

- a) a countervailing or anti-dumping duty shall not be applied if the margin is below 2% (de minimus). Previously the de minimus margin was 0.5%. New de minimus standards apply only to new investigations, not to administrative reviews;
- b) changing the minimum threshold for disregarding sales below costs in an anti-dumping investigation (from ten to twenty percent of total sales);
- c) the normal value/export price comparison will be made on the basis of either average-to-average or transaction-to-transaction. Under current U.S. law, average normal values are compared to individual export prices in calculating a dumping margin;
- d) the use of actual expenses and profits in constructing "normal value" in an antidumping case, replacing mandated percentages of ten and eight percent respectively;
- e) adjustments for start-up costs, including fixed and variable costs, calculated at the end of start-up period;
- f) adds additional criteria in determining whether home market sales are viable as a basis for comparison, including the use of 5 per cent of U.S. sales as a standard.

Provisions in the anti-dumping section of legislation that could be a cause of concern are:

a) Export Sales Price

A change in the method of calculation of the export price at which merchandise is first sold after importation. Calculating the exporter's sales price will require a deduction for profit in sales between related parties without a comparable deduction on home market sales.

b) Anticircumvention

Although there was not agreement in the Uruguay Round on disciplines on anticircumvention, the U.S. legislation will expand the current U.S. anti-circumvention provisions, which were set out in the 1988 trade bill. In particular, these changes are aimed at dealing with the importation of products which may be produced with inputs already subject to dumping orders. It also expands the authority for anti-circumvention action covering goods assembled in both the U.S. and third countries where the DOC considers the process of assembly or completion to be minor or insignificant.