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2017

AD/CVD Nightmares: Understand, Comply, Avoid, and... Sleep Better

October 14, 2017





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Horror Story 1



Another new AD/CVD Case
Time to Burn the Midnight Oil





AD/CVD 101

- 2015 - 62 new cases initiated; 2016 - 61; 2017 - 73
- Since 2016, CSMS Messaging for New Investigations

CSMS Messages Help with Increased Communication to the Trade

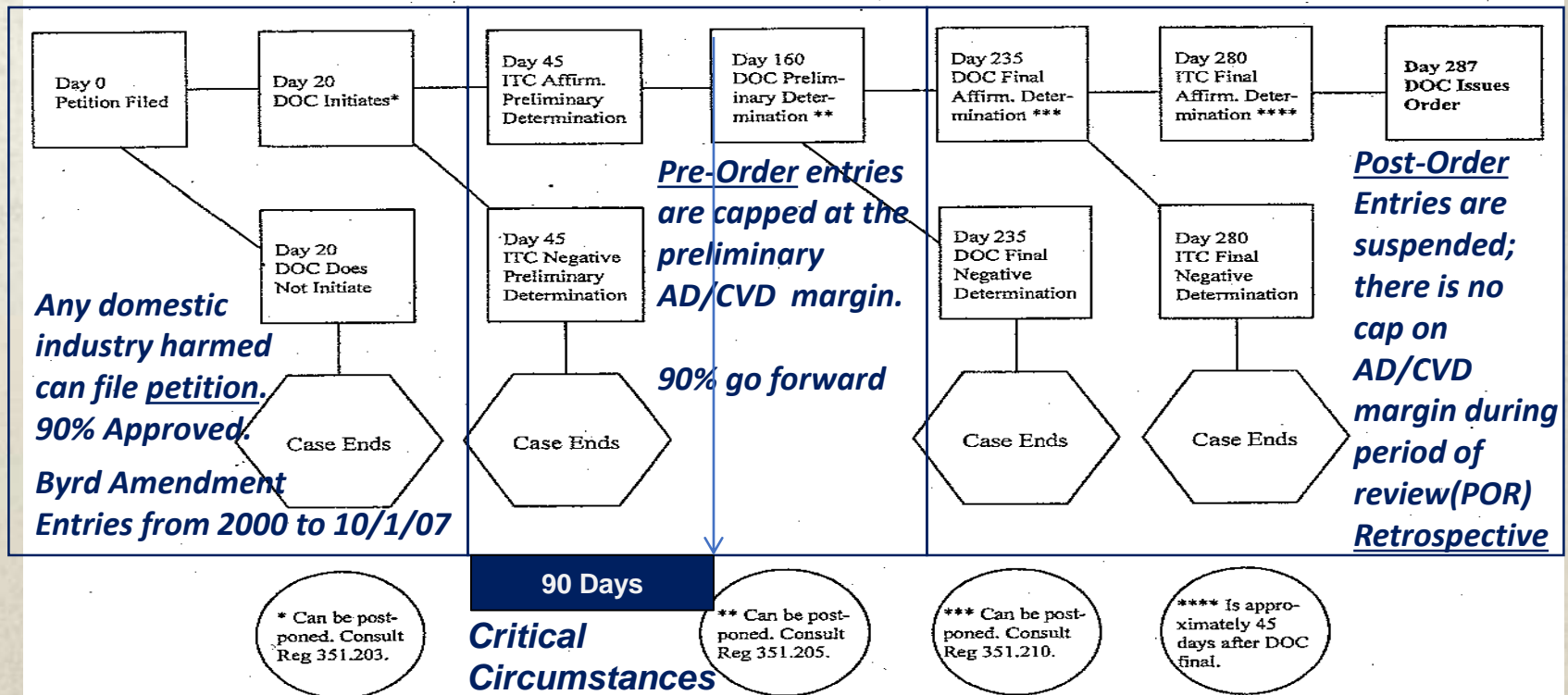
CBP and the U.S. Department of Commerce, following a recommendation of the Commercial Operations Advisory Committee for increased communication to the trade about AD/CVD, have been publishing CSMS messages. They advise the trade community when the Commerce Department initiates new antidumping and countervailing duty investigations. These messages provide the trade with important, timely notifications of these new proceedings. These include the following messages:

- [CSMS# 16-000169 - Announcement of Initiation of Antidumping and Countervailing Duty Stainless Steel Sheet and Strip Investigations](#)
- [CSMS# 16-000137 - Initiation of AD/CVD Investigations: Truck and Bus Tires from PRC](#)
- [CSMS# 16-000136 AD/CVD Investigations: Certain Amorphous Silica Fabric from the PRC](#)
- [CSMS# 15-000891 - New Investigation on Circular Welded Carbon-Quality Steel Pipe Oman, Pakistan, Philippine](#)
- [CSMS# 15-000890 - New Investigation on Iron Mechanical Transfer Drive Components – Canada and China](#)

AD/CVD 101



Antidumping Investigations Timeline



ITC Handbook July 2015

<http://www.seia.org/sites/default/files/issuesofprocedureinadcvdlaw-120618105229-phpapp01.pdf>



AD/CVD Sources

- **CBP Website:**

- <https://www.cbp.gov/trade/priority-issues/adcvd>

- AD/CVD Search Page <http://adcvd.cbp.dhs.gov/adcvdweb/>
 - Admin Messages <http://adcvd.cbp.gov/>

- **ITC website:**

- http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm

- country
 - date
 - product group

- **ITA website:**

- <http://web.ita.doc.gov/ia/CaseM.nsf/136bb350f9b3efba852570d9004ce782?OpenView>

- **Query ABI, ACE**

- **Federal Register search**

AD/CVD Orders

https://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm



ANTIDUMPING AND COUNTERVAILING DUTY ORDERS IN PLACE

AS OF JUNE 09, 2015

Key to ITC case number:

AA = Antidumping Act of 1921
A = Section 731 of the Tariff Act of 1930 (antidumping)
C = Section 701 of the Tariff Act of 1930 (countervailing duty)
C4 = Section 104 of the Trade Agreements Act of 1979 (countervailing duty)
C-None = No Commission investigation (countervailing duty)

416 Orders

77% AD; 23% CVD

37% from China

57% Iron, Steel, Metals, Minerals


Key to product group:

AG = Agricultural, forest, and processed food products
CH = Chemicals and pharmaceuticals
ISM=Iron & steel: Mill products
ISO=Iron & steel: Other products & castings
ISP=Iron & steel: Pipe products
ME = Machinery and electronic/scientific equipment
MM = Metals and minerals
MSC = Miscellaneous manufactured products
PRSG= Plastics, rubber, stone, and glass products
TR = Transportation
TX = Textiles and apparel

Order date	Continued date	ITC case No.	DOC case No.	AD/CVD	Review Sequence	Product Group	Product	Country	Column	Fed Reg	Pub date
05/26/2011		A-1177	A-570-967	A	183	MM	Aluminum Extrusions	China		76 FR 30650	5/26/2011
05/26/2011		C-475	C-570-968	C	183	MM	Aluminum Extrusions	China		76 FR 30653	5/26/2011
05/19/2000	08/10/2011	A-856	A-821-811	A	52	CH	Ammonium nitrate	Russia		76 FR 49449	8/10/2011
09/12/2001	06/12/2013	A-894	A-823-810	A	94	CH	Ammonium nitrate	Ukraine		78 FR 35258	6/12/2013
10/01/2003	02/17/2015	A-1020	A-570-880	A	120	CH	Barium carbonate	China		80 FR 8286	2/17/2015
10/17/1984	06/28/2010	A-149	A-570-007	A	14	CH	Barium chloride	China		75 FR 36629	6/28/2010
03/06/1987	04/26/2012	A-313	A-427-602	A	51	MM	Brass sheet & strip	France		77 FR 24932	4/26/2012
03/06/1987	04/26/2012	A-317	A-428-806	A	51	MM	Brass sheet & strip	Germany		77 FR 24932	4/26/2012
03/06/1987	04/26/2012	A-314	A-475-601	A	51	MM	Brass sheet & strip	Italy		77 FR 24932	4/26/2012
08/12/1988	04/26/2012	A-379	A-588-704	A	51	MM	Brass sheet & strip	Japan		77 FR 24932	4/26/2012
01/30/2015		A-1245	A-570-008	A	203	CH	Calcium Hypochlorite	China		80 FR 5085	1/30/2015
01/30/2015		C-510	C-570-009	C	203	CH	Calcium Hypochlorite	China		80 FR 5082	1/30/2015
12/29/2004	05/27/2010	A-1060	A-570-892	A	131	CH	Carbazole Violet Pigment 23	China		75 FR 29718	5/27/2010

AD/CVD Search Page













 **U.S. Customs and Border Protection**
Securing America's Borders

ADD CVD SEARCH
ANTIDUMPING and COUNTERVAILING DUTIES

[Help](#) | [About](#)

Filter by Category Message Type Search 10 results per page

Case	Date	Period	Message	Cat	Type	Description
A-570-967	01/09/2014		 4009302	ADA	LIQ	Antidumping duty scope determination on aluminum extrusions from the People's Republic of China (A-570-967).
C-570-968	01/06/2014		 4006306	CVD	SCO	Scope determination on countervailing duty order on aluminum extrusions from the People's Republic of China (C-570-968).
C-570-968	01/06/2014		 4006305	CVD	LIQ	Countervailing duty scope determination on aluminum extrusions from the People's Republic of China (C-570-968).
A-570-967	01/06/2014		 4006302	ADA	SCO	Scope determination on antidumping duty order on aluminum extrusions from the People's Republic of China (A-570-967).
A-570-967	11/29/2013	11/21/2013	 3333302	ADA	SCO	Scope determination on antidumping duty order on aluminum extrusions from the People's Republic of China (A-570-967).
C-570-968	11/27/2013	11/21/2013	 3331310	CVD	SCO	Scope determination on countervailing duty order on aluminum extrusions from the People's Republic of China (C-570-968).
C-570-968	09/20/2013	09/12/2013	 3263304	CVD	SCO	Scope determination on countervailing duty order on aluminum extrusions from the People's Republic of China (C-570-968).
A-570-967	09/19/2013	09/12/2013	 3262301	ADA	SCO	Scope determination on antidumping duty order on aluminum extrusions from the People's Republic of China (A-570-967).
C-570-968	09/18/2013		 3261315	CVD	LIQ	Countervailing duty scope determination on aluminum extrusions from the People's Republic of China (PRC) (C-570-968).
A-570-967	09/18/2013		 3261308	ADA	LIQ	Antidumping duty scope determination on aluminum extrusions from the People's Republic of China (PRC) (A-570-967).

