



CONSUMER-FRIENDLY PROVISIONS IN MAJOR ANTIDUMPING/COUNTERVAILING DUTY LAWS OF TRADING NATIONS OF THE WORLD

United States Has the Least Consumer-Friendly Trade Remedy Law of Any Major Trading Nation

Provision	Pro-Consumer Answer	United States	European Union	China	Canada	Mexico
Consumer standing (full party)	Yes	No	No	No	No	Yes
Public Interest Testⁱ	Yes	No	Yes	No	Yes	Yes
Lesser Duty Ruleⁱⁱ	Yes	No	Yes	No	Yes	Yes
Suspension of Duties in Short Supply Conditionsⁱⁱⁱ	Yes	No	Yes	Yes	Yes	Yes
Zeroing — Investigations	No	Yes	No	No	No	No
Zeroing — Reviews	No	Yes	Yes ^{iv}	Yes ^v	No	No
Prospective Collection of Duties^{vi}	Yes	No	Yes	Yes	Yes	Yes
Duties Distributed to Petitioning Private Parties	No	Yes ¹	No	No	No	No
Antidumping Duties Deducted from Export Price^{vii}	No	No	Yes	Yes	No	No
Consumer-Friendly Score	—	1	6	4	8	9

^{1/} Continued Dumping and Subsidy Offset Act (“Byrd Amendment”) repealed by PL. 109-171, § 7601 (February 8, 2006). Distributions continue for entries prior to October 1, 2007.

ENDNOTES

ⁱ Refers to consideration by the authorities of impact of AD/CVD remedy on economy as a whole or downstream industries. Imposing restrictions without considering their impact harms consuming industries.

ⁱⁱ Refers to imposition of duties at a lower rate than calculated, if a lesser duty is sufficient to remedy injury to the domestic industry. WTO agreements encourage countries to do this, but it is not required. Imposing higher duties than necessary to remedy industry harms consuming industries without furthering purpose of antidumping/countervailing duty remedy.

ⁱⁱⁱ Refers to history of such actions — CITAC believes the US authorities may lawfully suspend duties, but have never done so.

^{iv} Only in circumstances where “targeted dumping” is alleged.

^v Only in circumstances where “targeted dumping” is alleged.

^{vi} Refers to system where amount of AD/CVD duties is known at the time goods are imported. Uncertainty is damaging to consumers because the uncertainty of the amount acts as a deterrent to imports, whether dumped or not.

^{vii} Commonly referred to as “duty as a cost,” this provision has the effect of inflating antidumping and countervailing duties. Inflated duty levels harms consuming industries by raising barriers to trade.

^{viii} Continued Dumping and Subsidy Offset Act (“Byrd Amendment”) repealed by PL. 109-171, § 7601 (February 8, 2006).

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