

Tim Brightbill Discusses Commerce Proposal to Modify Antidumping, Countervailing Duty Regulations

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Timothy C. Brightbill, partner in Wiley's International Trade Practice, was quoted in a September 2 *Fastmarkets AMM* article about the U.S. Department of Commerce's proposed changes to its regulations concerning antidumping (AD) and countervailing duty (CVD) proceedings.

Commerce's proposal aims to strengthen the administration and enforcement of AD/CVD laws. The comment period ends September 14.

"Successful trade cases are far too often undercut by a variety of schemes to skirt the law and avoid duty payment," Mr. Brightbill said. "These regulations will give Commerce new tools and confirm its authority to crack down on circumvention schemes and hold duty evaders responsible."

Mr. Brightbill serves as Chairman of the Committee to Support U.S. Trade Laws (CSUSTL), whose members include 429 U.S. companies and organizations representing 167 industries.

"It's particularly notable that Commerce is clarifying its ability to self-initiate a circumvention inquiry, and to apply a circumvention ruling to a whole country if necessary," Mr. Brightbill said, noting that in the past, Commerce's approach on circumvention has been on a company-by-company basis. He said the domestic industries welcome the proposed change, which is consistent with recent practice.

Related Professionals

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Practice Areas

Antidumping and Countervailing Duties/
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As noted in the article, Commerce also proposed bringing more clarity to scope inquiries that seek to determine whether antidumping rulings cover a particular product.

Mr. Brightbill explained that if such a product is found to be within the scope of a ruling, then duties can be imposed retroactively. "The ability to make scope rulings retroactive will also deter evasion and help in enforcement efforts," he said.

To read the article, click here (*subscription required*).