

2017

**LAW OFFICES OF NITHYA NAGARAJAN LLC**

International Trade Law & Consulting

# **INTERNATIONAL TRADE REMEDIES PRACTICE**



## **What Makes the Law Offices of Nithya Nagarajan, LLC and Its Advisors Unique**

The international trade law and consulting firms of Law Offices of Nithya Nagarajan, LLC, and the legal and data consulting advisors that we work with (Uno Trade Strategy Advisors) are located in Washington, DC, near the major government agencies tasked with administering the U.S. trade laws.

Our focus is on the representation of companies involved in international trade legal matters either in the United States or in foreign countries. Our primary practice areas and specialization is antidumping duty law and countervailing duty law investigations and administrative reviews, as well as Customs issues, Customs compliance, trade litigation and appeals, antitrust matters, market access and research, and general matters of international trade law, and international commercial transactions.

While several firms in Washington, DC offer international trade law assistance, our boutique practices are unique in that we are small, specialty law and consulting firms with a focus on international trade law and its intricacies. Our principal attorneys and consultants have worked within the government agencies and courts that handle trade remedy matters. We have represented clients in a wide variety of investigations, involving imports and exports from several different countries and have a proven track record of success in maintaining and increasing our clients' access to critical export markets.

Furthermore, our firms respect the client's need to be fully informed of all aspects of the case or matter in which they are involved. The firm's members seek to work directly with the client to explain the procedures and outline the different strategies, alternatives, and risks involved at various stages of both administrative and litigation matters. We take pride in ensuring that no issue is either too minute or too difficult to be considered and understood by the client. From our perspective, the client's needs are primary and accordingly the client must be respected and fully informed.

Our legal professionals and consultants provide efficient and high quality service at a fraction of the cost of larger firms. Due to our focus and direct contact on all issues with the client, our clients have always been very pleased with our services. At the same time, the experience and specialization of the firm and its low overhead permit us to provide top tier services at a reasonable cost. This makes legal representation in complex antidumping and countervailing cases affordable to many importers and exporters who otherwise could not afford the high costs involved in defending trade remedy proceedings.

Our clients range from large international companies to small, family-owned businesses. We enjoy gaining first-hand knowledge of the products and industries we have represented, as well as getting to know our clients, each with a unique set of concerns and issues.

## **Antidumping Duty Proceedings**

An antidumping duty investigation is a unique and complex litigation that most companies will never have experienced. The investigation is conducted by the U.S. government with numerous tight deadlines, unusual and difficult information requests, and specialized data requirements unique to this kind of proceeding. In addition, these cases involve on-site scrutiny by U.S. government officials with an ever-present possibility of punitive assumptions being made where data is incomplete or insufficiently verifiable.

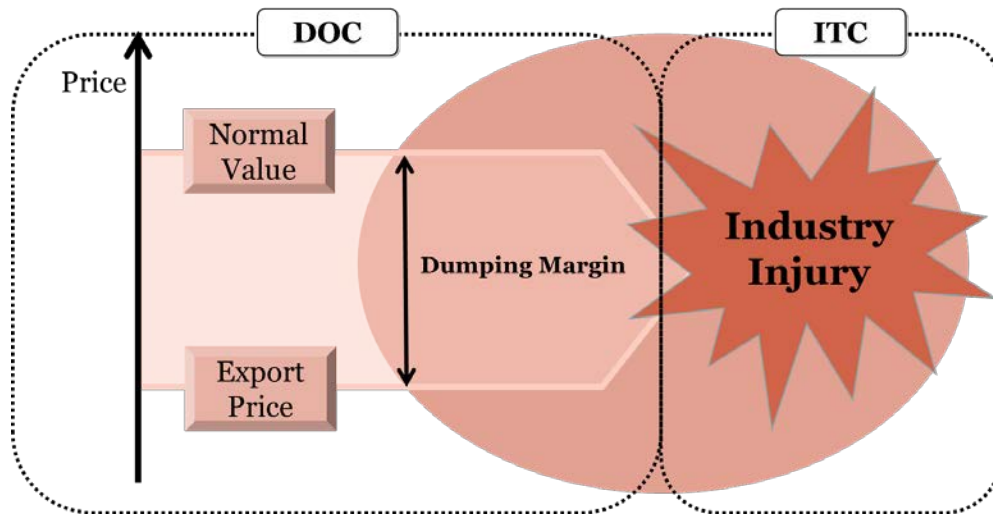
The defense of an antidumping duty investigation requires substantial effort and expense by the companies involved. There are two primary stages to an investigation which are conducted by two separate U.S. government agencies.

