



INTERNATIONAL
TRADE
ADMINISTRATION

India – United States

Delhi International Conference on Trade Remedies

Sunset Reviews

April 9-10, 2015

Unofficial Document – For Presentation Purposes
Only

Sunset Reviews

- Are governed under Section 751 of the Tariff Act and Section 351.218 of the Department of Commerce's Regulations.
- Section 751 of the Statute requires the Department and the ITC to conduct a sunset review no later than five years after the issuance of an AD or CVD order.
- Sunset reviews, unlike administrative reviews, are conducted on an order-wide, rather than company-specific basis.

Sunset Reviews

- Interested parties have an opportunity to participate in sunset reviews every 5 years.
- Within 30 days prior to the 5th anniversary of the publication of an order (or suspension agreement) we publish an initiation notice in the Federal Register.
- A month before we initiate a sunset review we publish a notification in the Federal Register as a courtesy to interested parties.

Sunset Reviews

- Domestic interested parties must file a notice of intent to participate w/in 15 days of publication of the notice of initiation.
- Respondent interested parties must file a substantive response w/in 30 days of publication of the notice of initiation.

Factors we consider in making our determination :

- Likelihood of Continuation or Recurrence of Dumping
- Magnitude of Dumping Margin Likely to Prevail

Sunset Reviews

- Likelihood
 - 1) Dumping above de minimis
 - 2) Imports ceased after order
 - 3) Dumping eliminated after order, and import volumes decline
- Magnitude
 - 1) Generally select margins from original investigation
 - 2) May use preliminary margin (e.g., suspended investigation where no final was issued)
 - 3) May use more recently calculated margin

Sunset Reviews

- If both domestic and respondent parties submit adequate substantive responses, the Department shall conduct a full sunset review and will issue a preliminary results no later than 110 days after publication of the initiation notice.
- Preliminary results are issued only for full sunset reviews.
- The Department will conduct an expedited sunset review and bypass preliminary results when only domestic interested parties, and no respondent parties, submit a substantive response.

Sunset Reviews

- Sunset Reviews require a re-examination of injury by the ITC.
- Orders are revoked or suspension agreements are terminated when domestic interested parties do not participate in the sunset review, or when we find that this would not lead to a continuance or recurrence of dumping/unfair subsidization and the ITC finds that revocation or termination would not result in a continuance or recurrence of material injury.