

Wiley Represents Coalition of American Manufacturers of Mobile Access Equipment in Critical Trade Case Victory

DECISION IMPOSES FINAL SUBSIDY DUTIES ON UNFAIRLY TRADED CHINESE IMPORTS

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Washington, DC – Wiley, a preeminent Washington, DC law firm, advised the Coalition of American Manufacturers of Mobile Access Equipment (CAMMAE) in a victory that will help U.S. manufacturers of mobile access equipment remain competitive by leveling the playing field in the U.S. market and disciplining unfairly traded imports. CAMMAE is a coalition of two leading U.S. manufacturers of mobile access equipment, JLG Industries, Inc. and Terex Corporation. On November 10, 2021, the U.S. International Trade Commission (ITC) made a unanimous affirmative final determination in the countervailing duty (CVD) investigation on mobile access equipment from China. The ITC found that U.S. producers are threatened with material injury by unfairly subsidized imports of Chinese mobile access equipment, paving the way for the imposition of a CVD order.

The ITC determination follows a February 2021 petition filed by CAMMAE. CAMMAE has now successfully shown that imports of mobile access equipment that are highly subsidized by the Chinese government are threatening to materially injure the U.S. industry. The Commerce Department has already determined that Chinese imports are being unfairly subsidized, and a CVD order will now be issued on mobile access equipment imported from China, including scissor lifts, boom lifts, and telehandlers.

Countervailing duties will be imposed at rates ranging from 11.97 percent to 448.80 percent. These duties will be added on top of the 25 percent Section 301 duties that currently apply to these products,

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and they apply to mobile access equipment and major subassemblies of such equipment. The CVD order will remain in effect for a minimum of five years, and there is an opportunity each year for duty rates to increase retroactively, through the annual administrative review process. Duty evasion, absorption and circumvention are strictly illegal.

The Commerce Department is in the process of finishing its investigation in the companion antidumping duty (AD) case. Preliminary AD duties ranging from 17.78 percent to 275.06 percent are also currently in effect. Commerce will issue its final AD determination in February 2022, and then the ITC will make its final determination in the AD case. CAMMAE anticipates an affirmative final AD determination at both agencies, at which point an AD order will also be issued, imposing final dumping duties on top of the final subsidy duties that already apply.

Wiley partners Tim Brightbill and Laura El-Sabaawi led Wiley's team on the matter.

"Today's ITC vote is a major win for the American mobile access equipment industry and its workers, and it assures that duties will be applied to unfairly traded imports from China," said Brightbill. "We appreciate the Commission's hard work on this case. This affirmative ruling will help ensure that American manufacturers of mobile access equipment remain world-class competitive and will not be further harmed by unfairly traded Chinese imports. We look forward to reviewing the details of the Commission's ruling as well as the final antidumping determinations by the Commerce Department."