

**A Brief Introduction to**  
**U.S. ANTIDUMPING REVIEWS**

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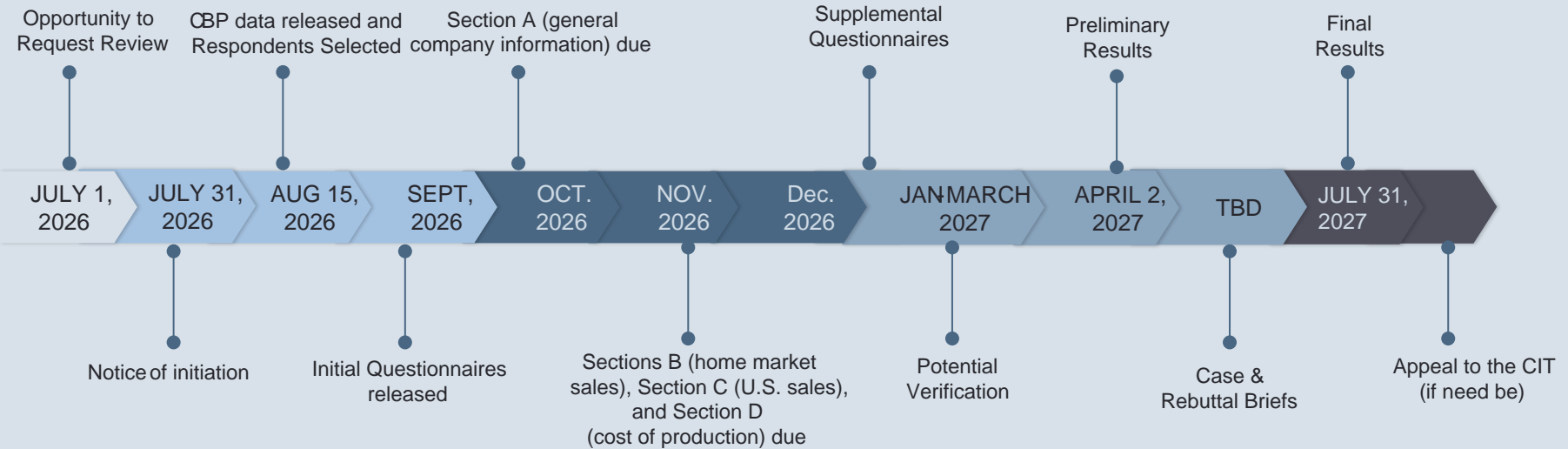
# WHY DO REVIEWS MATTER?



1. Duty rate assessment on past entries
2. Cash deposits on future entries



# REVIEW TIMELINE



## ANTIDUMPING ORDER – FRESH TOMATOES FROM MEXICO

For now, the cash deposit rates imposed at the time of importation are based on information from 1996:

Exporter/manufacturer	Weighted-average dumping margin (percent)
San Vicente Camalu .....	2.81
Ernesto Fernando Echavarria Salazar Grupo Solidario .....	26.39
Administradora Horticola Del Tamazula .....	18.58
Arturo Lomeli Villalobos S.A. de C.V. ....	* 273.43
Ranchos Los Pinos S. de R.L. de C.V. ....	* 273.43
Agricola Yory, S. de P.R. de R.I. ....	* 273.43
Eco-Cultivos S.A. de C.V. ....	* 273.43
All Others .....	17.09

\* Rate based on facts available with adverse inferences.

But actual duties on imports may be adjusted (with interest) through the annual review process.

## ANNUAL REVIEW PROCESS OVERVIEW

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- Antidumping duties owed on each entry subject to an antidumping order are set through the annual review process.
- If no review is requested for a specific exporter, no review will be conducted for that exporter. Duties for imports from that exporter during the period will be liquidated at the cash deposit rate at the time of entry.
- Reviews are conducted upon request of an exporter, an importer, or a domestic interested party.
- If a review is requested, the DOC will conduct a review and determine the applicable antidumping rate for all companies for which a review was requested.

