

TITLE II

ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

The Anti-Dumping Agreement contains a series of modifications to existing anti-dumping practices under the GATT, covering such matters as who is entitled to file a complaint, a "sunset" clause limiting the duration of anti-dumping cases, and more transparent procedures for conducting anti-dumping investigations.

GENERAL PROVISIONS

PETITIONS

The legislation makes provision for the notification of governments named in the petition, a prohibition on accepting unsolicited communications from outside parties prior to the administering authority's decision to initiate an investigation, and specifies that information with regard to a draft petition submitted for review and comment shall not be disclosed before that petition has been formally filed. The SAA notes that these amendments were made to parallel current U.S. practice.

The legislation requires that the Department of Commerce (DOC) examine the accuracy and adequacy of the evidence provided in the petition to determine whether it is sufficient to justify initiation of an investigation. The DOC must determine, prior to the initiation of the investigation, if at least twenty five percent of the total domestic production of the like product support the petition. In addition, support for the petition must be expressed by fifty percent of the firms expressing support for or opposition to the petition. In making this determination, the DOC will better establish the support or opposition to a petition than current U.S. law which presumes that a petition is filed on behalf of the domestic industry unless producers accounting for a majority of U.S. production of a like product object.

The US ITC shall determine whether there is reasonable indication that an industry in the U.S. is materially injured, is threatened with material injury, or the establishment of an industry in the U.S. is materially retarded as a result of imports. These provisions also detail amendments to the timing requirements for the USITC's determinations, notification requirements, and the grounds for the investigation to be terminated.

PROCEDURAL ISSUES

The legislation includes the following provisions that could result in lower anti-dumping margins: