

Republic of Colombia

(SHIELD) Freedom and Order

**MINISTRY OF TRADE, INDUSTRY AND TOURISM**

**RESOLUTION NUMBER 192 OF JULY 3, 2024**

"Whereby an administrative investigation is initiated in order to determine the existence, amount and effects on the domestic industry, for alleged subsidies on imports of powdered milk, originating in the United States of America".

**THE DIRECTOR OF FOREIGN TRADE**

In exercise of her legal powers, especially those conferred by paragraphs 1, 5 and 7 of Article 18 of Decree 210 of 2003 as amended by Article 3 of Decree 1289 of 2015, Decree 653 of 2022, which added Chapter 9 to Title 3 of Part 2 of Book 2 of Decree 1074 of 2015, in development of the provisions of Law 170 of 1994, and

**WHEREAS**

The investigation is carried out within the framework of Law 170 of 1994, which incorporated the Agreement on Subsidies and Countervailing Measures of the World Trade Organization ("hereinafter SMC Agreement") into national legislation and Decree 1074 of 2015, as added by Decree 653 of 2022.

Article 8: Compensatory Duties of Section B of Chapter Eight: Trade Defense of the Trade Promotion Agreement between the Republic of Colombia and the United States of America ("United States") provides that (i) Each Party retains its rights and obligations under the WTO Agreement with respect to the application of anti-dumping and countervailing duties; and (11) Nothing in this Agreement, including the provisions of Chapter Twenty-One (Dispute Settlement), shall be construed to impose any rights and obligations on the Parties with respect to anti-dumping and countervailing duty measures, i.e., a cross-referral provision to the SMC Agreement.

Through Decree 653 of April 27, 2022 "Whereby Chapter 9 is added to Title 3 of Part 2 of Book 2 of Decree 1074 of 2015, related to the application of countervailing duties and other provisions are enacted", the special administrative procedure that allows defining the imposition of provisional and definitive countervailing duties is regulated.

Article 11.6 of the SMC Agreement provides the opportunity to decide to initiate an ex officio investigation once there is sufficient evidence of the existence of a subsidy, injury and causal link.

In accordance with the provisions of Article 2.2.3.3.9.6.1 of Decree 1074 of 2015, added by Decree 653 of 2022, after evaluation by the Subdirectorate of Trade Practices, the opening of the ex officio investigation for indications of subsidies, may only be ordered when it is determined that there is sufficient evidence of subsidization, injury, and the causal relationship between these two elements.

In compliance with the provisions of Article 2.2.3.3.9.6.4. of Decree 1074 of 2015, added by Decree 653 of 2022, in accordance with the provisions of Article 13 of the SMC Agreement, by means of official letter No. 2-2024-006181 of March 7, 2024, the Directorate of Foreign Trade communicated to the Government of the United States, through its Embassy in Colombia, about the evaluation of the merit to undertake an ex officio investigation for subsidies on imports of milk powder, classified under tariff subheadings 0402.10.10.00, 0402.10.90.00, 0402.21.11.00, 0402.21.19.00, 0402.21.91.00, 0402.21.99.00, 0402.29.11.00, 0402.29.19.00, 0402.29.91.00 and 0402.29.99.00, originating from the aforementioned country. In such communication, in accordance with the provisions of Article 13.1 of the SMC Agreement and Article 2.2.3.3.9.6.7. of Decree 1074 of 2015, as added by Decree 653 of 2022, the authorities of the exporting country were given the opportunity to request consultations, in order to clarify the facts of the case and, if possible, reach a mutually agreed solution with the Colombian authorities.

On May 2, 2024, the respective consultations were held between the Ministry of Trade, Industry and Tourism and the authorities of the Government of the United States, by means of a videoconference, with the participation of officials of the Government of the United States, the Embassy of the United States in Colombia, the Ministry of Trade, Industry and Tourism, the Ministry of Foreign Affairs and the Ministry of Agriculture and Rural Development of Colombia.

