



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

A-475-818
A-489-805
3rd Sunset Reviews
Public Document

January 4, 2013

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Import Administration

FROM: Christian Marsh *CM*
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Sunset Reviews
of the Antidumping Duty Orders on Certain Pasta from Italy and
Turkey; Final Results

Summary

We have analyzed the substantive responses of interested parties in the expedited third sunset reviews of the antidumping duty orders on certain pasta (“pasta”) from Italy and Turkey. Below is the complete list of the issues in these expedited sunset reviews for which we received comments from interested parties.

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the margin likely to prevail

Background

On September 4, 2012, the Department of Commerce (“Department”) initiated sunset reviews of the antidumping duty orders on pasta from Italy and Turkey, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”).¹ The Department received notices of intent to participate in these sunset reviews on behalf of New World Pasta Company, Dakota Growers Pasta Company, A. Zerga’s Sons, Inc., Philadelphia Macaroni Company, and American Italian Pasta Company (collectively “the domestic interested parties”), within the applicable deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as domestic producers of certain pasta.

On October 4, 2012, for Turkey and October 10, 2012, for Italy we received complete substantive response from the domestic interested parties, within the deadline specified in 19

¹ See Notice of Initiation of Five-Year (Sunset) Reviews, 71 FR 53867 (September 4, 2012).



CFR 351.218(d)(3)(i).² The domestic interested parties assert that each interested party is a U.S. producer of the subject merchandise in the United States. Furthermore, the domestic interested parties explain that although all domestic interested parties were not named as petitioners in the original petition, they have been participants and remain fully supportive of the antidumping duty order. For both Italy and Turkey, the substantive responses from the domestic interested parties were adequate in accordance with 19 CFR 351.218(e)(1)(A).

The Government of Turkey (“GOT”) submitted a substantive response on October 4, 2012. On October 9, 2012, the domestic interested parties submitted rebuttal comments. We did not receive substantive responses from respondent interested parties accounting on average for more than 50 percent of the total exports of subject merchandise to the United States over the five calendar years preceding the year of publication of the notice of initiation in either review. In accordance with 19 CFR 351.218(e)(1)(ii)(A) and (C), because respondent interested parties failed to provide adequate responses in both reviews, the Department is conducting expedited reviews of these orders.

As explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012. Thus, all deadlines in this segment of the proceedings have been extended by two days. The revised deadline for the final results of this sunset review is now January 4, 2013.³

History of the Orders

Italy (A-475-818)

On June 14, 1996, the Department published in the *Federal Register* the final determination of sales at less than fair value (“LTFV”) in the antidumping duty investigation on pasta from Italy.⁴ On August 14, 1996, the Department published the antidumping duty order and amended final determination of sales at LTFV.⁵ In the antidumping duty order and amended final determination, the Department established weighted-average dumping margins ranging from zero to 46.67 percent.

The Department completed the first expedited sunset review in October 2001 and continued the order in November 2001. See *Final Results of Expedited Sunset Reviews: Certain Pasta From Italy and Turkey*, 66 FR 51105 (Oct. 5, 2001) and *Continuation of Countervailing and*

² In a letter from the Department dated September 27, 2012, the deadline for the submission of substantive responses from interested parties for the Italy case was extended until October 11, 2012, based on a September 25, 2012, letter from the Government of Italy requesting this extension.

³ See Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Hurricane,” dated October 31, 2012.

⁴ See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy*, 61 FR 30326 (June 14, 1996).

⁵ See *Notice of Second Amendment to the Final Determination and Antidumping Duty Order: Certain Pasta From Italy*, 61 FR 42231 (Aug. 14, 1996).

Antidumping Duty Orders: Pasta from Italy and Turkey, and Clad Steel Plate From Japan, 66 FR 57703 (Nov. 16, 2001).

On February 5, 2007, the Department completed its second expedited sunset reviews of the order. *Notice of Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders: Certain Pasta from Italy and Turkey* 72 FR 5266 (Feb. 5, 2007).