(1) The first is an investigation of sales and prices in the United States and the domestic market as well as the costs of production for the manufactured product, to establish whether U.S. prices are below the “normal value” -- which is the definition of dumping. This phase of the proceeding is conducted by the U.S. Department of Commerce (DOC).

(2) The second is an investigation of whether the imports at issue cause material injury to the U.S. industry. This phase of the investigation is conducted by the International Trade Commission (ITC).

The ITC’s task is to establish the existence of injury to the U.S. industry caused by the imports of the product into the United States. The essential issues in the ITC’s investigation are whether the U.S. industry is materially injured (or threatened with material injury) and whether the allegedly dumped imports are a cause of that injury. The ITC performs its investigation in two stages: a preliminary stage, which begins immediately after a case is initiated, and a final stage, which takes place after the DOC has done its investigation.

The DOC’s task is to establish the actual price and/or cost differential that would result in a dumping margin which is then assessed as a cash deposit at the time of entry. It also performs its investigation in two stages: a preliminary stage which occurs approximately 120-180 days after the case is initiated, and a final stage, which occurs approximately 12 months after the case is initiated. The DOC’s focus is to determine the price and/or cost differential (as articulated in the chart below) which under trade remedy laws constitutes dumping:

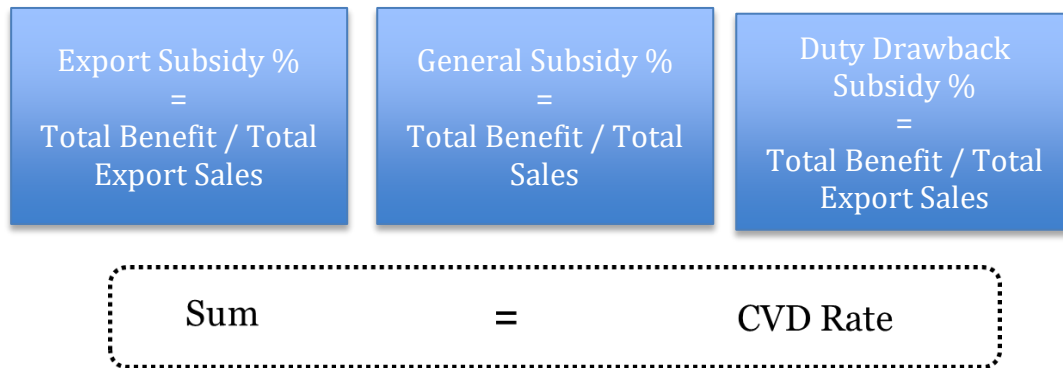


Both agencies must make affirmative determinations in order for the investigatory process to be completed and an antidumping order on all future imports to be instituted.

For the best results, each stage of the aforementioned process requires legal experts and consultants that specialize in this area and have experience with the complicated U.S. antidumping regulations and reporting requirements. Failure to retain experienced professionals when confronted with an antidumping allegation significantly increases the odds that the company under investigation will be assigned a high antidumping duty on its exports to the U.S. thereby severely limiting access to the critical U.S. market.