In accordance with Article 2.2.3.3.9.1.4. of Decree 1074 of 2015, added by Decree 653 of 2022, the investigation and imposition of countervailing duties must be carried out taking into consideration the public interest, with corrective and preventive purpose against the allegation of material injury, threat of material injury or material retardation in the creation of a domestic industry, provided that there is a relationship with subsidized imports.

Within the framework of the provisions of Article 2.2.3.3.9.6.8 of Decree 1074 of 2015, added by Decree 653 of 2022, a notice published in the Official Gazette must be convened and questionnaires sent so that those interested in the investigation may express their duly supported position and provide or request the evidence they consider relevant, within the terms established in said articles.

The analyses carried out by the Investigating Authority in the technical opening report, which were taken into account for the evaluation of the merits of the opening of the ex officio investigation, will be included in the respective file, which can be seen by the interested parties in its public version on the web page of the Ministry of Trade, Industry and Tourism.

For the initiation of the investigation, according to the provisions of Article 11.4 of the SMC Agreement and Article 2.2.3.9.5.1. of Decree 1074 of 2015, added by Decree 653 of 2022, it was established that the 648,199 milk producers aggregated by the Colombian Federation of Cattle Raisers - FEDEGAN, represent 100% of the national production branch.

According to the concept of similarity issued by the Group Registry of Producers of National Goods of this Ministry, through memorandum GRPBN-2021-000029 of August 5, 2021, which was issued in the framework of the safeguard investigation of the year 2021 to imports of milk powder, with respect to the imported product under investigation classified under the tariff subheadings 0402.10.10.00, 0402.10.90.00, 0402.21.11.00, 0402.21.19.00, 0402.21.91.00, 0402.21.99.00, 0402.29.11.00, 0402.29.19.00, 0402.29.91.00 y 0402.29.99.00 and the one produced by the national industry classified under tariff heading 0401, it was concluded that although no technical information was evidenced on products contemplated under these subheadings, similarity between them could not be ruled out.

As mentioned in said concept, although the products classified under the aforementioned subheadings are not the same in their physical characteristics, tariff classification and packaging, which does not change or affect the nature of the product and whose function is the conservation of the product, its ease of storage, transportation and handling, they are similar in their chemical composition: Water (liquid base) and Total Dry Extract (dry base) consisting mainly of Fat, Lactose and Protein; in the production process, whole liquid milk is used as the main raw material, which may contain, independently of the natural components mentioned above, other additives such as vitamins, preservatives, calcium, etc.; as to the main final uses of the product, it is for human consumption.

That with the information reasonably available thereto, the Investigating Authority considers that there is sufficient evidence to consider that the imported product under investigation and the domestically produced product are alike. In any case, the Investigating Authority will continue to investigate this aspect in depth in order to gather and allow interested parties to provide further evidence.

For the purposes of the analysis of the initiation of the ex officio administrative investigation, the period for determining the existence of evidence of subsidies has been established as January to December 2023, as well as the period between 2020 and 2023, for determining the existence of evidence of injury and causal relationship. The above, according to the information analyzed by the Investigating Authority, which is in accordance with the recommendations established by WTO technical agencies and Article 2.2.3.3.9.6.1. of Decree 1074 of 2015, added by Decree 653 of 2022.

In furtherance of the provisions of Decree 1074 of 2015, added by Decree 653 of 2022, in accordance with the SMC Agreement, the following is a summary of the procedures and analysis on the determination of sufficient evidence for the opening of the ex officio administrative investigation, information that is extensively developed in the Technical Report of Opening that will be consigned in the respective file, which can be found on the website of the Ministry of Trade, Industry and Tourism by the interested parties in its public version and that serves as the basis for this resolution.

## **1. SUBSIDY INDICATORS**

For the initial stage, based on the information gathered and analyzed by the Investigating Authority, there was sufficient evidence that the U.S. Federal and State Governments granted subsidies to the U.S. milk production, which would be made through financial contributions to the U.S. producers, in accordance with Article 1 of the SMC Agreement, whose benefit, specificity, amount and calculation of the benefit are described in detail in the Opening Technical Report.