Since then, the Department has completed six administrative reviews.⁶ The Department is currently conducting two administrative reviews. On August 3, 2012, the Department published *Certain Pasta from Italy: Notice of Preliminary Results of the Fifteenth Administrative Review* 77 FR 46377 (Aug. 3, 2012). The final results are due on February 1, 2013. The preliminary results of the 2011-2012 (sixteenth) review period are currently due in April 2013.

Changed Circumstance Reviews

On November 19, 2007, the Department self-initiated a changed circumstances review following Pasta Lenzi S.r.l. and its affiliate American Italian Pasta Company's (collectively "Pasta Lenzi") voluntarily disclosure to the Department that if they correctly reported U.S. sales data in the seventh (2002-2003) administrative review, they would have received an above *de minimis* dumping margin. On January 29, 2009, the Department published its final results finding that Pasta Lenzi had made sales at less than normal value during the 2002-2003 review period and that, consequently, Pasta Lenzi no longer qualified for revocation based upon three consecutive reviews of *de minimis* margins. *Certain Pasta from Italy: Final Results of Antidumping Duty Changed Circumstances Review and Reinstatement of Order*, 74 FR 1173 (Jan. 12, 2009).

On August 14, 2009, the Department issued its final results of a changed circumstance review and revoked the order, in part, with regard to gluten-free pasta effective July 1, 2008 based on a lack of interest in maintaining the order by the petitioners. *Certain Pasta from Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation, in Part*, 74 FR 41120 (Aug. 14, 2009).

On August 10, 2012, the Department initiated a changed circumstances review to determine whether Delverde Industrie is the successor-in-interest to Del Verde S.p.A. *Certain Pasta from Italy: Notice of Initiation of Antidumping Duty Changed Circumstances Review*, 77 FR 47816 (Aug. 10, 2012). This review is currently pending before the Department.

⁶ (1) *Certain Pasta from Italy: Notice of Final Results of the Ninth Antidumping Administrative Review* 72 FR 7011 (Feb. 14, 2007); (2) *Certain Pasta from Italy: Notice of Final Results of the Tenth Antidumping Administrative Review and Partial Rescission of Review*, 72 FR 70298 (Dec. 11, 2007); (3) *Certain Pasta From Italy: Notice of Final Results of the Eleventh Antidumping Administrative Review and Partial Rescission of Review*, 73 FR 75400 (Dec. 11, 2008); (4) *Certain Pasta from Italy: Notice of Final Results of the Twelfth Antidumping Administrative Review*, 75 FR 6352 (Feb. 9, 2010), amended at 75 FR 11116 (Mar. 10, 2010); (5) *Certain Pasta From Italy: Notice of Final Results of the Thirteenth Antidumping Administrative Review*, 75 FR 81212 (Dec. 27, 2010); (6) *Certain Pasta From Italy: Notice of Final Results of the Fourteenth Antidumping Administrative Review*, 76 FR 76937 (Dec. 9, 2011).

Determinations Under Section 129 of the Uruguay Round Agreements Act (“URAA”)

The Department has made two findings pursuant to section 129 of the URAA related to this order. On May 4, 2007, in response to the WTO findings in US-Zeroing (EC), the Department recalculated the antidumping margins from the underlying original investigation of certain pasta from Italy. *Implementation of the Findings of the WTO Panel in US--Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders* 72 FR 25261 (May 4, 2007) (“Zeroing Determination”).

On June 18, 2012, the Department recalculated the cash deposit rate for certain companies in certain reviews in a manner paralleling the WTO-consistent methodology that the Department applies in antidumping investigations. *Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act: Stainless Steel Plate in Coils from Belgium, Steel Concrete Reinforcing Bars from Latvia, Purified Carboxymethylcellulose from Finland, Certain Pasta from Italy, Purified Carboxymethylcellulose from the Netherlands, Stainless Steel Wire Rod from Spain, Granular Polytetrafluoroethylene Resin from Italy, Stainless Steel Sheet and Strip in Coils from Japan.* 77 FR 36257 (June 18, 2012).

