

SPECIAL DUTIES – ANNUAL REVIEWS

When antidumping and countervailing duty orders are issued by the U.S. Department of Commerce (DOC) and the International Trade Commission (ITC), the orders are published in the Federal Register. An annual review of the order can be requested by interested parties each year during the anniversary month of the original order.

Interested parties would commonly be foreign producers and exporters of merchandise covered by the order or importers of that merchandise. The request for a review must list specific producers or exporters to be reviewed and state why a review has been requested. A request to review all producers or exporters of the commodity covered by the order will not be acted upon. One reason for requesting a review would be if an exporter has altered their pricing since the original order was imposed. The outcome of the review can affect the rate of antidumping or countervailing duties assessed for a particular producer or exporter.

The administrative review is very similar to the original antidumping or countervailing duty investigation in terms of the procedures followed by the DOC and the ITC. The DOC publishes a notice announcing the initiation of the administrative review, issues questionnaires similar to those issued in the original investigation, conducts verification that dumping or unfair subsidies continue to occur (though Commerce is not required to verify in each review), issues preliminary results of the review, accepts legal briefs, holds a public hearing if requested, and issues the final results of the review.

Commerce publishes the results of any annual review in the Federal Register along with the level of any antidumping or countervailing duties to be assessed and the new cash deposit rate applicable to future entries of the merchandise covered by the order.

The ITC does not re-examine the issue of whether injury is inflicted against domestic industry during annual administrative reviews. If the actual margin of dumping or rate of subsidization found in a review is lower than the previously established cash deposit rate, a refund of the over assessment is paid with interest to the importer.

If the actual margin of dumping or subsidization is higher than the previously established cash deposit rate, the under-assessment will be collected with interest from the importer.