

## **Requirements to Request Textile Safeguard Action Determination:**

### Procedures for Requesting Textile and Apparel Safeguard Actions

Pursuant to Section 321(a) of the Implementation Act and Paragraph (7) of Presidential Proclamation 8894 of November 5, 2012, an interested party may file a request for a textile and apparel safeguard action with CITA. CITA will review requests from an interested party sent to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14<sup>th</sup> and Constitution Avenue, N.W., Washington, DC 20230. Ten copies of any such request must be provided. As provided in Section 328 of the Implementation Act, CITA will protect from disclosure any business confidential information that is marked “business confidential” to the full extent permitted by law. To the extent that business confidential information is provided, two copies of a non-confidential version must also be provided, that is identical to the business confidential version with the exception that any business confidential information is summarized or, if necessary, deleted. At the conclusion of the request, an interested party must attest that “all information contained in the request is complete and accurate and no false claims, statements, or representations have been made.” Consistent with Section 321(a), CITA will review a request initially to determine whether to commence consideration of the request on its merits. Within 15 working days of receipt of a request, CITA will consider the criteria set forth below to determine whether the request provides the information necessary for CITA to consider the request. If the request does not provide the necessary information, CITA will promptly notify the requester of the reasons for this determination and the request will not be considered. However, CITA will reevaluate any request that is resubmitted with additional information.

Consistent with longstanding CITA practice in considering textile safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) a domestic producer or producers of an article that is like, or directly competitive with, the subject Panamanian textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like, or directly competitive with, the subject Panamanian textile or apparel article.

A request will only be considered if the request includes the specific information set forth below in support of a claim that a textile or apparel article from Panama is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article.

**A. Product description.** Name and description of the imported article concerned, including the category or categories or part thereof of the U.S. Textile and Apparel Category

System (see “Textile Correlation” at <http://otexa.ita.doc.gov/corr.htm>) under which such article is classified, the Harmonized Tariff Schedule of the United States subheading(s) under which such article is classified, and the name and description of the like or directly competitive domestic article concerned.

**B. Import data.** The following data, in quantity by category unit (see “Textile Correlation”), on total imports of the subject article into the United States and imports from Panama into the United States:

\* Annual data for the most recent three full calendar years for which such data are available;

\* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (e.g., January-March 2011, April-June 2011 and January-March 2010, April-June 2010).

The data should demonstrate that imports of a Panamanian -origin textile or apparel article that is like, or directly competitive with, the article produced by the domestic industry concerned are increasing in absolute terms or relative to the domestic market for that article.

**C. Production data.** The following data, in quantity by category unit (see “Textile Correlation”), on U.S. domestic production of the like or directly competitive article of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof:

\* Annual data for the most recent three full calendar years for which such data are available;

\* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (e.g., January-March 2011, April-June 2011 and January-March 2010, April-June 2010).

The requester must provide a complete listing of all sources from which the data were obtained and an affirmation that to the best of the requester’s knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin. In such cases, data should be reported in the first unit of quantity in the Harmonized Tariff Schedule of the United States (<http://www.usitc.gov/tata/hts>) for the Panamanian textile and/or apparel articles and the like or directly competitive articles of U.S. origin.

**D. Market Share Data.** The following data, in quantity by category unit (see “Textile Correlation”), on imports from Panama as a percentage of the domestic market (defined as the sum of domestic production of the like or directly competitive article and total imports of the subject article); on total imports as a percentage of the domestic market; and on domestic production of like or directly competitive articles as a percentage of the domestic market:

\* Annual data for the most recent three full calendar years for which such data are available;

\* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (e.g., January-March 2011, April-June 2011 and January-March 2010, April-June 2010).

**E. Additional data showing serious damage or actual threat thereof.** All data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage, or actual threat thereof, caused by imports from Panama to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore:

\* Annual data for the most recent three full calendar years for which such data are available;

\* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (e.g., January-March 2011, April-June 2011 and January-March 2010, April-June 2010).

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the Federal Register, including the date it will make a determination.