The alleged subsidies were granted through 8 state and 7 federal programs that, according to the analysis performed, would qualify as actionable subsidies, in accordance with the provisions of Article 5 of the SMC Agreement, in accordance with Article 2.2.2.3.9.2.2.6. of Decree 1074 of 2015, as added by Decree 653 of 2022.

### **Calculation of the subsidy amount:**

Article 2.2.2.3.3.9.3.2. of Decree 1074 of 2015, added by Decree 653 of 2022 states that:

***"Calculation of the benefit obtained by the recipient.*** For the calculation of the benefit obtained by the recipient of a subsidy, the following rules shall apply:

- 1. The provision of equity capital by a government or public body is not considered to confer a benefit, unless the investment decision can be considered inconsistent with the usual investment practice (including for the provision of venture capital) of private investors in the territory of the home country;*
- 2. A loan from a government or public agency is not considered to confer a benefit unless there is a difference between the amount paid for such a loan by the company receiving the loan and the amount that company would pay for a comparable commercial loan that it could actually obtain in the market. In this case, the profit will be the difference between the two amounts.*
- 3. A credit guarantee provided by a government or public body is not considered to confer a benefit unless there is a difference between the amount paid on a loan guaranteed by the government or public body, the company receiving the guarantee and the amount that company would pay on a comparable commercial loan without the government or public body guarantee. In this case, the profit will be the difference between the two amounts, adjusted for any differences in commissions;*
- 4. The supply of goods or services, or the purchase of goods by a government or public body, is not considered to confer a benefit, unless the supply is made for less than adequate remuneration, or the purchase is made for more than adequate remuneration. The adequacy of remuneration shall be determined in relation to prevailing market conditions for the good or service in question, in the country of supply or purchase (including price, quality, availability, marketability, transportation and other conditions of purchase or sale)."*

In this regard, the Investigating Authority gathered detailed information on the subsidies granted by the Government of the United States to the production of liquid milk, the main input for the production of powdered milk in 2023, which amount to USD\$ 1,954,283,417. The analyses carried out by the Investigating Authority to establish this value are included in the Opening Technical Report.

Considering then that, for 2023, the total milk production in the United States was approximately 109,210,637,505 liters and that the total amount of subsidies received by the milk industry was USD\$ 1,954,283,417, the amount of the subsidy for the milk industry is equivalent to USD 0.018/liter.

For purposes of calculating the amount of the subsidy granted to the production of liquid milk that is transferred to the production of powdered milk, the conversion factor from liquid milk (liters) to powdered milk (kilograms) was applied. For this purpose, the dairy product conversion table of the Dairy Chain Observatory (Observatorio de la Cadena Láctea) - OCLA was used, where one kilogram of skim milk powder with 1.5% or less of milk fat is equivalent to 12.25 liters of milk, which when converted to milk powder yields a subsidy amount of US 0.21 ( $0.017 \times 12.25$ ) per kilogram of milk. Likewise, a kilogram of whole and semi-skimmed milk powder with 26% to 40% milk fat has an equivalent in liters of 8,755, in order to obtain the equivalence of the amount of the subsidy in kilograms of milk powder of US 0.15 ( $0.017 \times 8,755$ ) per kilogram of milk powder.

This is reflected in a subsidy rate of USD 0.220/kg for milk powder classified under subheadings 0402.10.90.00 and 0402.29.99.00 and USD 0.157/kg for milk powder classified under subheading 0402.21.19.00.

