

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

**AD/CVD INVESTIGATIONS  
PROCEDURAL TIMELINE**

<b>STAGE</b>	<b>PROCESS/ ROLE OF GOVERNMENT AGENCIES</b>	<b>TIMING</b>
<i>Petition</i>	The U.S. domestic industry files petitions simultaneously with Commerce and the International Trade Commission (ITC)	
<i>Initiation</i>	Commerce initiates an investigation against one or a number of countries	20 days for Commerce to decide whether to initiate; may be extended another 20 days if necessary to determine industry support.
<i>ITC Preliminary Injury Determination</i>	The ITC determines whether there is a “reasonable indication” of material injury; if the ITC preliminary determination is negative the investigation is terminated	Within 45 days of the filing of the petition or, if Commerce extended the period of initiation, 25 days after receiving notice of Commerce’s decision to initiate.
<i>Commerce Preliminary Determination and Provisional measures</i>	If Commerce makes an affirmative preliminary determination, Commerce orders Customs to suspend liquidation of entries of the subject merchandise and to collect cash deposits or bonds; if Commerce makes a negative preliminary determination, the investigation continues but these provisional measures are not imposed	AD prelim within 140 days from initiation; can be extended to 190 days  CVD prelim within 65 days from initiation; can be extended to 130 days;  AD - provisional measures may be imposed for 4 to 6 months  CVD – provisional measures for 4 months only

<b><i>Undertakings</i></b>	Price undertakings (AD), or  Quotas or elimination of subsidies (CVD),  may be proposed by an exporter to Commerce.	After an affirmative preliminary determination, up to 30 days prior to the final determination.
<b><i>Commerce Final Determination</i></b>	If Commerce makes an affirmative final determination, Commerce orders continued suspension of liquidation (i.e., suspension of final assessment); if Commerce makes a negative final determination, the investigation is terminated, suspension of liquidation is discontinued and all cash deposits are refunded	Final determination within 75 days after prelim; may be extended to 135 days in AD cases; CVD final may be aligned with AD final if there are simultaneous cases.
<b><i>ITC Final Injury Determination</i></b>	If the ITC makes an affirmative final determination of injury, Commerce issues an anti-dumping or countervailing duty order; cash deposits at the rates established in Commerce's final determination are required for all entries of subject merchandise on or after the date of the ITC final determination, bonds are no longer sufficient. If the ITC determination is negative, Commerce orders Customs to discontinue suspension of liquidation and return all cash deposits.	ITC final within 120 days of affirmative Commerce prelim, or 45 days of affirmative Commerce final, whichever is later. If Commerce prelim is negative but final is affirmative, 75 days from Commerce final  Commerce publishes AD/CVD Order within 7 days of notification of ITC final
<b><i>Administrative Review</i></b>	Each year, an interested party may request a review to determine the amount of duties to be assessed on specific entries during the previous 12 months (18 months for the first review period). If no review is requested for a particular exporter, entries of that exporter's merchandise will be assessed at the cash deposit rate in effect at the time of entry.	Requests for administrative (assessment) review must be made during the anniversary month of the order

<p><b><i>Expiry (“Sunset”) Review</i></b></p>	<p>The order is revoked unless Commerce and the ITC determine that dumping or subsidization and injury are likely to continue or recur; revocation is effective as of the fifth anniversary of the order. All subsequent entries are liquidated without regard to AD/CVD duties.</p>	<p>Sunset reviews are automatically initiated 30 days prior to the fifth anniversary of the order</p>
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