

Antidumping and Countervailing Duties/Trade Remedy Cases

Antidumping and Subsidies Investigations

Antidumping (AD) and countervailing duty (CVD) cases are critically important tools for domestic companies that have been harmed by unfair import competition. The remedies are permitted by U.S. law and World Trade Organization (WTO) agreements and are available in more than 160 countries. In the United States, investigations of dumping and subsidization are conducted by the U.S. Department of Commerce (DOC), and the U.S. International Trade Commission (USITC) determines whether the dumping and subsidization are causing injury to the U.S. industry. These investigations proceed quickly: an industry seeking trade relief can benefit from AD/CVD duties imposed as soon as four months after initiation of an investigation, and the entire case is completed in about one year. Once granted, U.S. industries benefit from relief often lasting 10 or more years.

Wiley is one of the leading firms in trade remedy proceedings representing U.S. producers and is among a limited number of practices that regularly serve as principal petitioner's counsel for major AD/CVD investigations. We have won complex and significant cases on behalf of clients in a variety of industries, including clean energy technologies, steel, steel-containing products, aluminum, paper, wood products, and consumer products. We possess unmatched experience in metals and raw materials—we handle all trade litigation and trade policy for the largest producer of steel in the United States, and serve as counsel to the Rebar Trade Action Coalition, the Aluminum Extrusions Fair Trade Committee, and the Aluminum Extruders Council. As lead counsel for the Wind Tower Trade Coalition, SolarWorld Americas Inc., and the Coalition for American Solar Manufacturing, we handled the first U.S. antidumping and countervailing duty cases involving renewable energy. We have also handled significant investigations involving oil, energy tubulars, and nuclear fuels, giving us unique experience in energy-related trade issues. Our broad experience also extends to manufactured products and chemicals. For example, we represented the Association of American School Paper Suppliers in successfully petitioning the DOC to impose antidumping and countervailing duty margins on multiple countries for dumping and subsidizing lined paper school products.

Wiley is a particular leader in the growing field of countervailing duty cases involving China, having written three authoritative studies on the topic: "The China Syndrome," "Money for Metal," and "Raw Deal." Wiley attorneys have also testified before the U.S. Trade Representative (USTR) and Organization for Economic Cooperation Development (OECD) with regard to China's compliance with WTO obligations and its

government's subsidization of steel and other industries.

We provide both the technical expertise and judgment necessary for representing clients in today's environment. Our lawyers have extensive technical experience that is a prerequisite for effective legal representation before the USITC and the DOC. In addition, many of our attorneys have served in various government agencies and understand how public relations activities and involvement from Congress, the Executive branch, and diplomatic channels can affect the outcome of an investigation. Our success in this area reflects our experience using all of these tools at the right time and place.

Section 201/Safeguards Investigations

Section 201, also known as safeguards, is another important remedy that is available to limit imports from all foreign sources that are a cause of serious injury to domestic producers. This remedy, also permitted by WTO agreements, addresses global surges of imports. The U.S. statute, Section 201, provides that the imports from all foreign sources must be a substantial cause of serious injury to the U.S. industry. The final decision on Section 201 relief (usually in the form of tariffs or quotas) is made by the President and the U.S. Trade Representative (USTR), taking into account political as well as economic factors. Wiley served as lead counsel for much of the domestic steel industry in the 2001 global safeguards investigation, which was the largest safeguards case ever. We also represented the U.S. solar cell and module industry in its successful 2017 safeguards case – the first U.S. safeguards case brought in more than 15 years. Our success in these cases has been directly related to our ability to coordinate the legal, government relations, and public relations skills necessary for success.

Contact Us

Alan H. Price
202.719.3375 | aprice@wiley.law

Timothy C. Brightbill
202.719.3138 | tbrightbill@wiley.law

Robert E. DeFrancesco, III
202.719.7473 | rdefrancesco@wiley.law