

of the Uruguay Round Agreements Act implements the provisions of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (GATT) 1994—the Uruguay Round WTO Anti-Dumping Agreement. In addition to amendments required by the Uruguay Round Agreements, the URAA includes several further changes to the anti-dumping law, such as modification of the anti-circumvention provisions. Regulations detailing the practice and procedures used in dumping investigations were subsequently issued.

2 U.S. Anti-Dumping Law: Procedural Framework

The International Trade Administration (ITA) of the U.S. Department of Commerce is the “administering authority” with overall responsibility for enforcing anti-dumping laws, and specific responsibility for determining whether the goods under investigation are being dumped. The International Trade Commission (ITC), an independent federal agency, determines whether the U.S. domestic industry producing that class of products is either injured or threatened with injury by reason of the subject imports. The two agencies perform their responsibilities simultaneously and notify each other of any determinations. A negative final determination by either party or a negative preliminary injury determination by the ITC will terminate the proceedings. All determinations must be reported in the *Federal Register*, with a statement of facts and conclusions of law.⁴ An investigation proceeds as follows:

- ◆ Within 20 days of the filing of a petition, Commerce determines whether there is sufficient evidence of injurious dumping to warrant an investigation. Commerce has found very few petitions to be insufficient at the initiation stage. The deadline may be extended to 40 days if it is necessary for Commerce to determine whether there is sufficient industry support for the petition.
- ◆ If the petition is accepted, the ITC conducts a preliminary investigation to determine whether there is a reasonable indication of material injury. The preliminary determination must normally be issued within 45 days of the date of filing.
- ◆ If the ITC preliminary determination is affirmative, Commerce makes a preliminary determination of whether dumping is occurring. The preliminary determination must be released within 160 days after a filing or 140 days after an investigation is initiated, whichever is later. Extensions may be requested by interested parties. If the determination is affirmative, Commerce establishes preliminary dumping margins, resulting in the application of provisional duties. The ITC then commences its final injury investigation.

4 See 19 U.S.C. §§ 1330-13341 for the general organization and powers of the Commission.