

tion of the international agreements negotiated in the Multilateral Trade Negotiations (Tokyo round) of the General Agreement of Tariffs and Trade (GATT).

Anti-dumping

If a U.S. company has reason to believe that a product is being sold in the U.S. at a price lower than the price at which it is sold in its home market, an anti-dumping complaint may be filed with the U.S. Commerce Department. The anti-dumping petition must contain information to support the dumping allegations along with evidence of injury suffered by the U.S. industry affected.

A U.S. anti-dumping investigation must be conducted within specified time frames:

(1) Within 20 days of receipt of an anti-dumping petition, the Secretary of Commerce must decide whether or not to initiate an investigation. If it is determined that a petition does not properly establish the basis on which anti-dumping duties may be imposed, the proceeding is terminated. If the Secretary 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 the determination is ordered and 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 make an injury determination within 120 days of the preliminary determination. If the ITC injury determination is negative, the case is terminated and any cash deposited is