Managing Suppliers



U.S. Customs and Border Protection
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ANTIDUMPING and COUNTERVAILING DUTIES

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Filter by Category: ALL Message Type: ALL Search: Search Reset Search 10 results per page

☐ Show Message Detail

Case	Date	Period	Message	Cat	Type	Description
C-570-968	11/27/2013	01/01/2012 to 12/31/2012	3331302	CVD	LIQ	Rescission of Administrative Review in Part of Countervailing Duty Order on Aluminum Extrusions from the People's Republic of China (C-570-968)
C-570-968	09/18/2013	01/01/2012 to 12/31/2012	3261311	CVD	INQ	No shipments inquiry for aluminum extrusions from the People's Republic of China exported by Ningbo Yili Import and Export Co., Ltd. (C-570-968)
C-570-968	07/16/2013	01/01/2012 to 12/31/2012	3197305	CVD	LIQ	Automatic liquidation instructions for Aluminum Extrusions from the People's Republic of China for the period 01/01/2012 through 12/31/2012 (C-570-968)
A-570-967	07/30/2012	11/12/2010 to 04/30/2012	2212302	ADA	LIQ	Non-review liquidation instruction for Aluminum Extrusions from the People's Republic of China for the period 11/12/2010 through 4/30/2012 (A-570-967)
A-570-967	06/22/2011	05/19/2011	1173304	ADA	ORD	ANTIDUMPING DUTY ORDER ON ALUMINUM EXTRUSIONS FROM CHINA (A-570-967)
A-570-967	05/04/2011	11/12/2010	1124308	ADA	PRE	CORRECTION OF MESSAGE 1020301 DATED 01/20/2011 ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-967)
A-570-967	04/25/2011	04/04/2011	1115303	ADA	FIN	NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA, A-570-967
A-570-967	01/20/2011	11/12/2010	1020301	ADA	PRE	NOTICE OF AMENDED PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-967)
A-570-967	11/26/2010	11/12/2010	0330301	ADA	PRE	NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF ALUMINUM EXTRUSIONS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-967)
A-570-890	09/25/2009		9268208	ADA	LIQ	LIQUIDATION INSTRUCTIONS, PARITAL RESCISSION OF ADMIN REVIEW OF ADD ORDER FOR WOODEN BEDROOM FURNITURE FROM CHINA (A-570-890)

← Previous 1 2 Next →

[1-10] of 14 records



Critical Circumstances

RE: Notice of preliminary determination in the countervailing duty investigation of certain softwood lumber products from Canada (C-122-858)

1. On 04/28/2017, Commerce published in the Federal Register its preliminary affirmative determination and alignment of its final determination in the countervailing duty investigation of certain softwood lumber products from Canada from 07/08/2017 until no later than 09/06/2017, thereby aligning it with the due date for the final determination in the antidumping duty investigation of certain softwood lumber products from Canada (82 FR 19657).
2. The products covered by this investigation are described in message 7024301 dated 01/24/2017.
3. This investigation has been assigned investigation number C-122-858.
4. On 04/26/2017, Commerce published in the Federal Register its preliminary affirmative determination of critical circumstances for certain softwood lumber products from Canada for certain producers and/or exporters (82 FR 19219). Because Commerce determined that critical circumstances exist for imports of certain softwood lumber products from Canada from the producers and/or exporters listed below, **CBP shall suspend liquidation of all appropriate entries of certain softwood lumber products from Canada that are entered, or withdrawn from warehouse, for consumption on or after 01/28/2017** which is 90 days before the date of publication of the preliminary determination in the Federal Register. Effective 01/28/2017, for entries of certain softwood lumber products from Canada from the producers and/or exporters listed below, **CBP shall require a cash deposit equal to the subsidy rates listed below:**



Post Summary Corrections

Date: 5/9/17

Number: IMM: TO: 2017-001

TO: Filers and Brokers

SUBJECT: Industrial and Manufacturing Materials Center of Excellence and Expertise (IMM Center)
Recommendation for Processing Entries Subject to the Canadian Softwood Lumber
Countervailing Duty (CVD) Case C122-858

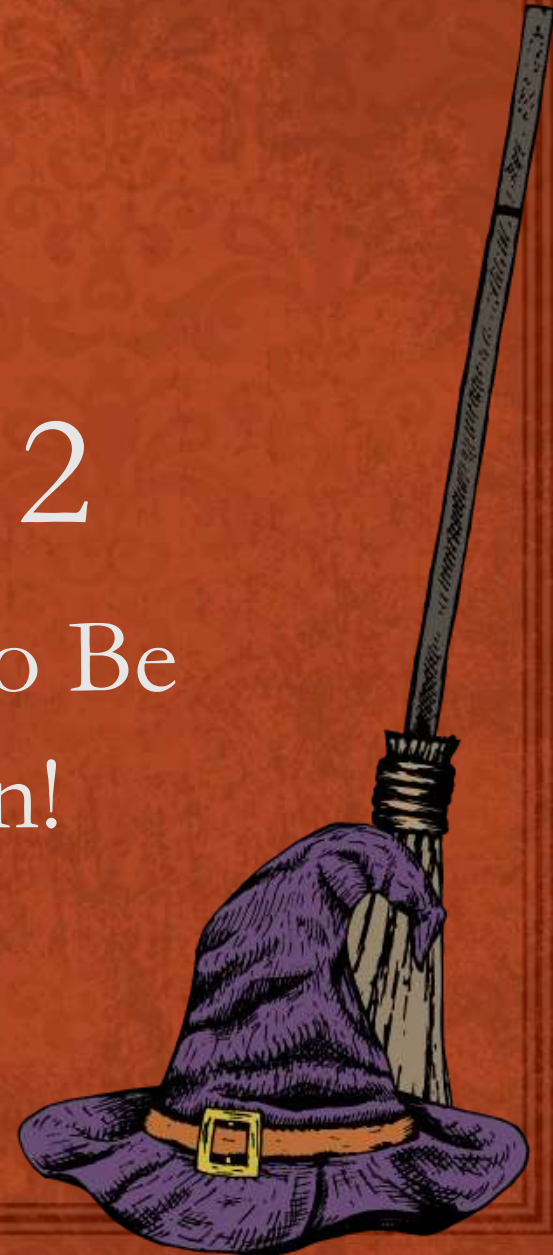
On April 28, 2017, preliminary message 7118311 was issued for a new countervailing duty case on Canadian Softwood Lumber (C122-858). This message has a great impact on the softwood lumber industry.

On April 26, 2017, the preliminary affirmative determination of critical circumstances for certain softwood lumber products from Canada was published in the Federal Register. As such, all entries that are entered or withdrawn from warehouse for consumption on or after January 28, 2017, are required to be changed to entry type “03” entries, with the CVD case added to the entries, and the submission of cash deposits equal to the subsidy rates listed in the message (19.88% for the all others or 3.02% for the producers/exporters applicable to C122-858-002).

For entries submitted as entry type “01”s on January 28, 2017 or later, which are subject to the Canadian Softwood Lumber countervailing duty case (C122-858), the IMM Center is recommending that Post Summary Corrections (PSCs) be filed and corresponding payments submitted to the ports. The IMM Center recommends that these claims be made by July 7, 2017.

Horror Story 2

Scope: To Be or Not to Be
That is the Question!



Department of Commerce (DOC)

Investigation

Administrative Reviews

New Shipper

Sunset

Anti-Circumvention

Scope Rulings

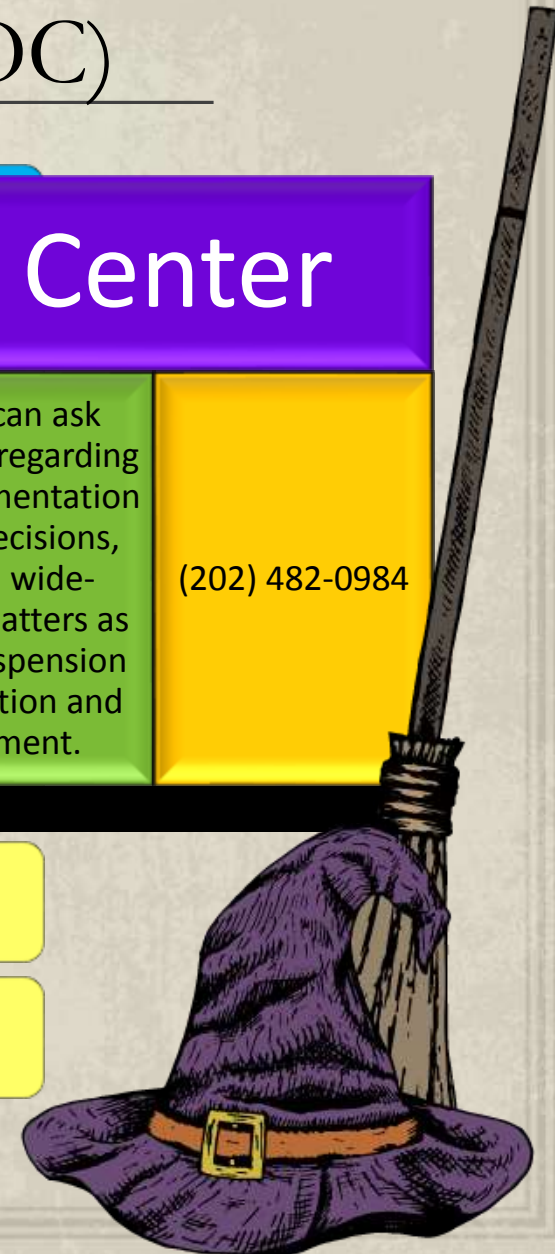
Changed Circumstance Reviews

CLU Call Center

E&C's liaison unit has created a "call center" that receives and responds to inquiries from the Trade Community.


Parties can ask questions regarding the implementation of E&C decisions, on such wide-ranging matters as scope, suspension of liquidation and assessment.

(202) 482-0984



International Trade Commission (ITC)

https://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations.htm



United States International Trade Commission

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[Home](#) » [Popular Topics](#) » [Investigations](#) » [Antidumping & Countervailing Duty \(AD/CVD\)](#)

Antidumping and Countervailing Duty Investigations

Active investigations are Commission import-injury proceedings that are been recently completed (typically within 45 days). Investigations are, by Investigations may be filtered by Status (Any/Active/Completed) and/or F Data, or Phase.

Completed investigations are Commission import-injury proceedings for determination. An archive of completed investigations is presented for C January 1, 2003.

Contact Us

- To contact us with questions please click [here](#). 202.295.3160
- Click here for general information on [active investigations](#).

Research Tools

- [Recent Petitions](#)
- [EDIS](#)
- [AD/CVD Orders](#)
- [Historical Case Statistics](#)
- [Sunset Review Status](#)
- [Sunset Review Schedule Disposition](#)
- [Sunset Review Database](#)
- [Statutory Provisions Related to Import Relief](#)

Reading Room

- [Import Injury - FAQs](#)
- [AD/CVD Handbook](#)

Completed Investigations

Aluminum Extrusions from China
Inv. No. 701-TA-475 and 731-TA-1177
Final Phase

Contacts

Office of Investigations	Name/E-mail	Phone
Investigator	Edward Petronzio	202.295.3176
Supervisory Investigator	James McClure	202.295.3101

Key Dates

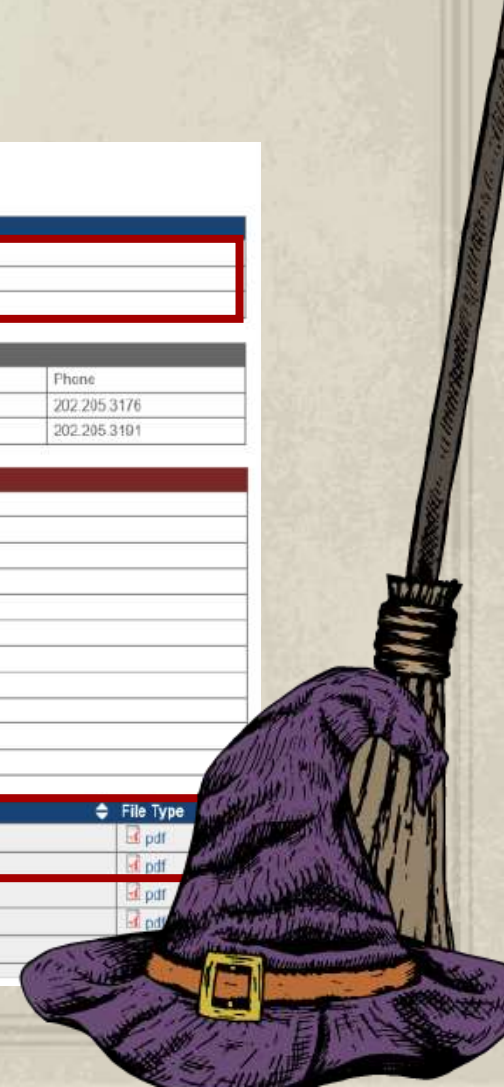
11/12/2010	Start
02/08/2011	Return Questionnaires
03/11/2011	Prehearing Report
03/18/2011	Prehearing Briefs
03/29/2011 9:30 am	Hearing
04/06/2011	Posthearing Briefs
04/15/2011	Staff Report
04/21/2011	Record Closing
04/25/2011	Final Comments
04/26/2011	Proposed Vote
05/13/2011	End