The order remains in effect for all manufacturers, producers, and exporters of pasta from Italy, with the exception of Corex S.p.A. (“Corex”), Delverde S.p.A. and its affiliate, Tamma Industrie Alimentari de Capitanata, S.r.L (collectively “Delverde”), De Matteis Agroalimentare S.p.A. (“De Matteis”), F.lli De Cecco di Filippo S. Martino S.p.A. (“De Cecco”), N. Puglisi & F. Industria Paste Alimenari S.p.A. (“Puglisi”), Pastificio Guido Ferrara S.r.l. (“Ferrara”), and Pastificio Antonio Pallante S.r.l. (“Pallante”)⁷

Turkey (A-489-805)

On July 14, 1996, the Department published in the *Federal Register* the final determination of sales at LTFV in the antidumping duty investigation on pasta from Turkey.⁸ On July 24, 1996, the Department published the antidumping duty order and amended final determination of sales

⁷ De Matteis is exempt from the order based on a *de minimis* margin in the investigation. The order was revoked with respect to De Cecco prior to the first sunset review. See *Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review*, 65 FR 77852 (Dec. 13, 2000). The order was revoked with respect to COREX and Puglisi in 2002. See *Notice of Final Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Order in Part: Certain Pasta From Italy*, 67 FR 300 (Jan. 3, 2002). Delverde was excluded from the order as a result of litigation. See *Notice of Amendment of Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Revocation in Part: Certain Pasta from Italy*, 66 FR 65889 (Dec. 21, 2001). The order was revoked with respect to Ferrara in 2005. See *Notice of Final Results of the Seventh Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy and Determination Not to Revoke in Part*, 70 FR 6832 (Feb. 9, 2005). The order was revoked with respect to Pallante in 2005. See *Notice of Final Results of the Eighth Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy and Determination to Revoke in Part*, 70 FR 71464 (Nov. 29, 2005).

⁸ See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey*, 61 FR 30309 (June 14, 1996).

at LTFV.⁹ In the antidumping duty order and amended final determination of sales at LTFV, the Department established weighted-average dumping margins of 63.29 percent for Filiz Gida Sanayi ve Ticaret A.S. (“Filiz”), 60.87 percent for Maktas Makarnicilik ve Ticaret T.A.S. (“Maktas”), and 60.87 percent for “all other” Turkish manufacturers, producers, and exporters of pasta, and revised the cash deposit rate to 48.26 percent for Maktas, and 51.49 percent for “all others” after deducting the portion of the margin attributable to the export subsidy from the companion countervailing duty investigation.¹⁰

The Department completed the first expedited sunset review of the order in October 2001 and continued the order in November 2001. See *Final Results of Expedited Sunset Reviews: Certain Pasta From Italy and Turkey*, 66 FR 51105 (Oct. 5, 2001) and *Continuation of Countervailing and Antidumping Duty Orders: Pasta from Italy and Turkey, and Clad Steel Plate From Japan*, 66 FR 57703 (November 16, 2001).

On February 5, 2007, the Department completed its second expedited sunset reviews of the orders. *Notice of Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders: Certain Pasta from Italy and Turkey*, 72 FR 5266 (Feb. 5, 2007).

Since then, the Department has completed one administrative review. *Certain Pasta from Turkey: Notice of Final Results of the 14th Antidumping Duty Administrative Review*, 76 FR 68399 (Nov. 4, 2011). In addition, the Department completed the preliminary results of one subsequent administrative review. See *Certain Pasta From Turkey: Notice of Preliminary Results of the 2010-2011 Antidumping Duty Administrative Review*, 77 FR 46694 (Aug. 6, 2012). The final results of that review are currently due February 4, 2013.

