

## Summary of Trade Remedies

ANTIDUMPING DUTIES (AD) “Unfair Trade Practice”	COUNTERVAILING DUTIES (CVD) “Unfair Trade Practice”	GLOBAL SAFEGUARD (SECTION 201) No Unfair Trade Practice Required	SECTION 337 Unfair Trade Practice Required
<b>Trade Issue:</b> Pricing – selling in the United States at less than “normal value” (i.e. dumping). NV is the home market price or for NMEs (China, Vietnam) a constructed value.	<b>Trade Issue:</b> Foreign government subsidies that benefit subject imports into the United States	<b>Trade Issue:</b> Surge in imports	<b>Trade Issue:</b> Imports are alleged to be imported as a result of unfair acts which threaten to destroy or substantially injure a domestic industry
<b>Requirements:</b> (1) the subject imports are “dumped” and (2) dumped imports causing (or threatening to cause) “material injury” to the domestic industry	<b>Requirements:</b> (1) the subject imports are subsidized and (2) subsidized imports causing (or threatening to cause) “material injury” to the domestic industry	<b>Requirements:</b> (1) increased imports, which are (2) a “substantial cause” or “serious injury” to the domestic industry	<b>Requirements:</b> (1) violation of U.S. based intellectual property; (2) theft of trade secrets; (3) price-fixing, computer hacking, or customs circumvention
<b>Remedy/Duration:</b> Antidumping Duties are mandatory if the criteria are met; duties can remain indefinitely subject to five-year review	<b>Remedy/Duration:</b> Countervailing Duties are mandatory if the criteria are met; duties can remain indefinitely subject to five-year review	<b>Remedy/Duration:</b> Discretionary – tariff, quota, or tariff rate quota; must be applied globally and are decreased each year. Duration of the safeguard is typically 4 years	<b>Remedy/Duration:</b> ITC may issue a cease and desist order or exclusion order that instructs Customs to stop the infringing imports from entering the U.S.
<b>Responsible Agencies:</b> Commerce for dumping analysis; ITC for injury analysis	<b>Responsible Agencies:</b> Commerce for subsidy analysis; ITC for injury analysis	<b>Responsible Agencies:</b> ITC for increased imports, injury, and “recommended” remedy; President (USTR) final decision on remedy	<b>Responsible Agencies:</b> ITC for determination of injury.
<b>Standing:</b> U.S. producers of “like product”; includes unions representing workers in the industry	<b>Standing:</b> U.S. producers of “like product”; includes unions representing workers in the industry	<b>Standing:</b> U.S. producers of “like” or “directly competitive” product ; interpreted to include unions	<b>Standing:</b> Any U.S. entity affected by such imports
<b>Post-Order Process:</b> The U.S. has a “retrospective” system under which estimated AD duties are collected at the time of entry. Each year during the anniversary month of the AD Order, importers, exporters, or domestic producers may request a review. If there is a review, final duties are assessed based on the results of the review; if the rate is higher the additional duties are collected with interest; if the rate is lower the excess is refunded with interest. If no review is requested, entries are liquidated at the case deposit rate in effect at time of entry.	<b>Post-Order Process:</b> The U.S. has a “retrospective” system under which estimated CVD duties are collected at the time of entry. Each year during the anniversary month of the CVD Order, importers, exporters, or domestic producers may request a review. If there is a review, final duties are assessed based on the results of the review; if the rate is higher the additional duties are collected with interest; if the rate is lower the excess is refunded with interest. If no review is requested, entries are liquidated at the case deposit rate in effect at time of entry.	<b>Post-Order Process:</b> Import restrictions put in place to remedy market disruption are typically eased each year; there are provisions for monitoring, review and modification of the remedy.	<b>Post-Order Process:</b> Import cessation of the product found to injure the U.S. entity.

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<b>Investigative Process:</b> Investigation takes 12-18 months; there are both preliminary and final decisions by Commerce and the ITC; data is collected through a series of detailed questionnaires and an on-site verification by Commerce of the foreign producers' questionnaire responses	<b>Investigative Process:</b> Investigation takes 12-18 months; there are both preliminary and final decisions by Commerce and the ITC; data is collected through a series of detailed questionnaires and an on-site verification by Commerce of the foreign producers' and foreign government's questionnaire responses	<b>Investigative Process:</b> The investigation normally takes 180 days (6 months) it can be extended to 240 days in certain circumstances. Normally, the President has 60 days from receipt of the ITC's report within which to take action.	<b>Investigative Process:</b> 337 cases are fast-paced and can be instituted as quickly as 15 months from the date of institution.