## **2. DETERMINATION OF THE EXISTENCE OF INDICATIONS OF DAMAGE AND CAUSAL RELATIONSHIP.**

The evaluation of the volume of milk powder imports was made in accordance with the provisions of Article 2.2.3.3.9.4.1. of Decree 1074 of 2015, as added by Decree 653 of 2022 and Article 15.2 of the SMC Agreement, which states:

*"With regard to the volume of subsidized imports, the investigating authority shall take into account whether there has been a significant increase in subsidized imports, either in absolute terms or relative to production or consumption of the importing Member." With regard to the effect of the subsidized imports on prices, the investigating authority shall consider whether there has been significant price undercutting by the subsidized imports as compared with the price of a like product of the importing Member, or whether the effect of such imports is otherwise to depress prices to a significant degree or to prevent price increases that would otherwise have occurred to a significant degree.*

*None of these factors in isolation, nor several of them together, will necessarily be sufficient to provide decisive guidance."*

In accordance with the above, the actual import figures of milk powder classified in the tariff subheadings 0402.10.10.00, 0402.10.90.00, 0402.21.11.00, 0402.21.19.00, 0402.21.91.00, 0402.21.99.00, 0402.29.11.00, 0402.29.19.00, 0402.29.91.00 and 0402.29.99.00 - source DIAN - for the semesters of the period between 2020 and 2023 were analyzed.

The evaluation of the economic and financial variables of the domestic industry was conducted based on Article 2.2.3.3.9.4.1. of Decree 1074 of 2015, as added by Decree 653 of 2022 and paragraphs 1 and 4 of Article 15 of the SMC Agreement, which states:

"The determination of injury for the purposes of Article VI of the GATT 1994 shall be based on positive evidence and shall involve an objective examination:

a) the volume of the subsidized imports and their effect on prices of similar products in the domestic market; and b) the volume of the subsidized imports and their effect on prices of similar products in the domestic market.

b) the consequent impact of such imports on domestic producers of such products".

In order to establish the behavior and evaluation of imports and the economic and financial variables of the domestic industry, comparisons were made between the period of the subsidy practice, year 2023, with respect to the years 2020, 2021 and 2022.

In this regard, Article 15.4 of the SMC Agreement provides that:

"The examination of the impact of the subsidized imports on the domestic industry concerned shall include an evaluation of all relevant economic factors and indices having a bearing on the state of this production branch, including actual and potential decline in output, sales, market share, profits, productivity, return on investments or capacity utilization; factors affecting domestic prices; actual or potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investment; and, in the case of agriculture, whether there has been an increase in the cost of government support programs. This list is not exhaustive, and none of these factors in isolation nor several of them together will necessarily suffice to obtain decisive guidance."

For its part, the causal relationship analysis was developed considering the legal framework established in Article 2.2.3.3.9.4.1. of Decree 1074 of 2015, as added by Decree 653 of 2022 and paragraph 5 of Article 15 of the SMC Agreement which provides that:

"It must be demonstrated that, through the effects of the subsidies, the subsidized imports are causing injury within the meaning of this Agreement. The demonstration of a causal relationship between the subsidized imports and the injury to the domestic industry shall be based on an examination of all relevant evidence before the authorities. They shall also examine any other factors of which they are aware, other than subsidized imports, which at the same time are not subsidized.

Continuation of the resolution "Whereby an administrative investigation is initiated in order to determine the existence, amount and effects on the domestic industry, for alleged subsidies on imports of powdered milk, originating in the United States of America", affecting the domestic industry, and the damage caused by these other factors should not be attributed to the subsidized imports. Factors which may be relevant in this respect include the volume and prices of non-subsidized imports of the product concerned, contraction in demand or changes in the pattern of consumption, restrictive business practices of and competition between foreign and domestic producers, developments in technology and export performance, and the productivity of the domestic industry."

With the information reasonably available to the Investigating Authority, with respect to the evaluation of damage to the domestic industry during this initial stage, based on a comprehensive analysis and as a whole of the injury indicators related to the SMC Agreement, indications have been found that allow to reasonably infer that the domestic industry has suffered damage, when analyzing the periods from 2020 to 2023.

