

- ◆ Commerce issues its final determination 75 days after issuing the preliminary determination (or after 135 days upon the request of an exporter when the preliminary determination was affirmative, or of a petitioner when the preliminary determination was negative).
- ◆ The ITC final injury determination must be released before the 120th day after Commerce makes its affirmative preliminary determination or the 45th day after Commerce makes its affirmative final determination, whichever is later.
- ◆ If both dumping and injury are found, an anti-dumping duty order is issued by Commerce within 7 days of notification by the ITC of its decision.
- ◆ Each year on the anniversary of the issuance of an order, the parties have an opportunity to request an administrative review of the dumping margins for the most recent annual period.

3 Initiation

U.S. anti-dumping investigations are initiated on the basis of a petition requesting an investigation, filed by an interested party or parties. Petitions are filed simultaneously with Commerce and the ITC.⁵ "Interested parties" may include:

- 1) a manufacturer, producer or wholesaler in the United States of a like product;
- 2) a certified or recognized union or group of workers that is representative of an industry engaged in the manufacture, production or wholesale in the United States of a like product; or
- 3) a trade or business association, a majority of whose members manufacture, produce or wholesale a like product in the United States.⁶

Commerce is required to initiate an investigation when a petition has been filed "by or on behalf of the domestic industry" and contains the elements necessary for the imposition of an anti-dumping duty, including all information reasonably available to the petitioner.⁷ Prior to the URAA, U.S. practice was to assume that the petition was filed on behalf of a domestic industry unless a majority of domestic companies affirmatively opposed the petition.⁸ Commerce would determine the extent of such opposition only after it was expressed.

5 While Commerce may initiate anti-dumping investigations itself, it rarely does so. See 19 U.S.C. § 1573a (a) (1).

6 19 U.S.C. § 1677 (9).

7 19 U.S.C. § 1673a (b) (1).

8 See 3.5* Microdisks from Japan, U.S. 54 Fed. Reg., 6435 (February 10, 1989).