Investigation

Status	Phase	Investigation #
Active	- Any -	
	Final	
	Preliminary	
	Adequacy	
	First Review (Full)	
	First Review (Expedited)	
	Second Review (Full)	
	Second Review (Expedited)	
	Suspension Review	
	Third Review (Full)	
	Third Review (Expedited)	
	Fourth Review (Full)	
	Fourth Review (Expedited)	
	Fifth Review (Full)	
	Fifth Review (Expedited)	
	Safeguard	

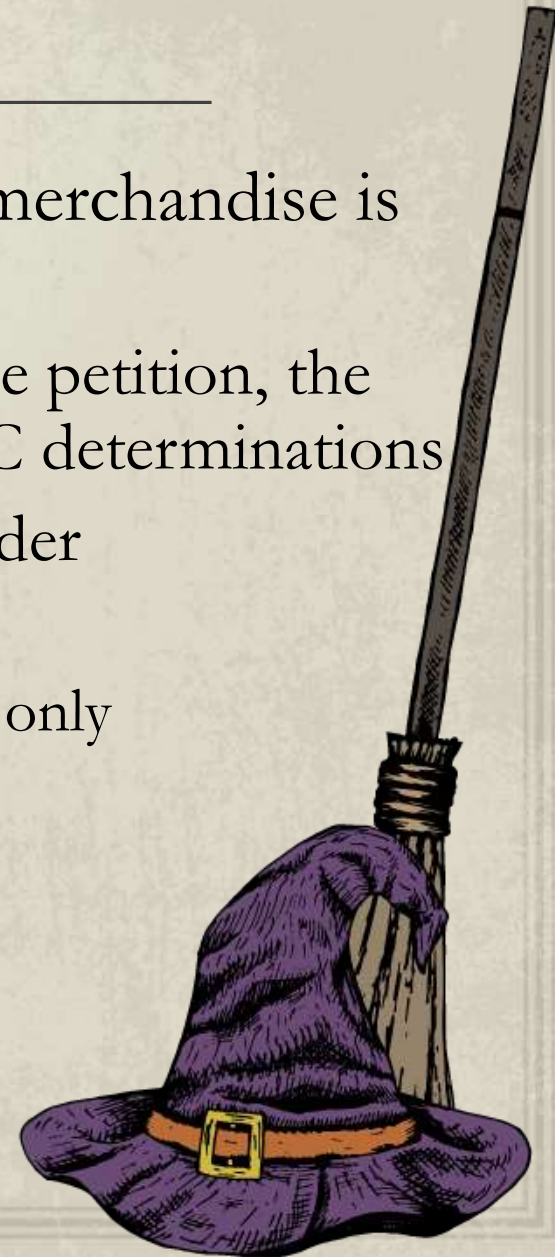
Document Type

Document Type	Document Title	File Type
Commerce Documents	Final Determination(s) - AD	pdf
Commerce Documents	Final Determination(s) - CVD	pdf
Notices - USITC	Scheduling Notice	pdf
Notices - USITC	Determination(s)	pdf
Other Documents	Service List - APO	pdf
Other Documents	Service List - DAFSA	pdf



AD/CVD Scope

- Factors to consider in determining if merchandise is within the scope of the order
 - Descriptions of the merchandise in the petition, the initial investigation, and DOC and ITC determinations
 - “Scope” Description in AD/CVD Order
 - written description is dispositive
 - HTSUS numbers are for convenience only (unless the order says otherwise)
 - Previous DOC scope rulings
 - How do you get these?



CBP's AD/CVD Search Database

<http://adcvd.cbp.dhs.gov/adcvdweb/>



Topic: AD/C

Appendix A: Message Types

ARF – Admin Review Final
ARP – Admin Review Prelim
ENF – Enforcement
FIN – Final Determination
FNO – Final Det w/Order
INF – Information Notice
INI – Initiation of Review
INJ – Injunction
INQ – Inquiry
LIQ – Liquidation
NSR – New Shipper Review
ORD – Order
OTH – Other
PRE- Preliminary
REV – Revocation
SCO – Scope
TER – Termination Notice
WRIT – Writ of Mandamus

U.S. Customs and Border Protection
Securing America's Borders

ADD CVD SEARCH
ANTIDUMPING and COUNTERVAILING DUTIES

Filter by Category: ALL Message Type: [dropdown]

Refine search by case#

Search: [input] Search Reset Search 10 results per page [dropdown]

Case	Date	Period	Message	Type	Description	
A-570-901	09/12/2016	05/10/2016	613030	SCO	Scope determination on antidumping duty order on certain lined paper products from the People's Republic of China (A-570-901)	
A-570-606	03/21/2016	03/10/2016	6061322	ADA	Notice of an amended final scope ruling for certain chests from the People's Republic of China imported by Ethan Allen Operations, Inc.	
A-570-596	03/04/2016	02/23/2016	6064305	ADA	SCO	Scope determination on antidumping duty order on seamless carbon and alloy steel standard, line, and pressure pipe from the People's Republic of China (A-570-596)
C-570-957	03/04/2016	02/25/2016	6064304	CVD	SCO	Scope determination on countervailing duty order on seamless carbon and alloy steel standard, line, and pressure pipe from the People's Republic of China (C-570-957)
C-570-944	02/26/2016	02/12/2016	6067302	CVD	SCO	Scope determination on countervailing duty order on certain oil country tubular goods from the People's Republic of China (C-570-944)
A-570-943	02/26/2016	02/12/2016	6067301	ADA	SCO	Scope determination on antidumping duty order on certain oil country tubular goods from the People's Republic of China (A-570-943)
A-570-967	02/24/2016	01/30/2016	6060302	ADA	SCO	Notice of an amended final scope ruling for refrigerator/freezer trim kits from the People's Republic of China imported by Meridian LLC
C-570-966	02/24/2016	01/30/2016	6065301	CVD	SCO	Notice of an amended final scope ruling for refrigerator/freezer trim kits from the People's Republic of China imported by Meridian LLC (C-570-966)
A-570-675	02/16/2016	01/13/2016	6047301	ADA	SCO	Scope determination on antidumping duty order on non-malleable cast iron pipe fittings from China (A-570-675)
C-570-968	02/04/2016	01/05/2016	6030302	CVD	SCO	Scope determination on countervailing duty order on Aluminum Extrusions from the People's Republic of China (C-570-968)

Accessibility DHS.gov

Windows Taskbar: Focused Assessm... ADD CVD Search... NB ADCVD Pres...

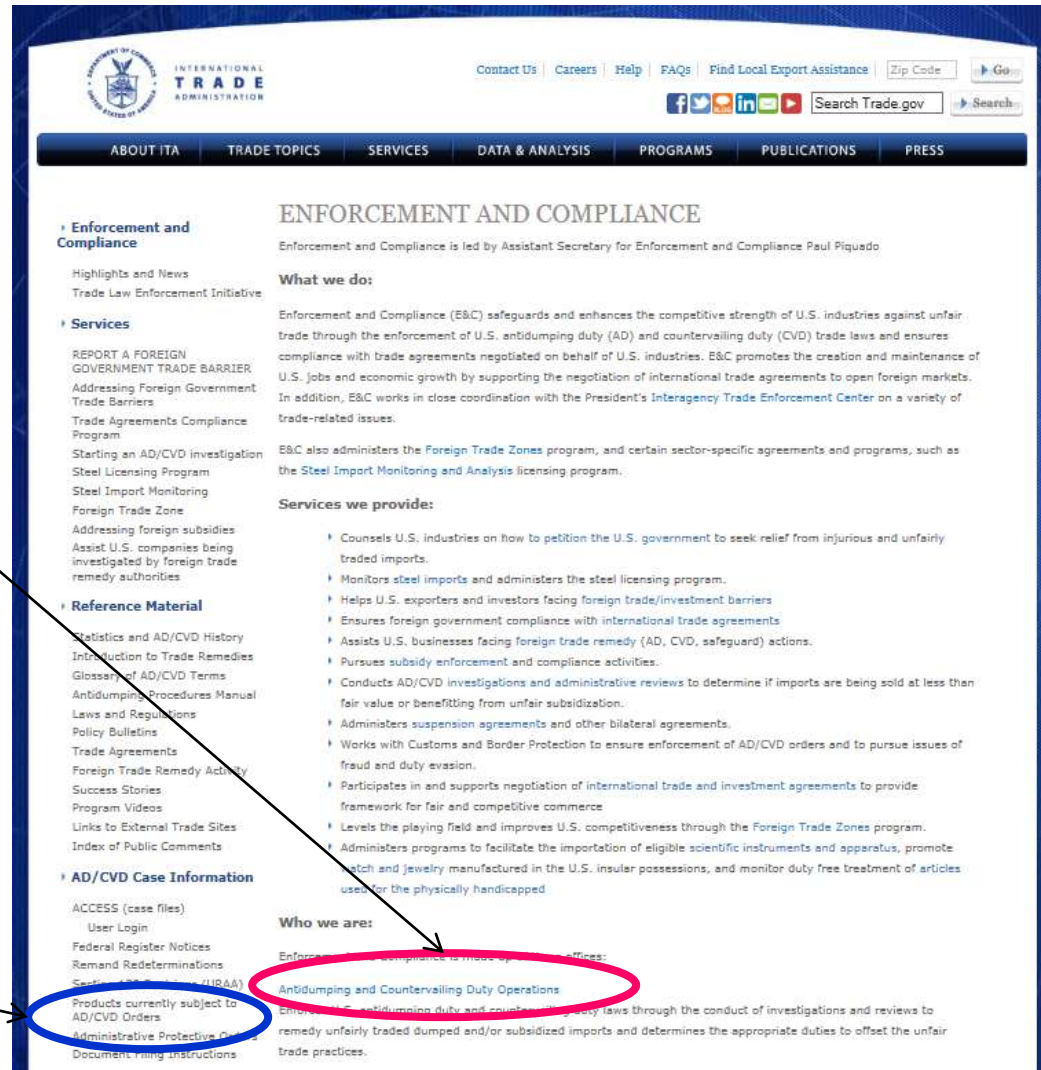


Finding Scope Decisions on E&C Website

www.trade.gov/enforcement

Clicking here will take you to a page where you can find more information on scope. You can launch to the scope and rulings pages, the quarterly scope publication, and full scope decisions for selected cases

Clicking here will take you to the listing of scopes and rulings by country and product



