



## DEPARTMENT OF COMMERCE

### International Trade Administration

#### United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel

#### Review: Notice of Request for Panel Review

**AGENCY:** United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of USMCA Request for Panel Review.

**SUMMARY:** Two Requests for Panel Review were filed in the matter of in the matter of Tin Mill Products from Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances with the U.S. Section of the USMCA Secretariat on February 8, 2024. The First Request for Panel Review was filed on behalf of The Government of Canada, and the second was filed on behalf of ArcelorMittal Dofasco G.P.

**FOR FURTHER INFORMATION CONTACT:** Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, D.C. 20230, 202-482-5438.

**SUPPLEMENTARY INFORMATION:** The final results were determined by the United States Department of Commerce and were published in the **Federal Register** on January 10, 2024 (89 FR 1542). The USMCA Secretariat has assigned case number USA-CDA-2024-10.12-02 to this request.

Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12*

*(Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see [https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo\\_10\\_12.aspx?lang=eng](https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng).

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 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 11, 2024);
- (b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 25, 2024);
- (c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: February 12, 2024.

**Vidya Desai,**

*United States Secretary,*

*USMCA Secretariat.*