The foregoing is based on the following considerations:

## **2.1 As to the Volume and Price Evolution of Imports**

From 2012, the year in which the Free Trade Agreement with the United States came into effect, until 2023, the imported kilograms of powdered milk from the United States showed an upward trend; imports increased from 2,892,830 kilograms in 2012 to 27,849,163 kilograms in 2023, representing an 863% increase in import volume over a period of 11 years. From 2014 to 2023, imports from the United States exceeded the quota established in the agreement.

Furthermore, in order to analyze the alleged injury to the domestic liquid milk industry caused by the imports of powdered milk, it is necessary to use the equivalence in kilograms of powdered milk to liters. Consequently, for the conversion from kilograms to liters, the table of the Argentinean Dairy Chain Observatory (Observatorio de la Cadena Láctea Argentina-OCLA)<sup>1</sup> was used, where the equivalence of 1 kilogram of skim milk powder equals 12.25 liters of liquid milk and 1 kilogram of whole milk powder equals 8.755 liters of liquid milk.

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<sup>1</sup> <https://www.ocla.org.ar/noticias/11095090-tabla-de-conversion-productos-lacteos-a-leche-equivalente>

During the period analyzed, imports from the United States in 2021 registered a 13% decrease from 364 million liters to 318 million liters, followed by a 3% decrease in imports in 2022, compared to 2021, which amounted

309 million liters. Finally, by the year 2023, they increase to 335 million liters of milk, showing a positive percentage variation of 8%.

The share of imports from the United States in total imports increased by 3 percentage points in 2021, from 56.2% to 59.2%. Then, in 2022, its share fell by 10.68 percentage points to 48.5%. Finally, by 2023, it had a 55.8% share, 7.3 percentage points higher than in the previous year.

The average CIF price in liters of milk powder imports originating in the United States in 2021 decreased 0.7% from USD 0.23/liter to USD 0.22/liter compared to the immediately preceding year. In 2022, it grew by 35.5% to USD 0.30/liter. However, in 2023, there will be a 10% decrease, with a price of USD 0.27/liter.

## **2.2 Price Undervaluation of Subsidized Imports as Compared to the Price of the Domestic Product**

As a result of comparing the price of powdered milk imports converted to liters of liquid milk originating in the United States versus the price of the domestic product, the price of the imported product is lower than the domestic product by 23% in 2020, 30% in 2021, 28% in 2022 and 7% in 2023.

During the period of analysis, it was determined that the price of powdered milk imports from the United States is on average 22% lower than the price of the domestic product, which evidences a price undervaluation between the imported and domestic product.

## **2.3 Apparent National Consumption (ANC) of Liquid Milk**

The Colombian market for the product under investigation will grow by 4.1% in 2021, followed by 4.0% in 2022 and 4.4% in 2023. In the particular case of imports from the United States, it is observed that for the year 2023, an increase of 8.1% is observed; imports from other countries decreased by 22.7% and domestic production decreased by 4.3%.

### **Market Share**

Regarding the participation in the Apparent National Consumption (ANC), the market contribution of the investigated imports originating in the United States for the year 2023 represents an increase of 0.5 percentage points, going from 3.9% in 2022 to 4.4% in 2023. Other imports, in 2023, show a decrease in this variable of 0.6 percentage points, from 3.3% in 2022 to 2.7% in 2023. The volume of liquid milk production as a percentage of total Apparent National Consumption in 2023 will decrease by 0.1 percentage points, from 92.8% in 2022 to 92.9% in 2023.

## **2.4 Economic and Financial Indicators**

The behavior of the total production volume in 2023, compared to 2022, decreased 4.28%, equivalent to 417 million liters, from 7,414 million liters to 7,097 million liters.

The imports investigated with respect to the volume of production in the year 2023 in relation to 2022, increased 0.5 percentage points from 4.2% to 4.7%.

The volume of sales (formal collection) decreased by 1.2%, from 3,369 million liters in 2022 to 3,327 million liters in 2023.

The volume of sales (formal stockpiling) compared to the volume of production increased by 1.4 percentage points, from 45.5% in 2022 to 46.9% in 2023.

