

Commerce Department Issues Strong Final Results in Countervailing Duty Review of Mobile Access Equipment from China

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Washington, DC – In a win for U.S. producers of mobile access equipment and subassemblies (MAE), the U.S. Department of Commerce (DOC) issued its final results in the 2022 administrative review of the countervailing duty (CVD) order on MAE from China. The Coalition of American Manufacturers of Mobile Access Equipment, a domestic coalition of MAE producers JLG Industries, Inc. and Terex Corporation, commends the agency for its strong results.

DOC determined that imports of MAE from China benefited from significant countervailable subsidies provided by the Chinese government. Specifically, DOC calculated a CVD rate of 32.26% for Zhejiang Dingli Machinery Co., Ltd. (Dingli), which was the only company subject to this review. The CVD order on MAE imports from China has been in place since December 2021, but this is the first completed review of the order. As a result of DOC's determination, Dingli's CVD rate rises from 11.97% to 32.26%. Dingli's total duties on Chinese imports are now 69.65%, including antidumping, CVD, and Section 301 tariffs.

The increase in Dingli's CVD rate is driven in large part by DOC's investigation of new subsidy programs, including the Chinese government's provision of several key inputs to MAE producers for less than adequate remuneration. Dingli is the largest source of Chinese MAE in the United States, and DOC's calculation of a strong CVD rate will help ensure that Dingli's merchandise is traded fairly in the U.S. market.

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"This is a positive result for the domestic mobile access equipment industry, recognizing the substantial subsidies that are provided to Chinese producers," said Timothy C. Brightbill, counsel to the Coalition and co-chair of the International Trade Practice at Wiley. "We appreciate the Commerce Department's hard work. This high CVD rate better reflects the amount of subsidization that is occurring and will help U.S. producers compete on a level playing field in the United States."

After DOC publishes its final results, Dingli's imports will be subject to CVD cash deposits at the new rate going forward. Notably, other Chinese producers of MAE have even higher AD/CVD rates, which reach as high as 165.30% depending on the producer. Moreover, these high rates on Chinese imports may increase, retroactively, through the annual administrative review process. Further, Chinese MAE imports are subject to additional duties, including 25% Section 301 tariffs. Duty evasion, absorption, and circumvention are illegal and closely monitored by U.S. Customs and Border Protection, in conjunction with DOC, and severe penalties may apply.

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