



**CONSUMING INDUSTRIES
CONSUMER-FRIENDLY PROVISIONS IN ANTIDUMPING/COUNTERVAILING DUTY LAWS OF MAJOR TRADING NATIONS**

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

Provision	Pro-Consumer Position	United States	China	European Union	Canada	Mexico
Consuming industry standing (full party)	Yes	No	No	No	No	Yes
Public Interest Test (consideration of downstream industries' access to competitive imports)¹	Yes	No	No	Yes	Yes	Yes
Lesser Duty Rule²	Yes	No	No	Yes	Yes	Yes
Suspension of Duties in Short Supply Conditions³	Yes	No	Yes	Yes	Yes	Yes
Zeroing—Investigations	No	No⁴	No	No	No	No
Zeroing—Reviews	No	Yes⁵	Yes⁶	Yes⁷	No	No
Prospective Collection of Duties⁸	Yes	No	Yes	Yes	Yes	Yes
Duties Distributed to Private Parties Supporting Petition	No	Yes⁹	No	No	No	No
Antidumping Duties Deducted from Export Price/CEP	No	No	Yes	Yes	No	No
Score	9	2	4	6	8	9

ENDNOTES

¹ 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.

² 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.

³ Refers to history of such actions—CITAC believes the US authorities may lawfully suspend duties, but have never done so.

⁴ Department of Commerce ended zeroing in investigations using “average to average” comparisons effective Feb. 22, 2007. Previous determinations have not been corrected except pursuant to WTO proceedings brought by other countries; orders based on zeroing in investigations are still in effect.

⁵ Proposed regulation issued December 28, 2010 to change zeroing policy. Zeroing in administrative reviews remains in effect.

⁶ Only in circumstances where “targeted dumping” is alleged.

⁷ Only in circumstances where “targeted dumping” is alleged.

⁸ 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.

⁹ Continued Dumping and Subsidy Offset Act (“Byrd Amendment”) repealed by PL. 109-171, § 7601 (February 8, 2006).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.