Finding Scope Decisions on E&C Website

www.trade.gov/enforcement

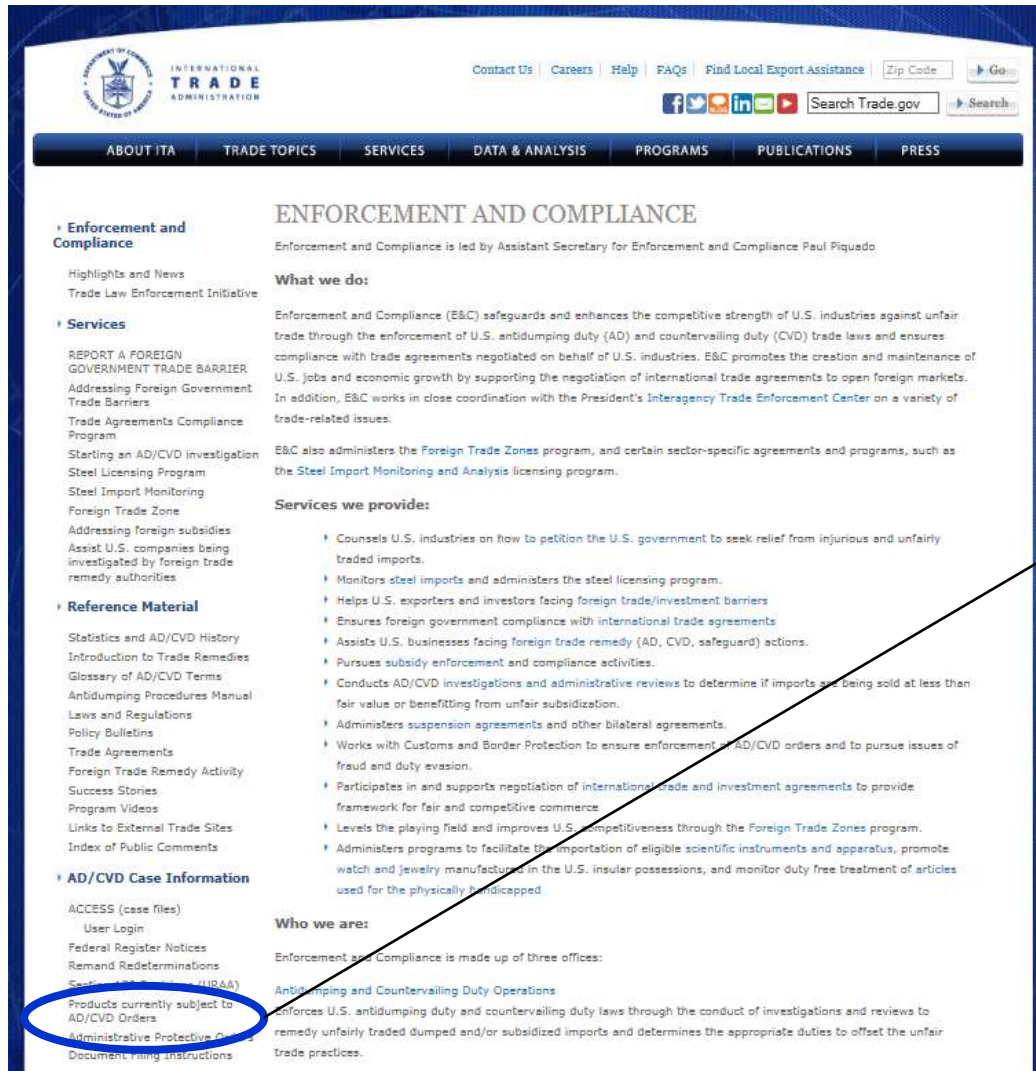


From Previous Page

ENFORCEMENT AND COMPLIANCE		
Aluminum Extrusions from the People's Republic of China [A-570-967 - C-570-968]		
Final Scope Rulings		
Date	Company	Product
Nov 24, 2015	Delphi	Tube and Block Assemblies
Nov 23, 2015	Dometic Corporation	Lateral Arm Assemblies
Nov 18, 2015	Immediate Response Technologies	Scissor Struts
Nov 04, 2015	Carrand Companies Inc.	Certain Aluminum Telescoping Wash Poles
Oct 27, 2015	Clam Corporation	Certain Aluminum Spreader Poles
Oct 22, 2015	Agilent Technologies Inc.	KF16 Hose Adapter
Sep 30, 2015	Blue Blade Inc.	Extension Tension Poles
Sep 09, 2015	Ace Hardware Corporation	Telescoping Extension Poles
Sep 09, 2015	Agilent Technologies, Inc.	Foreline Hose Assembly
Aug 04, 2015	TSS, Inc.	Wind Sign Frames
May 22, 2015	Streamlight, Inc.	Heat Sink Parts for LED Lamps
Apr 29, 2015	IKEA Supply AG	Towel Racks
Apr 29, 2015	IKEA Supply AG	Cabinet/Drawer Handles
Apr 21, 2015	Unger Enterprises Inc.	Pole Handles
Apr 20, 2015	Guardian Fall Protection, Inc.	Window Anchor
Apr 02, 2015	All Points Industries Inc.	Cleats
Mar 12, 2015	Ford Atlantic	Display Easels and Wall Standards
Mar 02, 2015	Aqua EZ, Inc.	Side Cam-Lock Telepole and Ribbed Telescopic Pole
Feb 27, 2015	Unger Enterprises Inc.	Telescoping Poles
Feb 05, 2015	5 Diamond Promotions, Inc.	Flag Pole Kits
Jan 23, 2015	Sign-Zone, Inc.	Premium Event Tent Frame
Jan 12, 2015	Cameo Manufacturing, Inc.	20-foot telescoping flagpoles
Dec 05, 2014	Circle Glass Co.	Screen and Storm Door Grille and Patio Door Kits
Nov 25, 2014	ECCO Group	Heat Sinks For LED Light Bars
Nov 24, 2014	JED Pool Tools, Inc.	Pool Poles, Skimmers and Rakes
Nov 19, 2014	Click-Click Systems Inc.	MagPole
Nov 04, 2014	Pacific Product Solutions	Motorized Arm Sets Kits
Nov 04, 2014	Unger Enterprises, Inc.	Aluminum Grabbers
Nov 03, 2014	Danfoss LLC	Micro Channel Heat Exchangers
Nov 03, 2014	KIK Custom Products	Telescoping Poles
Oct 15, 2014	Delphi Automotive Systems, LLC	Core Heater Tubes
Sep 12, 2014	Vico Plastic Inc.	Cam-Lock Support Poles
Aug 19, 2014	TACO Metal Inc.	Telescopic Post-Cut Pole, Pole-End Holder and Pole

Finding Scope Decisions on E&C Website

www.trade.gov/enforcement



AD/CVD Scope Information

► [Argentina](#)

► [Belarus](#)

▼ [Belgium](#)

[Industrial Phosphoric Acid \(A-423-602\)](#)

[Stainless Steel Plate in Coils \(A-423-808\)](#)

[Stainless Steel Plate in Coils \(C-423-809\)](#)

► [Brazil](#)

► [Canada](#)

► [Chile](#)

► [Czech Republic](#)

► [Ecuador](#)

► [Finland](#)

► [France](#)

► [Germany](#)

► [India](#)

► [Indonesia](#)

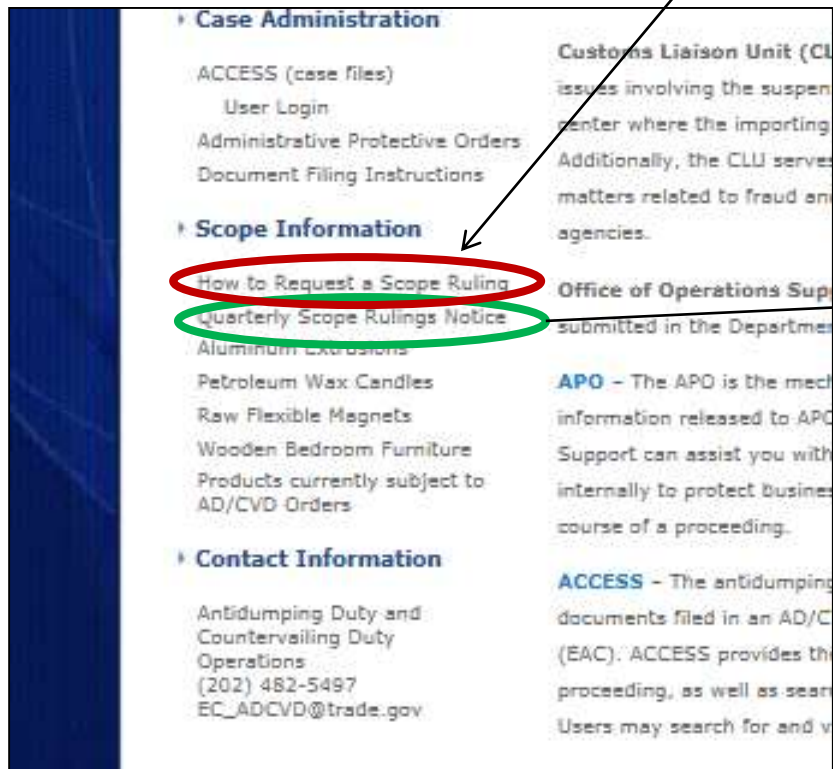
► [Iran](#)

► [Italy](#)

Finding Scope Decisions on E&C Website

www.trade.gov/enforcement

Information on how to request a scope ruling

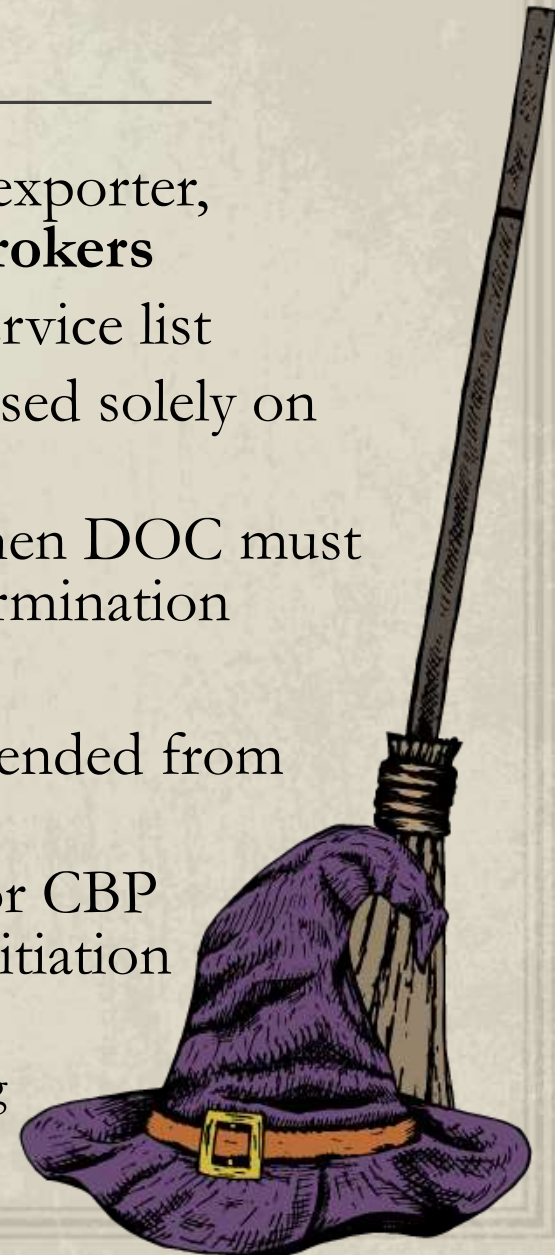


ENFORCEMENT AND COMPLIANCE	
Notices of Scope Rulings and Anticircumvention Inquiries	
Information about Requesting an Antidumping or Countervailing Duty Scope Ruling	
Federal Register Cite/Date	Period Covered
FY 1999 to Current	
80 FR 57339, Sep 23, 2015	Apr 1, 2015 - Jun 30, 2015
80 FR 54366, Sep 10, 2015	Jan 1, 2015 - Mar 31, 2015
80 FR 22989, Apr 24, 2015	Oct 1, 2014 - Dec 31, 2014
79 FR 73552, Dec 11, 2014	Jul 1, 2014 - Sep 30, 2014
79 FR 47093, Aug 12, 2014	Apr 1, 2014 - Jun 30, 2014
79 FR 30821, May 29, 2014	Jan 1, 2014 - Mar 31, 2014
79 FR 19057, Apr 7, 2014	Oct 1, 2013 - Dec 31, 2013
79 FR 6165, Feb 3, 2014	Jul 1, 2013 - Sep 30, 2013
78 FR 59653, Sep 27, 2013	Apr 1, 2013 - Jun 30, 2013
78 FR 42934, Jul 18, 2013	Jan 01, 2013 - Mar 31, 2013
78 FR 32372, May 30, 2013	Oct 01, 2012 - Dec 31, 2012
78 FR 9370, Feb 8, 2013	Jul 01, 2012 - Sep 30, 2012
77 FR 52313, Aug 29, 2012	Apr 01, 2012 - Jun 30, 2012
77 FR 50084, Aug 20, 2012	Jan 01, 2012 - Mar 30, 2012

Scope Rulings from 1990-present. Updated Quarterly

AD/CVD Scope Rulings

- Any interested party may request (importer, exporter, petitioner) [19 USC §351.225](#); **no customs brokers**
- Must be served on all parties on the scope service list
- Within 45 days, DOC can issue a “ruling” based solely on application; or initiate a scope inquiry.
- If DOC initiates a formal scope “inquiry,” then DOC must issue a preliminary and then final scope determination
- Interested parties file comments
- If affirmative preliminary, liquidation is suspended from date of INITIATION of scope inquiry.
- Can DOC order suspension of liquidation, or CBP assess AD/CVD, on entries made prior to initiation of scope inquiry?
 - May depend on whether DOC issues scope ruling under (k)(1) versus (k)(2)



Horror Story 3

My AD/CVD Entry
is all wrong
Now What?



