

praisement, i.e., final determination of customs duties, whenever price discrimination is suspected during the course of an investigation. After appraisement is withheld, imported merchandise may be released under bond from Customs' custody, but importers do not know their profits on sales, or whether there will be profits, until after the antidumping investigation is completed. Furthermore, in a withholding action, no consideration is given to whether or not suspected price discrimination might cause or threaten injury. As indicated in Table 9.2, appraisement was withheld in 89 cases or eleven times the number in which antidumping duties were imposed.

It might be expected that because of profit uncertainty, imports would decline after the withholding of appraisement. However, this is not always the case; while imports often decrease and even stop, there are instances when imports have not declined. Nevertheless, traders may be adversely affected because of the failure of imports to increase and because of the time consumed in investigations, which averages well over a year. One case took more than three years. Under the law, the Tariff Commission must make injury determinations within 90 days, but there is no time limit on Treasury determinations relating to price discrimination.⁷⁹

A GATT study in 1957 found that, except for Canada and the United States, industrial countries made little use of antidumping measures.⁸⁰ In recent years, however, several countries have enacted or revised antidumping legislation and have initiated a number of antidumping actions. For example, in the United Kingdom, the most active of these countries, there

⁷⁹ In January, 1965, after consultations in 1964 with domestic interests and with other OECD countries, the U.S. Treasury Department revised its antidumping regulations. But these revisions only partly satisfied the complaints of foreign exporters and domestic importers, on the one hand, and domestic producers, on the other.

For a comprehensive account of the administration of U.S. antidumping legislation, see Alexis C. Coudert, "The Application of the United States Antidumping Law in the Light of a Liberal Trade Policy," *Columbia Law Review*, Vol. 65, No. 2 (February, 1965), pp. 189-231. See also James Pomeroy Hendrick, "The United States Antidumping Act," *The American Journal of International Law*, Vol. 58, No. 4 (October, 1964), pp. 914-34.

⁸⁰ GATT, *Anti-Dumping and Countervailing Duties* (Geneva: July, 1958). GATT document MGT (59) 122, November, 1959, updates this publication somewhat. See also, GATT, *Anti-Dumping and Countervailing Duties, Report of Group of Experts* (Geneva: March, 1961).