Productivity measured by liters of milk per cow per day increased by 40%, from 4.5 liters of milk per cow per day to 6.3 liters of milk per cow per day.

The price per liter of milk increased 75.47%, from 1,272 pesos per liter in 2022 to 2,232 pesos per liter of milk in 2023.

When comparing the participation of domestic production with respect to Apparent National Consumption in the 2023 period with respect to the 2022 period, a reduction of 0.1 percentage points is recorded, going from 92.8% to 92.9%.

When comparing the share of domestic sales (formal stockpiling) with respect to Apparent Domestic Consumption in the 2023 period with respect to the 2022 period, a reduction of 1.4 percentage points is recorded, going from 42.2% to 43.6%.

The imports investigated with respect to Apparent National Consumption in the year 2023 in relation to the year 2022, decreased by 0.51 percentage points, from 3.9% to 4.4%.

Sales revenue (formal collection) shows an increase in 2023, compared to

2022 of 17.27%, from 6,568 billion pesos to 7,702 billion pesos.

## **2.5 Indications of Causal Relationship**

As explained and developed in the corresponding Opening Technical Report, there is evidence that establishes a causal relationship between the subsidization of imports of milk powder originating in the United States, found in this stage of opening, and the damage experienced by the domestic industry.

First, the Investigating Authority found a subsidy practice in the imports of milk powder classified under subheadings 0402.10.90.00 (USD 0.220/kg), 0402.21.19.00 (USD 0.157/kg) and 0402.29.99.00 (USD 0.220/kg).

The volume of imports from the United States in 2023 will increase to 335 million liters, an increase of 8.09%.

Furthermore, the share of imports from the United States in total imports increased by 7.3 percentage points in 2023 compared to 2022, accounting for 55.8% of total imports.



Likewise, the average annual CIF price per liter of powdered milk imports originating in the United States for the year 2023 decreased by 10% to USD 0.27/liter.

On the other hand, the Apparent Domestic Consumption and the market contribution of imports originating in the United States for the year 2023 represented an increase of 8.1%; on the other hand, imports originating in other countries decreased 22.7% and the volume of domestic production decreased 4.3%.

There was also evidence of damage to the variables: Volume of production, volume of production with respect to Apparent National Consumption, imports investigated with respect to volume of production, imports investigated with respect to Apparent National Consumption.

## **2.6 Other Causes of Damage**

In accordance with the provisions of Article 15.5 of the SCM Agreement and paragraph 4 of Article 2.2.3.9.4.1. of Decree 1074 of 2015, added by Decree 653 of 2022, factors other than subsidized imports that at the same time may have influenced the situation of the domestic industry were examined, such as: volume and prices of non-subsidized imports of the product in question, contraction in demand or variations in the structure of consumption, restrictive business practices of foreign and domestic producers and competition between them, the evolution of technology and the results of export activity and productivity of the domestic industry.

- **Volume and prices of non-investigated imports**

Imports from other countries showed a variable behavior during the period analyzed. Thus, in 2021, they decreased 21.97%, while for the year 2022 the increase was 45.62%. Finally, in the year 2023, imports fell from 264 million liters to 202 million liters, with a negative percentage variation of 23.51%.

The share of imports from other countries in 2021 decreased 3 percentage points from 43.8% to 40.8%; then in 2022, it increases 10.68 percentage points to 51.5%. In the year 2023, its share will decrease by 7.3 percentage points to 44.2%.

The average CIF price of the other countries showed an upward trend. In 2021, it presented an increase of 7.57% compared to 2020. In 2022, it continued to grow, increasing 31.66% to USD 0.46/liter. Finally, in the year 2023, there is a decrease of 9.02%, with a price of USD 0.42/liter.

- **Measures imposed by other countries**

According to the website of the World Trade Organization (WTO) and the various investigating authorities of the member countries, to date there are no measures in force for subsidies, anti-dumping or safeguard measures on imports of powdered milk.