AD/CVD! Oh, the Horrors!

- **What happens when AD/CVD is not declared at time of entry (01 entry, not an 03)**
 - Cannot export once consumption entry is made
 - CBP can reject entry within 90 days
 - CBP can request post summary correction
 - CBP requires 03 entry and posting of cash deposit
 - Otherwise, CBP can issue liquidated damages
 - [CSMS# 15-000743 - Post-Summary Correction where AD/CVD Duty is Due](#) on 10/5/15
 - Do you file an 03 entry if there is a 0% cash deposit?
- **1592 Investigations**
 - CBP has 5 years to investigate (liquidated and unliquidated)
 - Prior Disclosures

**Univar: \$36M revenue claim
against C1 Bond + \$48M for
1592 civil penalty**



1592 Penalties Are Scary!

June 27, 2017

Port Case Number: 20173001[REDACTED]

Ms. [REDACTED]

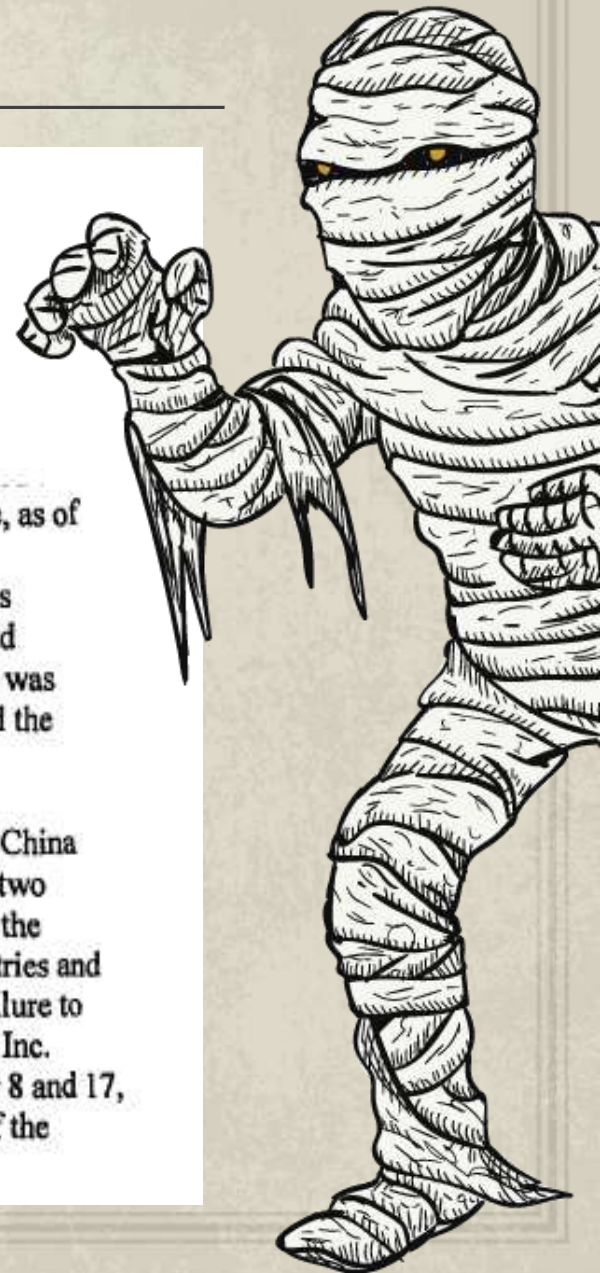
[REDACTED], Inc.

[REDACTED]
Houston, TX 77036

Notice of Prepenalty Decision

August 6, 2015, countervailing case C-570-017-000 required the deposit of 30.61% countervailing duties on certain passenger vehicle and light truck tires from the People's Republic of China. The U.S. Department of Commerce published the relevant order and amended final determination in the Federal Register on August 10, 2015. The new rate was added to the Automated Commercial Environment on August 11, 2015. CBP published the message regarding the order and amended final determination on August 14, 2015.

[REDACTED] Inc., however, did not import these passenger vehicle or light truck tires from China until August 26 and September 4, 2015 and did not submit the entry summaries for the two entries until September 8 and 17, 2015, at which time it did so without including either the countervailing case number or the required cash deposit. Given the dates of the two entries and dates of the entry summaries, your claim that the violations were the result of CBP's failure to update its systems is without merit and do not overcome the presumption that [REDACTED] Inc. failed to exercise reasonable care in ensuring that the entry summaries dated September 8 and 17, 2015 were correctly prepared. Therefore, [REDACTED] Inc. was negligent in the entering of the passenger vehicle or light truck tires imported on August 26 and September 4, 2015.



AD/CVD Relies on Scope, Not HTS

- [CSMS# 16-000466 - HTS not listed in AD/CVD record](#) 06/07/16
 - ACE previously would not allow an AD/CVD entry summary to be filed without HTS numbers that were part of an AD/CVD case record.
 - **As of 4/2/16**, CBP relaxed this validation to allow such AD/CVD entry summaries to be filed in ACE. In these cases, ACE provides the following message: **HTS NOT FOUND ON ADCVD CASE; CONFIRM HTS.**
 - HTS Tariff Numbers change January 1st and July 1st each year.
 - **AD/CVD relies on SCOPE, HTS is for convenience only**

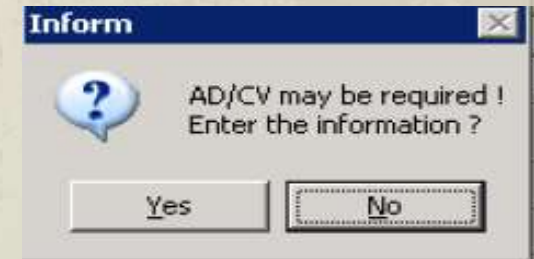


AD/CVD Flagging Can Be Batty



- **HTS Flagging in ACE/ABI**

- Country of Origin (all countries/customization)
- Query at 8 vs. 10 digit HTS
Brokerage>Query>Query ADD/CVD for Tariffs Used function
- When query is run, the system queries the entire 10 digit HTS number
- Some ADD/CVD cases are on file with only 8 digits of the HTS



If so, the query will return “QUERY COMPLETE - NO AD/CVD CASES FOUND”

To query an HTS subject to AD/CVD, do outside job from Customs> Actions>Reference Files Request>Anti Dumping and Countervailing

Then enter a partial HTS in HTS field and send query.

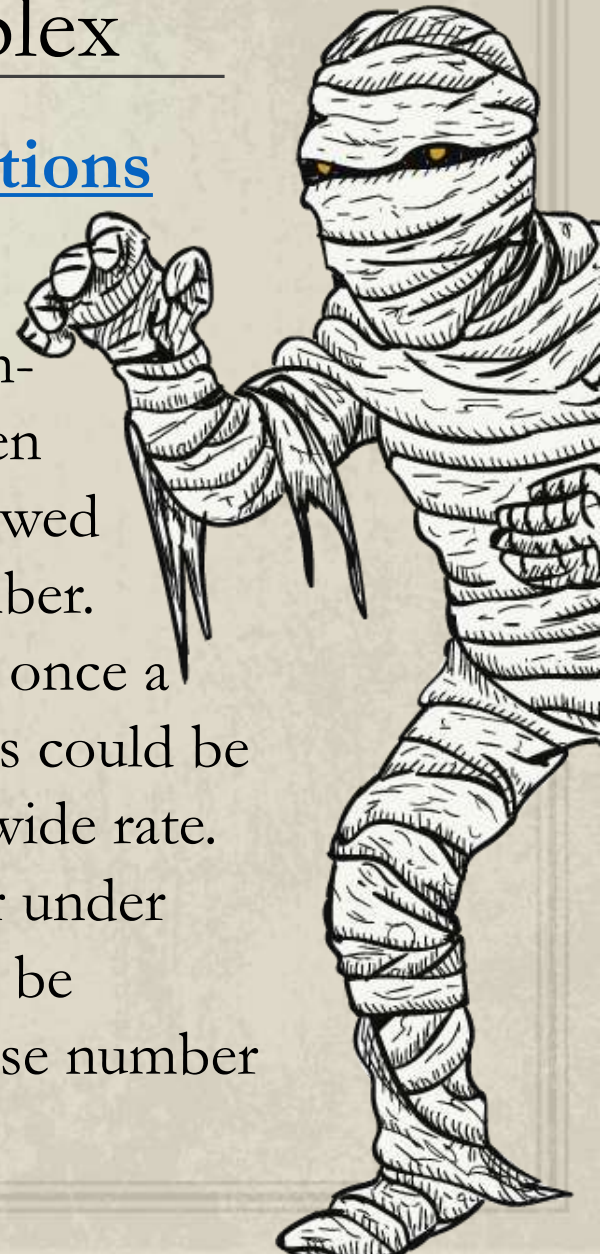


Reimbursement Statement is Easy!

- **Blanket Statement** [19CFR§351.402\(f\)\(2\)](#)
 - Double the Duty if not provided prior to liquidation
 - Best to submit electronically with ACE Entry Summary at the line item level or importer level (blanket)
 - Need for ADD, not CVD cases unless combined
- **Proper Completion**
 - Verify that statement is properly completed
 - http://www.cbp.gov/sites/default/files/documents/guidance_for_cert_3.pdf
 - If importer is getting reimbursed, surety should be notified and collateral is typically required since double the duty will apply in cases of ADD.

ACE Definitions Can Be Complex

- [ACE AD/CVD Case Status Definitions](#)
- **Inactive-Company Deactivated**
 - This means a company-specific (or chain-specific) AD/CVD case number has been turned off and entries are no longer allowed to be made under that 10-digit case number.
 - This is an important distinction because once a company-specific rate is lost, the imports could be subject to a higher, All-Others country-wide rate.
 - Future entries that were allowed to enter under that specific case number would need to be entered under the general, All-Others case number ending in 000.



But AD/CVD Cases Do Go Away!

- **Revoked vs. Terminated**

- Revoked and Terminated both mean the entire case or order goes away, but for different reasons.
- **Terminated** means that a domestic party is no longer interested in pursuing the case, or the DOC has found no injury to move forward so the case is Terminated.
- **Revocation** is what happens after an AD/CVD Order is in place, such as a Five-Year Sunset Review. In these cases, the DOC may revoke the order.
- **Partial Revocation** is where one company may be removed from an AD/CVD Order, but this is based on old legislation that has been rescinded.