Changed Circumstance Reviews

In July 2003, the Department conducted a changed circumstances review and found Gidasa Sabanci Gida Sanayi ve Ticaret A.S. (“Gidasa”) to be the successor-in-interest to Maktas. *Notice of Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta From Turkey*, 68 FR 41554 (July 14, 2003). Thereafter, on June 2, 2009, the Department conducted a changed circumstance review and found Marsan Gida Sanayi ve Ticret A.S. (“Marsan”) to be the successor-in-interest to Gidasa. *Certain Pasta from Turkey: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 74 FR 26373 (June 2, 2009).

The antidumping duty order remains in effect for all manufacturers, producers, and exporters of pasta from Turkey.

Discussion of Issues

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether termination of the antidumping duty orders would be likely to lead to

⁹ See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey*, 61 FR 38545 (July 24, 1996).

¹⁰ *Id.*, 61 FR at 38546.

continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making these determinations, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent administrative reviews, and the volume of the subject merchandise for the period before and the period after the issuance of the antidumping order. In addition, pursuant to section 752(c)(3) of the Act, the Department shall provide to the International Trade Commission (“ITC”) the magnitude of the margins of dumping likely to prevail if the orders are revoked. Below we address comments we received from the domestic interested parties.

1. Likelihood of Continuation or Recurrence of Dumping

Interested Party Comments

Italy

The domestic interested parties assert that revocation of the antidumping duty order on pasta from Italy is likely to lead to continuation or recurrence of dumping by the foreign producers and exporters.¹¹ They claim that, over the history of this order, most respondents continue to sell at LTFV.¹²

According to the domestic interested parties, in 1995 (the year prior to the order) import volumes of all dry pasta totaled 327 million pounds.¹³ Although import volumes of the subject merchandise increased between 1997-2000, they declined to below pre-order levels by year-end 2000.¹⁴ The domestic interested parties further contend that imports again increased to above pre-order levels during 2001 and 2003, which was attributable to Pastificio Fratelli Pagani S.p.A. (“Pagani”) circumventing the antidumping and countervailing duty orders. During the current 2007-2011 review period, imports remained significant but below their peak in the original period of investigation, and also below their average in prior sunset reviews. Specifically, imports have averaged 261.1 million pounds per year, compared with the pre-order peak of 327 million pounds in 1995. Further, the domestic interested parties claim that hundreds of Italian producers of pasta continue to ship to the United States under the “all others” rate.¹⁵ Finally, the domestic interested parties argue that because the Department has found sales at LTFV in previously completed administrative reviews, it should find that producers and exporters of pasta cannot sell in the United States without dumping. Therefore, domestic interested parties maintain that revocation of the order will lead to continued and increased levels of dumping.¹⁶ No other party commented on this issue.

¹¹ See Substantive Response by the Domestic Industry-Sunset Review of the Antidumping Duty Order on Certain Pasta from Italy, October 11, 2012 (“Domestic Interested Parties’ Response”), at 21.

¹² *Id.* at 23.

¹³ *Id.*

¹⁴ The domestic interested parties state that although the available data on imports include a larger range of products than is covered by the scope of this review, the data indicate that the order has had a direct effect on the respondents’ behavior. See Domestic Interested Parties’ Response, at Attachment 2, covering 2006 through July 2012 import volume and value of the subject merchandise.

¹⁵ See Domestic Interested Parties’ Response, at 24.

¹⁶ *Id.*

Turkey

The GOT argues that the margins calculated by the Department have declined since the investigation. Moreover, the *Final Modification for Reviews* will lead to the Department revoking the order for Turkey.¹⁷ The domestic interested parties counter that the fact that dumping margins have declined since the investigation is in no way indicative of the future behavior of Turkish producers if the order were revoked. Moreover, it is speculative to conclude that the *Final Modification for Reviews* will lead to the revocation of the order. Rather, the domestic interested parties argue that revocation of this order would likely lead to continuation or recurrence of dumping.¹⁸ The domestic interested parties point out that over the course of this proceeding the Department has not revoked the order for any Turkish producer or exporter.¹⁹ The domestic interested parties assert that the two companies that previously requested revocation currently have affirmative dumping margins.²⁰

