



BYRD AMENDMENT: THE BIG PICTURE

Under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA), commonly referred to as the “Byrd Amendment”, U.S. antidumping and countervailing duties (AD/CVD) are distributed to companies that supported those trade remedy actions. These duties were previously deposited in the U.S. Treasury.

In January 2003, the World Trade Organization (WTO) ruled that the Byrd Amendment was inconsistent with U.S. WTO obligations. In late 2004, in the absence of U.S. action to repeal this measure, the WTO authorized Canada, the European Union, Japan, India, Brazil, South Korea, Chile, and Mexico to retaliate against the United States. On May 1, 2005, Canada implemented 15% trade retaliatory duties on imports of live swine, cigarettes, oysters, and certain specialty fish originating in the United States. Also on May 1, 2005, the European Union implemented trade retaliation on imports of various U.S. goods.

The U.S. Administration has called for the repeal of the Byrd Amendment, a move supported by a number of U.S. interests. **Canada urges the early repeal of the Byrd Amendment.**

Key Points

- The Byrd Amendment amounts to double-dipping/remedy for U.S. producers who are not only protected by the anti-dumping and/or countervailing duties imposed on competing imports, but also benefit from receiving those duties.
- It subsidizes certain U.S. producers at the expense of others.
- It harms U.S. consumers for the sake of special interests.
- It encourages more U.S. trade remedy actions.
- It undermines U.S. market-opening objectives and the rules-based international trading system that the U.S. has promoted and benefited from.
- It exposes the United States to WTO-sanctioned retaliatory actions by U.S. trading partners.

Further information on the Byrd Amendment can be obtained by visiting the following Web site: <http://www.international.gc.ca/tna-nac/disp/byrd-main-en.asp> or by calling your local Canadian Government office in the United States, which can be found at: <http://www.international.gc.ca/can-am/main/offices/default-en.asp>.



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