ACE Features Even a Mummy Loves

- **AD/CVD Search**
 - <http://adcvd.cbp.dhs.gov/adcvdweb/>
 - ACE is Always System of Record
- **ES105 Active AD/CVD Case Report**
 - CBP Risk Assessments using ACE data history
 - Identifies potential AD/CVD risks for audit
 - Change from 03 to 01 entry type
 - Entry type 03 change in country of origin
 - HTS codes similar in scope
- **CBP 28 Requests**
 - Centers handling all AD/CVD as of 3/23/16
 - Requests on new AD/CVD Cases (“casts a wide net”)
 - Upload information into DIS to avoid repeat requests



ACE Portal Search: Bond/Cash Deposits

Task Selector ?	View AD/CVD Company Case						
Select Task	Messages						
Links	Case #: A-570-890-000						
HTS	Showing 1 - 4 of 4						
Port	Message #	IMN	Status	Message Date	Type/ SubType	POR	Message Title (I
Gold Rate	0242302	30110	Active	08/30/2010	ARF	01/01/2008 - 12/31/2008	RE: CASH DEPOS REPUBLIC OF CH
Country Code	1236301	39268	Active	08/24/2011	ARF	01/01/2009 - 12/31/2009	CASH DEPOSIT I REPUBLIC OF CH
MID	2257301	52201	Active	09/13/2012	ARF	01/01/2010 - 12/31/2010	Cash deposit inst (A-570-890)
UN Loc Code	2293301	54108	Active	10/19/2012	LIQ PARRES	01/01/2011 - 12/31/2011	Rescission of adrn furniture from the
AD/CVD Cases Search							
Company Details							
Messages							
AD/CVD Messages Search							

ACE: <https://www.cbp.gov/document/guidance/adcvd-cases-and-messages>

ACE Search at cbp.gov <http://adcvd.cbp.dhs.gov/adcvdweb/>





Horror Story 4

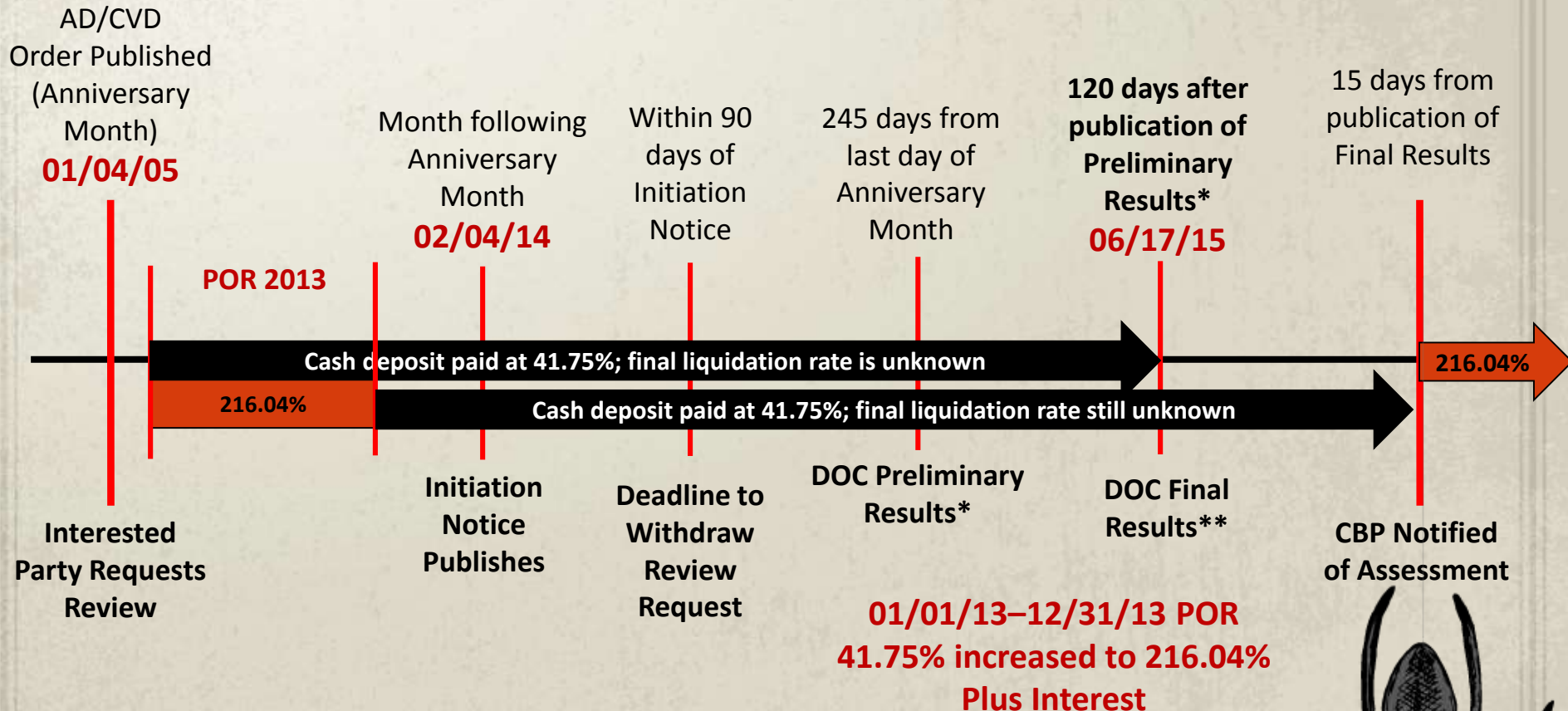
Presidential Executive Order
Burning Issues Take Flight



TFTEA Section 115 & Presidential EO

- (b) REQUIREMENTS: CBP...
 - (1) develops risk assessment guidelines for importers, including new importers and non-resident importers, to determine if and to what extent—
 - *(A) to adjust bond amounts of imported products of such importers; and*
 - *(B) to increase screening of imported products of such importers;*
 - (2) develops procedures to ensure increased oversight of imported products of new importers, including nonresident importers, relating to the enforcement of the [Priority Trade Issues](#) described in section 117 (AD/CVD, IPR, FTAs, Ag, Textiles, Import Safety, Revenue)
 - (3) develops procedures to ensure **increased oversight** of imported products of new importers, including new nonresident importers, by **Centers of Excellence & Expertise...**
- **Exemptions?** Does not apply to C-TPAT Tier II and III importers.
- CBP's Importer of Record Task Force for first time importers to identify real entities
<http://www.canada-usblog.com/2017/09/08/cbp-old-issues-new-tricks/>
- **Executive Order** reiterates **Increased Bonding for Covered Importers**
 - CBP has no record of previous imports by the importer (NEW, what's considered new?)
 - CBP has record of importer's failure to fully pay AD/CVD (Non-payment of cash deposits?)
 - CBP has record of importer's failure to pay AD/CVD timely (ID Bills? Prior Disclosures?)

AD/CVD Administrative Reviews



* This date may be extended to 365 days.

** This date may be extended to 180 days.



Retrospective Increase AD/CVD Rates

Effective Date: 06/17/2015

Court Case #: CIT/CAFC/Supreme Court

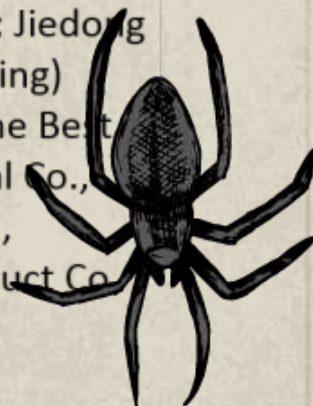
Period of Review: 01/01/2013 to 12/31/2013;

Suspension Lifted: 06/17/15

RE: Liquidation instructions for wooden bedroom furniture from the PRC exported by multiple companies for 1/1/13-12/31/13 (A-570-890)

In Commerce's final results, 80 FR 34619, 06/17/2015, Commerce determined that the following exporters are not eligible for a separate rate and are considered part of the PRC-wide entity (216.01%) – 25 Exporters and 13 Cases

Art Heritage International, Ltd., Super Art Furniture Co., Ltd., Artwork Metal & Plastic Co., Ltd., Jibson Industries Ltd., Always Loyal International; Cheng Meng Furniture (Pte) Ltd., Cheng Meng Decoration & Furniture (Suzhou) Co., Ltd.; Coe, Ltd.; Dalian Huafeng Furniture Co., Ltd.; Dalian Huafeng Furniture Group Co., Ltd.; Dongguan Hung Sheng Artware Products Co., Ltd., Coronal Enterprise Co., Ltd.; Dongguan Yujia Furniture Co., Ltd.; Jiedong Lehouse Furniture Co., Ltd.; Jiedong Lehouse Furniture Co., Ltd., Liang Huang (Jiaxing) Enterprise Co., Ltd.; Marvin Furniture (Shanghai) Co. Ltd.; Prime Best Factory, Prime Best International Co., Ltd.; Prime Wood International Co., Ltd.; Sen Yeong International Co., Ltd., Sheh Hau International Trading Ltd.; Strongson Furniture (Shenzhen) Co., Ltd., Strongson Furniture Co., Ltd., Strongson (Hk) Co.; Zhang Zhou Sanlong Wood Product Co.



Tires from China and AD/CVD Evasion

- Tires from China under \$50,000 C1 Bond;
- Importer had multiple companies (same owner, address, etc.)
- Imported at Shipper Specific Rate of 7.92%
- All-Others Rate 76.46%
- Each POR shifted to 76.46%
- Moves broker to broker...
- Surety to Surety...
- Revenue loss to CBP...
- **Bond Query/History**
- **New 5106 collects more data**

Value	7.92%	76.46%
\$35,007	\$2,773	\$26,766
\$22,027	\$1,745	\$16,741
\$58,415	\$4,627	\$44,395
\$25,548	\$2,023	\$19,417
\$36,777	\$2,913	\$27,951
\$177,774	\$14,080	\$135,269



Delinquent Bills

CSMS# 17-000489 - CBP Bills for Supplemental Duties, Taxes and Fees, or Vessel Repair Duties on 8/14/2017

This is a reminder that CBP bills for supplemental duties, taxes and fees, or vessel repair duties are due thirty (30) days from the date of the bill. Any bill not paid during this timeframe is delinquent. Please ensure that CBP has the correct address on file in order for you to receive your bill in a timely manner to prevent any delay in the payment of your bill.

If a bill remains unpaid, any balance will be considered delinquent and accrues interest until payment is made in full. All supplemental bills will reference the entry number used to import your goods.

Also, please note that CBP is changing its dunning letter timeframe from 181 days from the date of the bill to 61 days starting September 5, 2017. In addition, if you are scheduled to receive a refund and have a delinquent bill older than 60 days, CBP will divert your refund and apply it to the delinquent bill.



Suspension & Debarment (EO 12549)

You are subscribed to Trade for U.S. Customs and Border Protection...

- **Suspension and Debarment** 09/18/2017

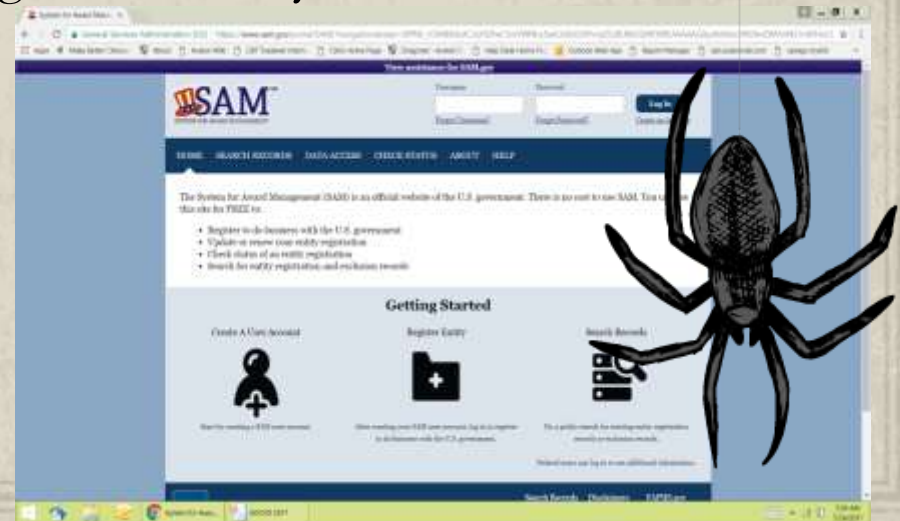
U.S. Customs and Border Protection (CBP) has instituted an operational approach to combating trade violations, safeguarding economic security and detecting, deterring, and disrupting illicit trade practices...

