

tary of Commerce determines that the petition contains sufficient information supporting the allegations, a full-scale investigation is initiated.

- 2) Within 45 days from the date a petition was filed, the International Trade Commission (ITC) must determine if there is a reasonable indication of injury. If the decision is negative, the case is terminated.
- 3) In general, within 160 days after the date on which a petition is filed, the Secretary of Commerce makes a preliminary determination of dumping. If the preliminary determination is affirmative, suspension of liquidation of all entries of merchandise subject to determination is ordered. As well, provisional duty in the form of a cash deposit or bond is required for the entry of the merchandise concerned equal to the estimated amount by which the foreign market value exceeds the United States price.
- 4) Within 75 days of the preliminary determination, a final determination by the Secretary of Commerce of sales at less than fair value will be due.
- 5) Following an affirmative preliminary decision of sales at less than fair value, the ITC must determine injury within 120 days of the preliminary determination. If the ITC rules that there has been no injury, the case is closed; any cash deposited is refunded, and any bond posted is released. If the injury determination is affirmative, the Secretary of Commerce will impose an anti-dumping duty on the merchandise equal to the amount by which the home market value of the merchandise exceeds the price to the United States customer.
- 6) An anti-dumping duty order is subject to automatic annual review, and requests for a review will be entertained at any time, provided changed circumstances warrant it.

### **Countervail**

Under the revised U.S. Countervailing Duty Statute, an additional duty may be imposed on articles imported into the United States, if any bounty or grant has been made on their manufacture, production or export. However, all cases are subject to an injury determination by the ITC. The time frame for an investigation is similar to that of an anti-dumping investigation. The Secretary of Commerce's decision on the subsidy and the ITC's injury determination may be appealed to the U.S. Court of International Trade.