

United States Senate

WASHINGTON, DC 20510

April 29, 2013

Demetrios Marantis
Ambassador
Acting U.S. Trade Representative
600 17th Street NW
Washington, DC 20508

Rebecca Blank
Acting Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Ambassador Marantis and Acting Secretary Blank:

We are writing to express our concern regarding a recent decision by the European Commission (EC) to impose an unprecedented, country-wide anti-dumping duty on exports of ethanol from the United States.

As you know, on February 18, 2013, the EC announced that it would impose a country-wide dumping penalty on all imports of ethanol from the United States. It is taking this unprecedented action, despite the Commission's failure to make any particular finding of dumping by any producer or marketer investigated in connection with the case. We believe this rule sets dangerous precedent for trade and trade remedies in advance of the well-publicized start of important trade talks between the United States and the European Union, and will dramatically and unilaterally change the boundaries and limits of international anti-dumping law.


Decades of international and EC trade case precedent has required that international adjudicative bodies of anti-dumping complaints make a finding of actual dumping by a particular actor or group of actors, and assign differing degrees of penalties or duty rates to those deemed to be bad actors or otherwise found to be unwilling investigation participants. Breaking from that well-established practice, we understand that the EC is now proposing a country-wide duty against all ethanol imports from the United States, regardless of whether that producer or marketer has engaged in any of the alleged offensive acts, or was willing or unwilling to participate in the investigation. Further, we do not believe there has been an adequate finding by the EC that any injury was suffered by anyone in the European ethanol industry, a further requirement of anti-dumping law.

We ask that you carefully evaluate the EC ruling, and if appropriate, consider submitting a challenge on behalf of the U.S. ethanol industry to the World Trade Organization regarding any aspect of the ruling that violates established and negotiated trade law standards and practices

Thank you for your attention to this important issue.

Sincerely,



Amy Klobuchar


John Thune


Tom Harkin



Charles E. Grassley

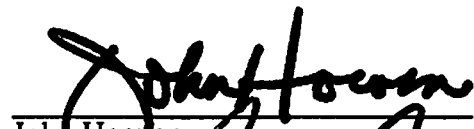

Richard J. Durbin



Mike Johanns

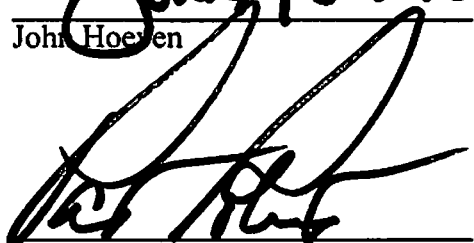

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Deb Fischer



Heidi Heitkamp


John Hoeven


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