- **Suspension and Debarment Frequently Asked Questions**

Q1. What is non-procurement suspension and debarment? A1. Suspension is a temporary exclusion from taking part in covered transactions, pending the completion of an agency investigation and any...

- **System for Award Management Database (SAM)**
<https://www.sam.gov/portal/SAM/##11>

- **CBP encouraging trade to use as vetting tool**



What About AD/CVD Bonding?

Analytical (2)

(Duties, Taxes & Fees) x 10%
previous 12 months

= minimum bond amount
or \$50,000 (rounded up by
increments of \$10,000
up to \$100,000 and then
by increments of
\$100,000)

A

+

10% - unpaid bills not protested
and less than 210 days
or
protected



= exact amount

B

\$ for \$ - delinquent bills
not protested and over 210 days
or
denied protest



= exact amount

C

+

\$ for \$ debit vouchers unpaid



= exact amount

D

+

\$ for \$ bills paid by surety



= exact amount

E

total amount

A + B + C + D + E

(rounded up by increments
of \$10,000 up to \$100,000
and then by increments of
\$100,000)



CBP's Current STB Policy on AD/CVD

Antidumping/Countervailing Duty Enforcement

Garlic Antidumping Enforcement Team

Antidumping/Countervailing Duties (AD/CVD) protect U.S. domestic industry against foreign companies selling goods for less than the goods cost to produce or when the foreign companies are subsidized by their government. In fiscal years 2014 and 2015, the CBP Garlic Antidumping Enforcement Team (GAET) coordinated a national effort to enforce antidumping duties on imports of fresh garlic from China.

GAET targeted entries of Chinese garlic valued at over \$16.84 million that were high-risk for evasion of antidumping duties. GAET required posting of additional single transaction bonds to strengthen security for revenue in jeopardy prior to the release of these shipments. Single transaction bonds can be thought of as an "insurance policy" for the government to assist with our ability to collect money due if there is nefarious activity involved in the transaction. Four importers/exporters challenged CBP's authority to require additional bonding and filed several lawsuits at the Court of International Trade (CIT). As a result of the GAET enforcement efforts, CIT upheld CBP's ability to request single transaction bonds.

This resulted in shipments valued at over \$5.8 million being exported back to the country of origin, as importers did not want to file additional bonds; shipments valued at over \$6.9 million being exported or destroyed; and shipments valued at over \$4 million released after an importer posted a \$1 million bond with CIT. The GAET team also protected revenue of over \$137 million from many entries in the assessment of the correct antidumping duty rate. CBP remains committed to enforcing the legal importation of garlic, as well as other commodities.



*Illegally imported
Chinese garlic*



*Illegally imported
Chinese garlic*

CBP may request Single Transaction Bonds in addition to the C1 Continuous Bond when revenue is in jeopardy

See policy at:

<https://www.cbp.gov/trade/priority-issues/adcvd/bonds>





Horror Story 5

Eek!

It's an EAPA Investigation





EAPA Evasion Investigations

- Domestic interested parties (e.g., domestic manufacturers and trade unions) and importers who allege that an importer is evading AD/CVD payment have the right to participate directly in CBP evasion proceedings
- CBP is ***required*** to investigate allegations that reasonably suggest evasion is taking place
- Importers who did not deposit the “correct” amount of AD/CVD, as determined by CBP, will be guilty of evasion
- CBP will not consider whether an importer acted with reasonable care in filing its entry documents



Adverse Inferences

- CBP is required to render decisions within strict timelines.
- CBP is authorized to draw **adverse** inferences for failure to cooperate during the investigation.
- Importers who fail to respond to a CBP request for information in a timely and complete manner will be deemed non-cooperative, which can result in an affirmative finding of evasion.



EAPA Evasion Timeline

Day	Event
0 days	Initiation of the investigation
No later than 90 calendar days	Determination of reasonable suspicion of evasion and issuance of interim measures
5 business days after interim measures are taken	Notice of decision to initiate an investigation and whether interim measures were taken
200 calendar days	Deadline to voluntarily submit factual information
230 calendar days	Deadline to submit written arguments
15 calendar days after a written argument was filed	Deadline to submit responses to the written argument
No later than 300 calendar days	Determination as to evasion or notice of extension of time
No later than 360 calendar days	Determination as to evasion if the investigation is extraordinarily complicated
5 business days after determination	Notice of CBP's determination as to evasion



Administrative Review of Decision

Day	Event
0 days	Initiation of the administrative review and transmission of the case tracking number
10 business days	Deadline to submit written responses to the request(s) for review
60 business days	Completion of the administrative review

Enforce and Protect Act (EAPA)

https://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm



Referrals to Commerce

- CBP may refer if it cannot determine whether the entered merchandise described in the allegation is properly within the scope of an AD/CVD order.
- CBP will promptly notify the parties to the investigation of the date of the referral.
- The time required for any referral and determination by Commerce will not be counted toward CBP's deadlines.
- CBP will notify the parties to the investigation of Commerce's decision.



Provisional Relief

- CBP will commence evasion investigations, and grant “provisional” relief to the petitioning party, if CBP determines that there is a “reasonable suspicion” evasion is taking place.
 - Suspend liquidation of covered merchandise entered after the investigation began.
 - Extend the liquidation period of previously-entered unliquidated entries.
 - Require cash deposits, single entry bonds or additional security
- CBP is authorized to take these interim measure ***before*** notifying the alleged evader that an investigation has been initiated



Evasion + Penalty Liability

- CBP can initiate additional enforcement actions (e.g., commencing a penalty investigation under 19 U.S.C. §1592 which could result in AD/CVD liability, plus potential penalties, for entries during the last five years) in addition to an affirmative finding of evasion.
- Unclear from the new regulations whether an importer will be entitled to file a prior disclosure after CBP has initiated an evasion inquiry.



Challenging CBP EAPA Decisions

- Parties to an evasion investigation have the right to challenge CBP's determinations both administratively to Customs Headquarters and in the Court of International Trade ("CIT").
 - All reviews are limited to the information generated during CBP's investigation and any other information that CBP specifically requests during the review process
 - Parties must create a complete factual record in order to effectively challenge CBP's determinations during subsequent administrative or judicial proceedings
 - Importers will not be accorded a second chance to submit information on appeal to Customs Headquarters or to the CIT



Impact on Importers & Brokers

- Importers with potential AD/CVD concerns **MUST** take all necessary precautions to ensure compliance with applicable AD/CVD Orders.
- Importers subjected to evasion proceedings **MUST** take immediate action to fully comply with CBP requests for information (no do-overs).
- Brokers **MUST** review new regulations carefully to fully understand the procedures and deadlines.



Adversarial Proceedings-Be Careful

- Domestic Manufacturer's Goal
 - Eliminate imports
 - Inflict maximum damage and pain
- Domestic Manufacturer's Allegations
 - Submissions to DOC – Confidential
 - Submissions to CBP – Confidential
 - Qui Tam Action in District Court – Confidential
- Administrative Investigations May Result in Civil or Criminal Action
 - Criminal Allegations – Referral to U.S. Attorney
 - Subsequent District Court Action



Be Very Careful

- Rules: Complex, Confusing, Unreasonable, Counter-Intuitive, Contrary to basic principles of Customs laws and regulations
- Potential Liability: Massive
- Emails/Written Advice: Subject to court and administrative subpoena
- Extreme cases: Broker monetary penalties or license suspension or revocation.

Mummy Says

It's a Wrap!
Time to Sleep





AD/CVD Cases with Batty Margins

	Case#	Evasion Issues	"All Others"	
Hand Trucks	A-570-891-000	Scope, Volatile Margins	383.06%	
Fresh Garlic	A-570-831-000	Duty evasion; Volatile	376.67%	\$4.71/kilo
Paint Brushes	A-570-501-000	Scope, Exp/Prod, Volatile	351.92%	
Ribbons	A-570-952-000	CVD, Scope, Exp/Prod, TWN	247.65%	
Sebacic Acid	A-570-825-000	CVD, Volatile Margins	243.40%	
Fresh Crawfish	A-570-848-000	Duty evasion; Volatile	223.01%	
Wire Hangars	A-570-918-000	Duty evasion; TWN, VNM	214.51%	
Honey	A-570-863-000	Transshipment, Alteration	212.00%	\$2.63/kilo
Mushrooms	A-570-851-000	Scope; India/Indonesia/Chile	198.63%	
Tissue Paper	A-570-894-000	Scope, VNM case	163.36%	

[CBP Quarterly Trade Enforcement Bulletin](#)
[AD/CVD Enforcement Updates](#)

AD/CVD Red Flags – Importer Vetting

- New Importer, Consignee, Supplier with no history of importing or AD/CVD
- Goods shipped from high risk production areas or areas that don't manufacture product; **potential for trans-shipment**
- False addresses identified by Google Earth
- Same Name for Sender and Recipient
- Unusual Payment Terms such as cash payments or unknown entities
- ProForma Invoices or Letters of Credit are missing
- Unknown Intermediaries
- Change in Payment Terms
- DDP and LDP shipments offering “free” or “no duty” “no red tape” etc.
- Unusual shipping routes, offload in strange countries; **transshipment**
- Packing inconsistent with shipping
- Inconsistencies across documents or marking
- Products inconsistent with product portfolio or website
- Import only high-risk commodities with AD/CVD, IPR, Forced Labor

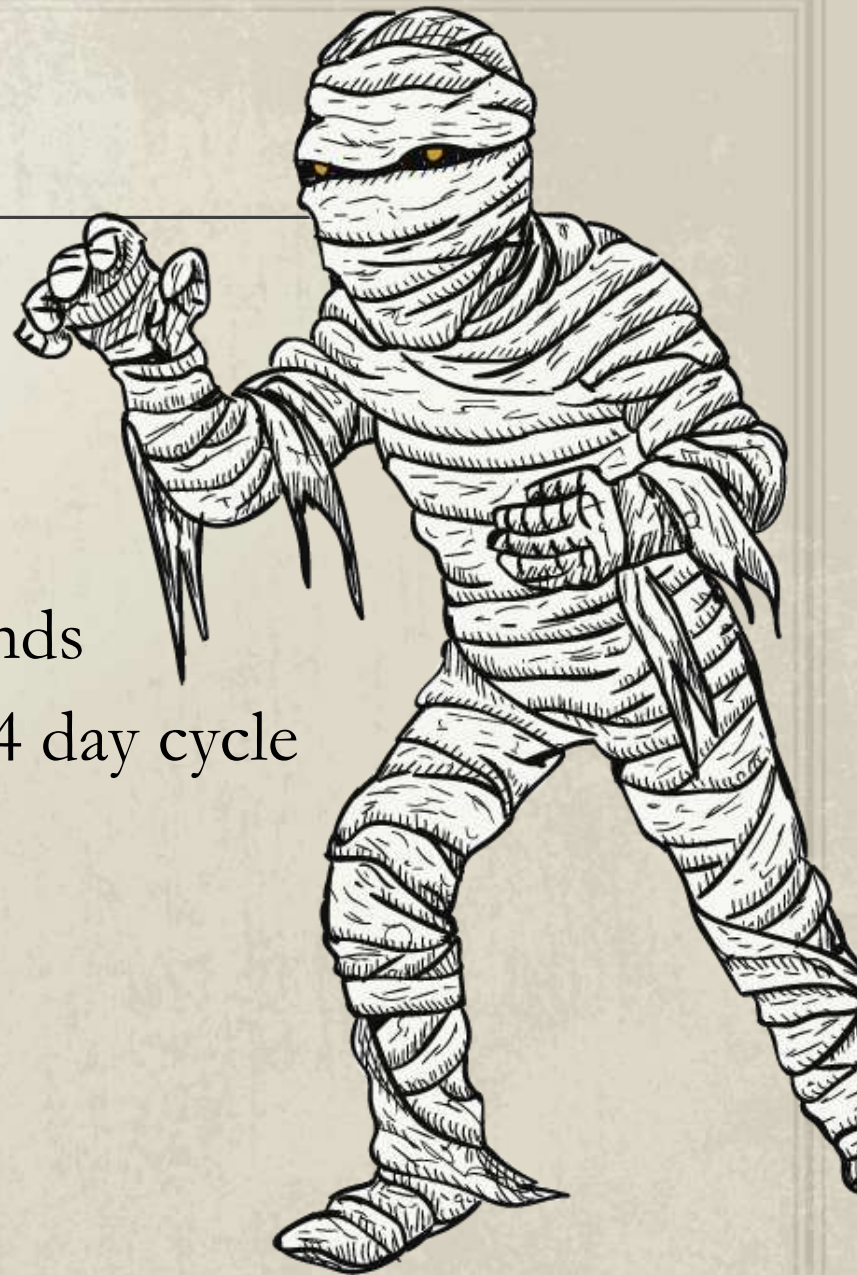
NEI Free Webinars

http://www.ncbfaa.org/Scripts/4Disapi.dll/4DCGI/cms/review.html?Action=CMS_Document&DocID=16426&MenuKey=education