## Countervailing Duty Proceedings

A U.S. anti-subsidy countervailing duty (CVD) investigation is usually conducted in conjunction with an antidumping (AD investigation). The DOC decides whether a company is receiving unlawful host government subsidies, and if so, imposes the countervailing duty rate that must be deposited for future imports. In a CVD investigation, the DOC examines the government programs and benefits the company has availed itself of, and determines whether they are permissibly general, or impermissibly specific to that industry. If they are found to be unlawful, a duty is imposed in the amount of the subsidy. The subsidy percentage is determined using the following calculations:



The CVD investigation process is similar to the antidumping duty process in that it is a 2-stage process with a preliminary and final stage at the ITC as well as a preliminary and final stage at the DOC. Again, both agencies must make affirmative determinations in order for the investigatory process to be completed and a countervailing duty order on all future imports to be instituted.

The DOC issues various questionnaires, which require extensive responses to numerous questions. In addition, the responding company must submit computer data, for CVD, a listing of all monetary benefits received in the various government programs under investigation, all with detailed supporting documentation and explanations. For the best results, each stage of the aforementioned process requires legal experts and consultants that specialize in this area and have experience with the complicated U.S. antidumping regulations and reporting requirements. Failure to retain experienced professionals when confronted with an antidumping allegation significantly increases the odds that the company under investigation will be assigned a high antidumping duty on its exports to the U.S. thereby severely limiting access to the U.S. market.

## Our Experience

Our combined 40+ years of experience includes proceedings under the following antidumping and countervailing duty orders and investigations and countries:

<b>Products</b>	<b>Countries</b>
Aluminum Extrusions	Argentina
Aluminum Foil	Belgium
Ammonium Nitrate	Brazil
Anti-Friction Bearings	Canada
Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide	Chile
Boltless Shelving	China
Brake Rotors	Ecuador
Brass Sheet and Strip	Finland
Carbon and Certain Alloy Steel Wire Rod	Germany
Carbon Steel Flat Products	India
Cased Pencils	Indonesia
Cast Iron Pipe Fittings	Italy
Coated Free Sheet Paper	Japan
Color Negative Photographic Paper	Korea
Corrosion-Resistant Carbon Steel Flat Products	Malaysia
Crystalline Silicon Photovoltaic Cells	Mexico
Cut-to-Length Carbon-Quality Steel Plate	Moldova
Cut-to-Length Steel Plate	New Zealand
Drill Pipe	Netherlands
Fresh Garlic	Russia
Gray Portland Cement and Clinker	Sweden
Hand Trucks	Taiwan
Hardwood Flooring/Hardwood Plywood	Thailand
High Pressure Steel Cylinders	Trinidad &
Honey	Tobago
Hot-Rolled Carbon Steel Coil	Turkey
Hot-Rolled Carbon Steel Flat Products	Ukraine
Hot-Rolled Flat-Rolled Carbon-Quality Steel Products	United Kingdom
Hydrofluorocarbon Blends/ R-134a	Vietnam
Industrial Nitrocellulose	
Industrial Phosphoric Acid	
Industrial Roller Chain	
Iron Construction Castings	
Ironing Tables	
Kitchen Appliance Shelving & Racks	
Lemon Juice	
Lined Paper Products	
Multi-Layered Wood Flooring	
Mushrooms	
Pasta	
Passenger and Light Vehicle Truck Tires	
Polytetrafluoroethylene	
Off-the-Road Pneumatic Tires	
Oil Country Tubular Goods	
Petroleum Wax Candles	
Polyester Staple Fiber	
Polyethylene Retail Carrier Bags	
Polyethylene Terephthalate Film Sheet and Strip	
Shrimp	
Silicon Metal	
Silica Bricks and Shapes	
Solid Urea	
Sparklers	
Stainless Steel Bar	
Stainless Steel Butt-Weld Pipe Fittings	
Stainless Steel Plate	
Stainless Steel Plate in Coils	
Standard Steel Fasteners	
Steel Concrete Reinforcing Bars	
Steel Nails	
Steel Rails	
Steel Wire Garment Hangers	
Sugar	
Sulfanilic Acid	
Tapered Roller Bearings	
Televisions	
Welded Steel Pipe	
Wooden Bedroom Furniture	