by providing the Commission with the authority to review suspension agreements that purport to eliminate completely the injurious effect of the subject imports. Imperial Sugar continues to support the settlement of this trade litigation through suspension agreements, but it is Imperial Sugar's position that the published agreements do not meet the statutory standards.

Therefore, Imperial Sugar respectfully requests that the Commission initiate an investigation to determine whether the injurious effect of the subject merchandise is eliminated completely by the suspension agreements.

Please contact the undersigned if you have any questions regarding this petition.

Respectfully submitted,



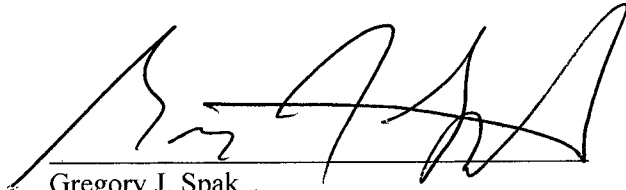
Gregory J. Spak
Kristina Zissis

Counsel to Imperial Sugar Company

CERTIFICATION OF FACT

Sugar from Mexico
Inv. Nos. 701-TA-513 and 731-TA-1249 (Final)

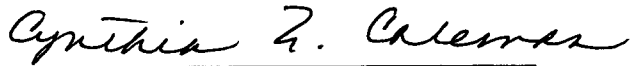
I, Gregory J. Spak, of White & Case LLP, certify that (1) I have read the attached submission, and (2) based on the information made available to me, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.



Gregory J. Spak
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005

District of Columbia: SS

Subscribed and sworn to before me on this 8th day of January 2015



Notary Public
My Commission Expires _____

Dated: January 8, 2015

CYNTHIA W. COLEMAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires August 31, 2016