More Red Flags

- CBP 28/29 Requests
 - Multiple Ports
 - Multiple Entries
 - Multiple Requests
- Entry Reconstruction Demands
- Liquidation not following 314 day cycle
- Inconsistent Liquidations
- Customs Audit
 - Why Now?
 - Why Me?





CBP 29s on Scope

- Respond to CBP, DOC, or both?
- Scope related decisions can be retroactive
 - In some cases all unliquidated entries
 - Other cases all entries after initiation of scope inquiry
 - When is exportation an option to eliminate liability?
- Protest CBP's liquidation of entry assessing AD/CVD?
 - Is this a “Customs decision” or DOC decision?
 - Is protest the correct procedure to contest CBP's decision to apply AD/CVD to the entry?
 - Is there judicial review?
- Request scope determination from DOC?
 - Adverse decisions appealed to CIT (must be prior to liquidation)



Origin and Trans-Shipment

Solar Panel Cases

Frontline Operation Solar Flare: CBP Industry Perspective

AD/CVD Case Matrix (use table below to select proper country and case number)

CELLS:	MODULES/LAMINATES/PANELS:	ADD CASE:		CVD CASE:
MADE/ASSEMBLED IN CHINA	MADE/ASSEMBLED IN CHINA	A-570-979 (Final)		C-570-980 (Final)
MADE/ASSEMBLED IN CHINA	NOT FURTHER MANUFACTURED	A-570-979 (Final)		C-570-980 (Final)
MADE/ASSEMBLED IN CHINA	MADE/ASSEMBLED IN TAIWAN	A-583-988 (Final)		C-583-989 (Final)
MADE/ASSEMBLED OUTSIDE OF CHINA	ASSEMBLED IN CHINA	A-570-010 (Final)		C-570-011 (Final)
MADE/ASSEMBLED IN TAIWAN	MADE/ASSEMBLED IN TAIWAN	A-583-853		N/A – No CVD Case
MADE/ASSEMBLED IN TAIWAN	NOT FURTHER MANUFACTURED	A-583-853		N/A – No CVD Case
MADE/ASSEMBLED OUTSIDE OF TAIWAN / CHINA	MADE/ASSEMBLED IN ANY COUNTRY EXCLUDING CHINA	NO AD/CVD		NO AD/CVD
MADE/ASSEMBLED IN TAIWAN	MADE/ASSEMBLED IN ANY THIRD COUNTRY	Canada A-122-993 France A-427-993 India A-533-993 Italy A-475-993 Malaysia A-557-991	Korea A-580-993 Philippines A-565-990 Switzerland A-441-990 Thailand A-549-993 U. Kingdom A-412-993 Mexico A-201-993	N/A – No CVD Case
MADE/ASSEMBLED IN CHINA	MADE/ASSEMBLED IN ANY THIRD COUNTRY	A-XXX-988* (Final)		C-XXX-989** (Final)

- Were the solar cells produced in China? Taiwan? Other Country?
- Were the solar cells produced in another country and assembled into modules, panels or laminates in China?
- Solar Association - <http://www.seia.org/research-resources/us-adcvt-trade-investigation-resources>



Special AD/CVD Values

- Rate invoice as two lines on the 7501, one for value of AD/CVD merchandise, and one for value of non-AD/CVD
http://www.cbp.gov/sites/default/files/documents/add_cvd_3.pdf
- **Solar Panel Example:** AD/CVD duties apply to solar cells/panels that provide power for goods, such as battery recharging devices regardless of where or how these devices are deployed.
 - The proper reporting for solar devices determined to be within the DOC scope language is to report two line items.
 - The first line item should contain the information related to the generator and second line item would contain the information included for the solar cell/panel, including the MID for the manufacturer of the item.



CBP is Batty for AD/CVD Audits

19 USC § 1592 Cases for AD/CVD violations through August 2015

CBP assessed 17 penalties, under 19 USC 1592, for AD/CVD violations, with a total value of \$4,434,156, through the end of August 2015 for the following commodities:

Aluminum Extrusions
Bedroom Furniture
Cast Iron Flanges
Citric Acid and Sodium Citrate
Laminated Woven Sacks
Pencils
Petroleum Wax Candles
Polyester Staple Fiber
Polyethylene Bags
R-134A Refrigerant Gas
Seamless Carbon & Alloy Steel
Tires

Fiscal Year 2015 19 Penalties for AD/CV

During FY 2015, U.S. Customs and Border Protection, CBP, assessed penalties under 19 U.S.C. §1592 for fraud, gross negligence, and negligence for AD/CVD violations for more than \$51 million. The penalties covered imports of commodities such as: aluminum extrusions, bedroom furniture, carbon and alloy steel, citric acid and sodium citrate, laminated woven sack, large diameter line pipe, pencils, petroleum candles, polyethylene bags, and tires.

AD/CVD Enforcement Updates

Selected Fiscal Year 2014 Highlights

- CBP collected \$508.5 million in AD/CVD cash deposits, a 12 percent increase from FY 2013.
- CBP conducted 78 audits of importers of AD/CVD commodities with AD/CVD discrepancies of \$24.6 million. CBP collected \$8.5 million. Commodities involved in the audits include aluminum extrusions, bearings, candles, nails, lock washers, pencils, plastic bags, ribbons, shrimp, solar cells, steel pipe, tires, tissue paper, wooden bedroom furniture, and wood flooring.

Audit of Antidumping Duties

CBP's Regulatory Audit division completed an audit and found an importer underpaid antidumping duties of \$5.6 million as the company claimed an antidumping rate of 71.71 percent instead of the actual 128.32 percent. The company was referred for audit based on concerns about the company importing xanthan gum from China without paying the correct duties.

Understand, Comply, Avoid = Sleep

- **Establish Procedures**
 - Achievable
 - Consistent
 - Responsible
- **Document all Communications**
 - Importer
 - Importer's Counsel
 - Customs
- **EAPA Allegations**
 - Require immediate action
 - “Gently” remind importer of responsibility
 - And of course... consult counsel



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- **Importer of Record**

- [Reasonable Care Compliance Guide Checklist](#)
- [Broker-Known Importer Program](#) (BKIP)
- Articles of Incorporation, Secretary of State, D&B Search
- [New 5106](#); Google and Google Earth Searches
- Bond Query shows bond sufficiency, termination history

- **Suppliers**

- Compliance with AD/CVD Questionnaires
- Site visits to verify location and trans-shipment issues
- Producer/Manufacturer vs. Exporter



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<https://www.cbp.gov/trade/programs-administration/audits/focused-assessment>

The screenshot displays the U.S. Customs and Border Protection (CBP) website. The header features the CBP logo and navigation links such as 'About CBP', 'Newsroom', 'Travel', 'Trade', 'Border Security', and 'Careers'. The main content area is titled 'Focused Assessment Program (FA)' and includes a sidebar with links to 'Basic Import and Export', 'ACE and Automated Systems', 'Border Interagency Executive Council', 'Programs and Administration', 'Account Management', 'Audits', 'Quick Response Audits', 'Bonds', and 'eBond'. The main content area lists 'Focused Assessment Program Overview' and 'Focused Assessment Documents'. Two red arrows point to specific links: 'Exhibit 2A - Pre-Assessment Survey Questionnaire (October 2014)' and 'FA Kit (October 2003)'. The page also includes a search bar and social media links.



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Focused Assessment Program	
Exhibit 5J	
Anti-Dumping Duty/ Countervailing Duty (ADD/CVD) TECHNICAL INFORMATION FOR PRE-ASSESSMENT SURVEY (TIPS)	
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PART 3 RISK ASSESSMENT AND INTERNAL CONTROL GUIDANCE	4
3.1 RISK	4
A. Preliminary Assessment of Risk.....	4
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3.3 EXTENSIVENESS OF AUDIT SAMPLE TESTS (TESTING LIMIT)	6
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PART 4 WORKSHEET FOR EVALUATING INTERNAL CONTROL (WEIC) –	
ADD/CVD	9

Section 8 – Information about AD/CVD	
8	Who decides (or determines) that items may be subject to AD/CVD? <i>Indicate when and how often items are reviewed.</i>
8	What information is used to determine whether items may be subject to AD/CVD? <i>Identify all individuals or groups/departments that provide information as well as the documentation/records used.</i>
8	Describe the procedures used to ensure that the correct (true) country of origin is identified for items subject to AD/CVD.
8	Describe the procedures used to ensure that the correct AD/CVD case numbers are identified on the entry.





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DOC

Customs Liaison Unit (CLU) Call Center 202-482-0984

Enforcement & Compliance	http://trade.gov/enforcement
E&C Operations	http://trade.gov/enforcement/operations/index.asp
Scope Rulings	http://web.ita.doc.gov/ia/CaseM.nsf/136bb350f9b3efba852570d9004ce782?OpenView&Start=1&Count=30&Collapse=1#1
ITC AD/CVD Orders & Injury	https://www.usitc.gov/trade_remedy.htm

CBP

CBP Center Directory: <https://www.cbp.gov/trade/centers-excellence-and-expertise-information/cee-directory>

AD/CVD Web Page	https://www.cbp.gov/trade/priority-issues/adcvd
AD/CVD Search Page	http://adcvd.cbp.dhs.gov/adcvdweb/
AD/CVD Messages	https://www.cbp.gov/document/guidance/adcvd-cases-and-messages
EAPA Allegations	https://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm
AD/CVD CBP Regulations	http://www.ecfr.gov/cgi-bin/text-idx?SID=4e716f3dadbb643249f49ecf37030bb1e&mc=true&tpl=/ecfrbrowse/Title19/19chapterIII.tpl
Partner Government Agencies	U.S. Department of Justice: www.justice.gov U.S. Immigration & Customs Enforcement: http://www.ice.gov/

The background is a solid orange-red color. At the top, there are black silhouettes of bare, gnarled tree branches. Three bats with spread wings are flying across the upper half of the image. In the lower-left corner, there is a large, dark silhouette of a ghost with its arms outstretched. Along the bottom edge, there are several black silhouettes of tombstones and grave markers, including a prominent Celtic cross on the right. The entire scene is framed by a thin black border.

Questions
if you dare?



Thank You!
Have a Happy Halloween