With respect to import volumes from Turkey, the domestic interested parties claim that imports of all dry pasta from Turkey in 1995, the year prior to the order, were nearly 61 million pounds. In 1997, the year immediately following the order, pasta imports declined to less than three million pounds, and have never reached pre-order levels.²¹ During the current 2007-2011 review period, imports remain significantly below pre-order volumes, averaging just 3.5 million pounds per year, compared to 58.2 million pounds during the original period of investigation (1994 – 1995). The domestic interested parties note also that, although the Harmonized Tariff Schedule for the United States classification 1902.19.20 covers all sales of dry pasta, including egg pasta and bulk pasta greater than five pounds, the available import data shows that the order has had a direct effect on respondents' behavior.

The domestic interested parties point to the Department's *Sunset Policy Bulletin* and the Statement of Administrative Action ("SAA") guidelines when determining whether the revocation of an order is likely to lead to further dumping.²² They maintain that, in this case, there is the inability to sell at fair value, and severely declining sales in the post-order years.²³ Given that Turkish producers/exporters are unable to sell at fair value in commercial quantities, the domestic interested parties assert that the Department should find that revocation of this order would lead to continuation of dumping.

¹⁷ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification for Reviews*, 77 FR 8101, 8103 (Feb. 14, 2012) ("*Final Modification for Reviews*").

¹⁸ See Domestic Interested Parties' Response, at 12.

¹⁹ *Id.*

²⁰ *Id.* at 12-13.

²¹ *Id.* at 14.

²² *Id.* at 13-14 (citing *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*"); and the SAA accompanying the URAA, H. Doc. No. 316, 103d Cong., 2d Session, Vol. 1 (1994)).

²³ *Id.* at 14.

Department's Position

Consistent with the guidance provided in the legislative history accompanying the URAA, specifically the SAA, H. Doc. No. 103-316, Vol. 1 (1994), the House Report, H. Rep. No. 103-826, pt. 1 (1994), and the Senate Report, S. Rep. No. 103-412 (1994), the Department normally determines that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly. In addition, pursuant to section 752(c)(1)(B) of the Act, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty order.

We agree with domestic interested parties that, with respect to Italy, even after recalculating margins pursuant to the section 129 determinations referenced above, margins for producers remain above *de minimis*. Additionally, during the current 2007-2011 review period, imports of pasta from Italy have remained significant but below per-order levels.

With respect to Turkey, despite calculating zero and *de minimis* margins for some companies in previous reviews, no company was revoked from the order due to lack of sales in commercial quantities. In addition, dumping duties continue to be applicable to entries of pasta from Turkey. Further, following the imposition of the order, imports plummeted and remain at insignificant levels. The continued existence of dumping margins, decreased volumes of imports, including the fact that the companies for whom a margin was calculated did not sell in commercial quantities, support a conclusion that dumping is likely to continue or recur if the order were revoked.

With respect to the GOT's contention that the *Final Modification for Reviews* will lead the Department to revoke the order with respect to Turkey, it provided no evidence or reasoning as to why that would happen. It would therefore be inappropriate to speculate and prejudge the outcome of future proceedings.

Therefore, with respect to Italy, the decline of import volumes and the continued existence of dumping margins, the Department determines that dumping would be likely to continue or recur if the order were revoked. With respect to Turkey, based on the continued existence of dumping margins and the decreased volumes of imports, the Department determines that dumping would be likely to continue or recur if the order were revoked.