- **Exports outcomes**

The production activity of the domestic milk industry has been aimed at the domestic market in all the semesters analyzed, since there have been no exports by the domestic industry.

- Restrictive business practices of foreign and domestic producers and competition between them

Having examined the factors referred to in Article 15.5 of the SMC Agreement, no information was found, for this stage of the investigation, related to restrictive business practices of foreign and domestic producers and competition between them.

### 3. OVERALL CONCLUSION

Pursuant to Article 2.2.3.3.9.6.1 of Decree 1074 of 2015, added by Decree 653 of 2022, in accordance with the provisions of Article 11 of the SMC Agreement and, according to the analyses made based on the information gathered, the Investigating Authority found merit to initiate and ex officio investigation in order to evaluate the adoption or not of provisional and definitive countervailing duties on imports of milk powder from the United States. The above, taking into account the existence of evidence of subsidies, the behavior of the volume and price of the investigated imports and the injury to the domestic industry caused by the behavior of such imports and reflected in the negative performance of the economic indicators of the domestic industry. Thus, with the information collected, the amount of subsidy for milk powder classified under subheading 0402.10.90.00 and 0402.29.99.00 is USD 0.22/kg and for subheading 0402.21.19.00 is USD 0.157/kg.

Pursuant to the provisions of Article 2.2.3.3.9.6.6. of Decree 1074 of 2015, as added by Decree 653 of 2022, as well as Article 18(5) of Decree Law 210 of 2003 as amended by Article 3 of Decree 1289 of 2015, it is incumbent upon the Directorate of Foreign Trade to order the initiation of the investigation for subsidies.

Based on the foregoing,

#### RESOLVES TO

**Article 1.** To order the initiation of an administrative investigation with the purpose of determining the existence, amount and effects on the national production branch, of alleged subsidies in the imports of powdered milk classified under tariff subheadings 0402.10.10.00, 0402.10.90.00, 0402.21.11.00, 0402.21.19.00, 0402.21.91.00, 0402.21.99.00, 0402.29.11.00, 0402.29.19.00, 0402.29.91.00 and 0402.29.99.00 originating in the United States of America.

**Article 2.** To summon, by means of a notice published only once in the Official Gazette, the parties interested in the investigation so that they may express their duly supported opinion and provide or request, before the Subdirectorate of Commercial Practices of the Directorate of Foreign Trade, the evidence and documents they deem pertinent.

**Article 3.** To request, through the questionnaires designed for such purpose to the Government of the United States of America, to the known importers, exporters and foreign producers of the product in question, the pertinent information in order to have sufficient elements to carry out this investigation. Likewise, to allow interested persons to obtain the same questionnaires on the website of the Ministry of Trade, Industry and Tourism, in accordance with the provisions of Article 2.2.2.3.9.6.8 of Decree 1074 of 2015, as added by Decree 653 of 2022.

**Article 4.** To communicate this resolution to the Embassy of the United States of America in Colombia, exporters, domestic and foreign producers, known importers, and other parties that may have an interest in the investigation, in accordance with the provisions of Decree 1074 of 2015, added by Decree 653 of 2022.

**Article 5.** To allow interested parties access to non-confidential evidence and documents provided to the investigation, as well as to other procedural documents that may be gathered during the course of the investigation, in order to provide full opportunity to discuss the evidence, provide the evidence they deem necessary and present their arguments.

**Article 6.** No appeal may be filed against this resolution, as it is a general administrative act of procedure, in accordance with the provisions of Article 2.2.2.3.9.1.4. of Decree 1074 of 2015, added by Decree 653 of 2022, in accordance with the provisions of Article 75 of the Code of Administrative Procedure and Administrative Disputes.

**Article 7.** This Resolution becomes effective as of the date following its publication in the Official Gazette.

**LET THE ABOVE BE PUBLISHED, NOTIFIED AND COMPLIED WITH**

Issued in Bogota, D.C. on July 3, 2024

(Signed)

**ELOISA FERNANDEZ DE DELUQUE**

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