

Comparison of 2017 CVD Suspension Agreement Amendments to Draft Amendments Circulated by DOC on November 6, 2019

Section of 2014 Agreement Amended	2017 Amendment	Draft 2019 Amendment	Comment
Various	“the Department”	“Commerce”	Not substantive
II.D.	Defines effective date of agreement; defines effective date of amendment in terms of applicability to 2017/18 marketing year	Identical for effective date of agreement; defines effective date of amendment as date signed	2019 amendments would take immediate effect whenever signed
II.G.1	No amendment	Redefines initial export limit period to cover sugar entered between effective amendment date and 9/30/20	Replaces definition that covered date of 2014 signing to 9/30/15
II.K	Defines other sugar as less than 99.2 pol with certain exceptions	Identical	No change from current policy
II.L	Defines refined sugar as 99.2 pol and above with certain exceptions	Identical	No change from current policy
II.U	Defines U.S. additional needs sugar	Identical	No change from current policy
V.A.	No amendment	Defines initial export limit as 782,530 STRV until recalculated in December 2019	Initial export limit is 70% of Oct. WASDE estimate of FY imports, per agreement
V.B	Sets subsequent export limits at 50% of U.S. needs, vs. previous 70%, with subsequent adjustments leading to 100%	Identical	No change from current policy
V.B.4	Sets out conditions for increasing export limits to accommodate additional U.S. needs	Identical	No change from current policy

V.C.2	Restricts 10/1-3/31 imports to 55% of U.S. needs with an exception	Identical	No change from current policy
V.C.3	Restricts refined sugar to 30% of imports in any export limit period	Identical	No change from current policy
VI.A.	Presentation of export license required as condition of entry of sugar	Identical	No change from current policy
VI.B	Requires contract-specific export licenses	Identical	No change from current policy
VIII.B.4	Establishes penalties for non-compliance with polarity requirements	Identical	No change from current policy
Appendix I	Adds required information to export licenses	Identical	No change from current policy

Comparison of 2017 AD Suspension Agreement Amendments to Draft Amendments Circulated by DOC Nov. 6, 2019

Section of 2014 Agreement Amended	2017 Amendment	2019 Amendment	Comment
Various	“the Department”	“Commerce”	Not substantive
II.C	Defines effective date of agreement; defines effective date of amendment in terms of applicability to 2017/18 marketing year	Identical for effective date of agreement; defines effective date of amendment as date signed	2019 amendments would take immediate effect whenever signed
II.F	Defines other sugar as less than 99.2 pol with certain exceptions	Identical	No change from current policy
II.H	Defines refined sugar as 99.2 pol and above with certain exceptions	Identical	No change from current policy
II.N	Defines intermediary customer	Identical	No change from current policy
II.O	Defines additional U.S. needs sugar	Identical	No change from current policy
VII.B.4	Commerce may verify polarity testing at any Mexican mill	Identical	No change from current policy
VII.C.4	Requires quarterly listing of total other and refined sugar exported during period	Identical	No change from current policy
VII.C.5	Requires suspension agreement terms to be incorporated into contracts for sale to intermediary customers	Identical	No change from current policy
VII.C.6	Requires polarity testing of other sugar upon import into the U.S.	Identical	No change from current policy

VII.C.7	Deals with violations of polarity testing requirement	Identical except corrects apparent error in section reference in 2017 amendments	No change from current policy
VIII.D	Adds failure to provide documents and to comply with polarity testing to list of violations	Identical	No change from current policy
Appendix I	Increases reference prices to \$0.28 for refined sugar and \$0.23 for other sugar	Identical	No change from current policy
Appendix I	Mexican exporters must ensure that sales price includes all expenses	Identical	No change from current policy