

TRADE REMEDY SUMMARY
 Prepared by Marguerite Trossevin
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ANTIDUMPING DUTIES (AD) “Unfair Trade”	COUNTERVAILING DUTIES (CVD) “Unfair Trade”	Section 421 (China-specific Safeguard): Expires 2013 No Unfair Trade Required	GLOBAL SAFEGUARD (Section 201) No Unfair Trade Required
Trade Issue: Pricing – selling at less than “normal value” (i.e., “dumping”). NV is home market price or for NMEs (China, Vietnam) a constructed value.	Trade Issue: Government subsidies that benefit the subject imports.	Trade Issue: Surge in imports from China causing “Market Disruption”	Trade Issue. Surge in imports
Requirements: (1) the subject imports are “dumped” and (2) dumped imports causing (or threatening to cause) “material injury” to the domestic industry	Requirements: (1) the subject imports are subsidized and (2) subsidized imports causing (or threatening to cause) “material injury” to the domestic industry	Requirements: Market Disruption = (1) “Rapidly increasing” imports from China; (2) that are a “significant cause” of “material injury” to the domestic industry	Requirements: (1) increased imports, which are (2) a “substantial cause” of “serious injury” to the domestic industry
Remedy/Duration: AD mandatory if criteria met; duties can remain indefinitely subject to five-year review	Remedy/Duration: CVD mandatory if criteria met; duties can remain indefinitely subject to five-year review	Remedy/Duration: Discretionary – tariff, quota or tariff rate quota; applied to Chinese imports only; restrictions are typically eased each year. Duration of safeguard is typically 3 years because of potential for countermeasures by China if the safeguard measure is extended.	Remedy/Duration: Discretionary – tariff, quota or tariff rate quota; must be applied globally and are decreased each year. Duration of safeguard is typically 4 years.
Responsible Agencies: Commerce for dumping; ITC for injury	Responsible Agencies: Commerce for subsidy; ITC for injury	Responsible Agencies: ITC for market disruption and “recommended” remedy; President (USTR) final decision on remedy	Responsible Agencies: ITC for increased imports, injury and “recommended” remedy; President (USTR) final decision on remedy
Standing: US producers of “like product”; includes unions representing workers in the industry	Standing: US Producers of “like product”	Standing: US producers of “like or directly competitive” product; interpreted to include unions	Standing: US producers of “like or directly competitive” product; interpreted to include unions
Investigative Process: Investigation takes 12-18 months; there are both preliminary and final decisions by Commerce and the ITC; data is collected through a series of detailed questionnaires and an on-site verification by Commerce of the foreign producer’s questionnaire responses.	Process: Investigation takes 12-18 months; there are both preliminary and final decisions by Commerce and the ITC; data is collected through a series of detailed questionnaires and an on-site verification by Commerce of the foreign producer’s questionnaire responses.	Process: Short process (5 months total) – ITC investigation is completed within 60-75 days (2-2.5 months), including pre- and post-hearing submissions and formal hearing before the Commission; followed by a Presidential review process last approximately 2.5 months. USTR conducts the latter process and makes a confidential recommendation on remedy to the President. The President has the discretion to take the ITC’s recommendation, fashion a different remedy or elect not to impose any restrictions on imports.	Process: The investigation normally takes 180 but (6 months) can be extended to 240 days in certain circumstances. Normally, the President has 60 days from receipt of the ITC’s report within which to take action.

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<p><i>Post-Order Process:</i> US has a "retrospective" system under which estimated AD duties are collected at the time of entry. Each year during the anniversary month of the Order importers, exporters or domestic producers may request a review. If there is a review final duties are assess based on the results of the review; if the rate is higher the additional duties are collected with interest; if the rate is lower the excess is refunded with interest. If no review is requested, entries are liquidated at the cash deposit rate in effect at time of entry.</p>	<p><i>Post-Order Process:</i> US has a "retrospective" system under which estimated AD duties are collected at the time of entry. Each year during the anniversary month of the Order importers, exporters or domestic producers may request a review. If there is a review final duties are assess based on the results of the review; if the rate is higher the additional duties are collected with interest; if the rate is lower the excess is refunded with interest. If no review is requested, entries are liquidated at the cash deposit rate in effect at time of entry.</p>	<p><i>Post-Order Process:</i> Import restrictions put in place to remedy market disruption are typically eased over a three-year period; there are provisions for monitoring, review and modification of the remedy.</p>	<p><i>Post-Order Process:</i> Import restrictions put in place to remedy market disruption are eased each year; there are provisions for monitoring review and modification of the remedy.</p>