# WHO WILL BE EXAMINED?

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- Companies may be subject to a review but not actually examined by the DOC.
- Non-examined companies are assigned a dumping margin based on the weighted-average for examined companies.

## LARGEST EXPORTER

- Top two subject exporters are selected as mandatory respondents in reviews.

## SAMPLING

- Producers may be grouped into strata based on how much they export in relation to others. Then, from each stratum, exporters may be chosen randomly.

## WHY REQUEST A REVIEW?

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Each year, during the anniversary month, the DOC invites requests for administrative review, which must be submitted by exporters, importers, or U.S. interested parties by the end of that month.

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### ➤ For likely mandatory respondents:

- Request a review if the expected margin is lower than the previous periods margin.
- Typically, the top two subject exporters are selected as mandatory respondents in reviews. But...

### ➤ For not likely mandatory respondents:

- Request a review if the expected average margin for selected respondents is lower than the current margin.
- Usually, the average of the margins is typically applied to non-selected companies.



# (Very Broad) Overview of Dumping Calculation



# DUMPING MARGIN CALCULATION

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- Commerce collects information needed for its calculations.
  - Price of producer's sales of subject merchandise in its domestic market usually determines **"normal value"** (but sales to other countries or a cost-based "constructed value" may be used in certain situations).
  - Price of producer's sales of subject merchandise in the U.S. market is used to calculate **adjusted U.S. price**.
  - Producer's **cost of production** for subject merchandise is used to test comparison-market sales.
- Then, Commerce uses a statistical program to compare net U.S. prices to the normal value. The difference between the two is the producer's **dumping margin**.

## DUMPING MARGIN CALCULATION

In theory, Commerce should compare average prices for home-market and U.S. sales.

	Mexican Sales	U.S. Sales
8/1/2025	4	6
8/8/2025	6	6
8/15/2025	8	8
8/22/2025		8
8/25/2025		10
8/29/2025	10	10
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Total	28	48
Average	7	8

# DUMPING MARGIN CALCULATION

However, Commerce discards home-market sales made below cost when calculating **normal value**.

## Normal Value Calculation

	Mexican Sales	Cost	Above- Cost
8/1/2025	4	5	
8/8/2025	6	5	6
8/11/2025			
8/15/2025	8	5	8
8/22/2025			
8/29/2025	10	5	10
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Total	28		24
Average	7		8

## DUMPING MARGIN CALCULATION

In certain circumstances, Commerce is permitted to calculate dumping margins by comparing prices for individual U.S. transactions to the average normal value.

	U.S. Sales	Normal Value	Dumping Margin	
			w/o Zeroing	w/ Zeroing
8/1/2025	6	8	-2	0
8/8/2025	6	8	-2	0
8/15/2025	8	8	0	0
8/22/2025	8	8	0	0
8/25/2025	10	8	2	2
8/29/2025	10	8	2	2
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Total	48		0	4
Percentage			0.00%	8.33%

In such cases, sales with U.S. prices above normal value will not offset dumping on other U.S. sales with U.S. prices below normal value. This is known as **zeroing**.

## DUMPING MARGIN CALCULATION

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Some key takeaways:

- Prices for U.S. sales should be set **above cost**.
- Below-cost comparison-market sales generally do not affect the dumping margin.
- Above-cost comparison-sales should not be too far **above cost**.

# AD REVIEW PROCESS DETAILS



## PERIOD OF REVIEW

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- The first review covers the period from the date of the initial suspension of liquidation (normally date of DOC preliminary determination in investigation) to the end of the month before the first anniversary month.
  - For the Mexico Tomato cases the first review covers the period from July 14, 2025, to June 30, 2026.
- Subsequent reviews will cover a 12-month period from one anniversary month to the next.
  - For the Mexico Tomato cases the subsequent reviews will cover a period from July 1 to June 30.





