

LAW OFFICES OF NITHYA NAGARAJAN, LLC
INTERNATIONAL TRADE LAW AND CONSULTING

**HOW TO REQUEST AN ADMINISTRATIVE REVIEW OF ANTIDUMPING OR
COUNTERVAILING DUTIES**

When merchandise covered by an antidumping or countervailing duty order enters the United States, the importer must pay cash deposits for estimated antidumping duties. The amount of the estimated duties is based upon the last actual antidumping or countervailing duty rate applied to the producer or exporter of the merchandise. In a review of antidumping or countervailing duties the U.S. Department of Commerce seeks sales and cost information from foreign producers and exporters to determine the exact dumping or subsidy (for countervailing duties) rate for sales or entries during a past 12 month period. If the actual dumping or countervailing duty rate is lower than the estimated rate, the U.S. Customs & Border Patrol will refund the overpayment plus interest. If the actual dumping or countervailing duty rate is higher than the estimated rate, the U.S. Customs & Border Patrol will bill the importer for the difference plus interest.

Requests for reviews of antidumping or countervailing duties must be requested during the anniversary month of the order. For example, if an antidumping duty order was originally imposed on July 17, 2007, then the review must be requested by July 31st of each subsequent year. The U.S. Department of Commerce publishes an “Opportunity to Request Review” at the beginning of each month for all antidumping duty or countervailing duty orders that were originally issued in that month. The request for administrative review must be submitted in writing to the U.S. Department of Commerce. (If the last day of the month is a Saturday, Sunday, or other U.S. Federal holiday, the request may be received on the next business day.)

Requests may only be made by certain parties and of certain parties. A U.S. producer may request a review of any foreign producer or exporter. A foreign country may request a review of any producer or exporter from its own country. A producer or exporter may request a review of itself only. And an importer may request a review of only the exporter or producer from which it imports the merchandise.

If no review is requested of the producer or any of its exporters, all entries of merchandise of the producer will be liquidated as entered -- that is, the cash deposit rate will be presumed to be the actual dumping or subsidy rate.

A request received even one (1) day late is rejected, thus if a company is interested in continued access to the U.S. market, it must submit its request for review on time and in the proscribed format specified by the Department of Commerce.

The Law Offices of Nithya Nagarajan, LLC can assist companies with this process and the administrative review and enable them to have continued access to the U.S. market.