



**CONSUMER-FRIENDLY PROVISIONS IN MAJOR ANTIDUMPING/COUNTERVAILING DUTY LAWS  
 OF TRADING NATIONS OF THE WORLD (July 2007 revision)  
 United States Has the Least Consumer-Friendly Trade Remedy Law of Any Major Trading Nation**

PROVISION	PRO-CONSUMER ANSWER	UNITED STATES	CHINA	EUROPEAN UNION	CANADA	MEXICO
<b>Industrial User/Consumer standing (full party)</b>	Yes	No	No	No	No	Yes
<b>Public Interest Test<sup>1</sup></b>	Yes	No	No	Yes	Yes	Yes
<b>Lesser Duty Rule<sup>2</sup></b>	Yes	No	No	Yes	Yes	Yes
<b>Suspension of Duties in Short Supply Conditions<sup>3</sup></b>	Yes	No	Yes	Yes	Yes	Yes
<b>Zeroing—Investigations</b>	No	No <sup>4</sup>	No	No	No	No
<b>Zeroing—Reviews</b>	No	Yes	Yes <sup>5</sup>	Yes <sup>6</sup>	No	No
<b>Prospective Collection of Duties<sup>7</sup></b>	Yes	No	Yes	Yes	Yes	Yes
<b>Duties Distributed to Petitioning Private Parties</b>	No	Yes <sup>8</sup>	No	No	No	No
<b>Antidumping Duties Deducted from Export Price<sup>9</sup></b>	No	No	Yes	Yes	No	No
<b>Consumer-Friendly Score</b>	<b>9</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>9</b>

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Refers to history of such actions – CITAC believes the US authorities may lawfully suspend duties, but have never done so.

<sup>4</sup> Zeroing in investigations using the typical average to average comparison method eliminated effective February 22, 2007. See 71 Fed. Reg. 77722 (December 27, 2006); 72 Fed. Reg. 3783 (January 26, 2007).

<sup>5</sup> Only in circumstances where “targeted dumping” is alleged.

<sup>6</sup> Only in circumstances where “targeted dumping” is alleged.

<sup>7</sup> 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.

<sup>8</sup> Continued Dumping and Subsidy Offset Act (“Byrd Amendment”) repealed by PL. 109-171, § 7601 (February 8, 2006).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.

<sup>9</sup> Commonly referred to as “duty as a cost,” this provision has the effect of inflating antidumping and countervailing duties. Inflated duty levels harm consuming industries by raising barriers to trade.