## DUTY ASSESSMENT AT CONCLUSION OF REVIEW

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- If a review is requested, the DOC calculates dumping margins using the same basic method as in the original investigation, setting final duties for entries during the review period. (But there are some technical differences, for example use of monthly averages rather than entire-period averages.)
- Mandatory respondents receive individual rates; non-selected companies receive a weighted average rate based on those respondents' margins.



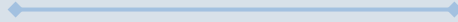
## DEPOSIT RATE AFTER CONCLUSION OF REVIEW

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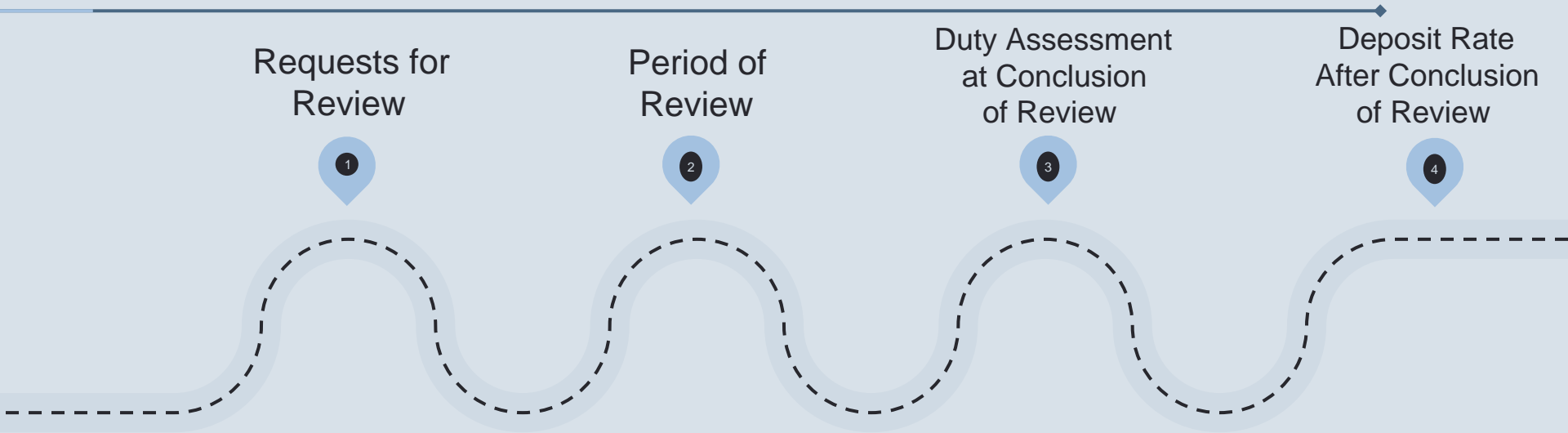
- As part of its final determination, the DOC will calculate an overall weighted-average dumping margin for each exporter that requested a review.
- At the end of the review, DOC will instruct CBP to assess duties on imports during the review period based on the dumping margin assigned to each exporter. Interest will be collected on underpayments or added to refunds.
- The margins set in the final determination in the review will establish the deposit rate for future imports (*i.e.*, imports that enter on or after the date the final determination is published). No adjustment will be made to the deposits already posted while the review was pending.



# AD REVIEW TIMELINE



# ROADMAP TO UNDERSTANDING ANNUAL REVIEWS



## Disclaimer

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- Antidumping investigations and reviews before the U.S. Department of Commerce are complex and fact-intensive legal proceedings. The DOC's reporting requirements and the methodologies used to calculate the dumping margins for individual companies can be complicated and, at times, counter-intuitive.
- This presentation has been intended only to provide a general overview and to introduce some (but not nearly all) of the issues that may arise. It cannot, and is not intended to, provide legal advice or a comprehensive guide for a company considering participation in an antidumping proceeding.
- ***Companies that may be required to participate in these proceedings should consult a lawyer or consultant with experience in this field for guidance concerning their individual situation.***