2. Magnitude of the Margins Likely to Prevail

Interested Party Comments

Citing to the SAA and the Department's *Sunset Policy Bulletin*, the domestic interested parties maintain that the Department should apply the principles set forth in the SAA and the *Sunset Policy Bulletin* and report to the ITC the margins from the original investigations as follows:

Italy

The domestic interested parties argue that the dumping margins from the original investigation were recently recalculated without the use of zeroing and are therefore WTO-consistent.²⁴ Based on this finding, the domestic interested parties recommend the following rates: Arrighi S.p.A. Industrie Alimentari and its affiliate, Italpasta S.p.A. (“Arrighi/Italpasta”) – 20.84 percent, De Cecco - Revoked, De Matteis - 0.00, Delverde - 1.68 percent, La Molisana Industrie Alimentari S.p.A. (“La Molisana”) - 14.78 percent, Liguori Pastificio Dal S.p.A. (“Liguori”) - 12.14 percent, Pagani – 18.23 percent, and “All Others” – 16.51 percent²⁵. No other party commented on this issue.

Turkey

The GOT argues that, since the investigation, there has been a steady decline in margins. In addition, the *Final Modification for Reviews* will lead the Department to continue to find no dumping margins from Turkish companies. Domestic interested parties argue that, even though the Department has found zero margins for some Turkish companies, above *de minimis* margins continue to apply for various companies. Moreover, the domestic interested parties argue that the original investigation rates are based on adverse facts available (“AFA”) and are thus WTO-consistent. Thus they propose using the rates from the investigation: Filiz - 63.29 percent, Marsan (successor-in-interest to Maktas) - 48.26 percent, and “All Others” - 51.49 percent.

Department’s Position

Normally, the Department will provide to the ITC the company-specific margin from the investigation for each company. For companies not investigated specifically, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the “all others” rate from the investigation.²⁶ The Department’s preference for selecting a margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order or suspension agreement in place. Under certain circumstances, however, the Department may select a more recent margin to report to the ITC.²⁷

The Department has recently announced that in sunset reviews, it will comply with WTO dispute findings against “zeroing” by “not rely {ing} on weighted-average dumping margins that were calculated using the methodology determined by the Appellate Body to be WTO-inconsistent.”²⁸ For Italy, we agree with domestic interested parties that investigation rates recalculated in the *Zeroing Determination* represent the behavior of companies without the discipline of the order and were not affected by the WTO-inconsistent methodology.

²⁴ See Domestic Interested Parties’ Response, at 25 and 16, respectively.

²⁵ The cash deposit rate for All Others was modified to account for export subsidies.

²⁶ See, e.g., *Certain Polyester Staple Fiber From the People’s Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 77 FR 54898 (Sept. 6, 2012) and accompanying Issues and Decision Memorandum.

²⁷ See, e.g., *Potassium Permanganate from The People’s Republic of China; Five-Year (“Sunset”) Review of Antidumping Duty Order; Final Results*, 70 FR 24520 (May 10, 2005).

²⁸ See *Final Modification for Reviews*, 77 FR at 8103.

In the original investigation involving Turkey the final dumping margin for Filiz was based upon the use of AFA and, therefore, was not affected by the WTO-inconsistent methodology. Further, the final dumping margin for Maktas was a calculated margin where no offsets were denied because all comparison results were positive.²⁹ As a result, the Department's final weighted-average dumping margins calculated in the investigation were not affected by "zeroing." With respect to the GOT's argument that the *Final Modification for Reviews* will result in the Department finding no affirmative dumping margins in the future, we will not speculate and prejudge the outcome of the future proceedings.

Final Results of Reviews

We determine that revocation of the antidumping duty orders on pasta from Italy and Turkey would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Italy

Manufacturers/Producers/Exporters	Margin (percent)
Arrighi/Italpasta	20.84
La Molisana	14.78
Liguori	12.14
Pagani	18.23
All Others ³⁰	16.51

Turkey

Manufacturers/Producers/Exporters	Margin (percent)
Filiz	63.29
Marsan (successor-in-interest to Maktas)	60.87
All Others	60.87 ³¹

²⁹ See Memorandum to the File, regarding Maktas Investigation Calculation Materials, dated January 4, 2013.

³⁰ As discussed earlier, the following companies have been excluded from the order: Corex, Delverde, De Matteis, De Cecco, Puglisi, Ferrara, and Pallante.

³¹ The cash deposit rates for Maktas and All Others were modified to account for export subsidies.

