

# Commercial Customs Operations Advisory Committee (COAC)

## Government Issue Paper: Antidumping and Countervailing Duty

March 1, 2017



U.S. Customs and  
Border Protection

## **ANTIDUMPING AND COUNTERVAILING DUTY**

### **TALKING POINTS:**

- Antidumping and countervailing duty (AD/CVD) enforcement is a priority for U.S. Customs and Border Protection (CBP).
- CBP is committed to enforcing AD/CVD laws, identifying and penalizing those who would try to evade those laws, and vigorously pursuing amounts owed to the United States.
- CBP's partnerships enhance the enforcement of AD/CVD. CBP partners with domestic industries and partner government agencies, including U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE HSI), and the U.S. Department of Commerce (Commerce), to enforce AD/CVD laws.
- Commodity seminars and trade intelligence provided by the trade community and other partner stakeholders are a crucial component of CBP's enforcement efforts.
- CBP also strives to be as transparent as possible as disclosure laws allow; to that end, CBP began to post AD/CVD updates on [CBP.gov](http://CBP.gov) in December 2014.

### **BACKGROUND**

- CBP collects estimated AD/CVD duties on over 375 AD/CVD cases when merchandise arrives in the United States. CBP employs significant national assets from across the agency to target AD/CVD evasion, including import trade trend and valuation analysis, the use of targeted reviews and audits to address high-risk cases, lab testing, and special operations.
- The Commercial Operations Advisory Committee (COAC) Trade Enforcement and Revenue Collection (TERC) subcommittee formed the AD/CVD working group to generate advice and develop recommendations specific to AD/CVD. The AD/CVD working group consists of COAC members and nonmembers. Members of the working group include importers, customs brokers, sureties, U.S. manufacturers, lawyers, as well as participants from Commerce and ICE HSI.
- The COAC TERC's AD/CVD recommendations adopted at the April 27, 2016 COAC meeting focus on public outreach and education to foster greater AD/CVD compliance.
  - CBP is in the process of implementing these recommendations.
  - On December 22, 2016, CBP posted the Fiscal Year 2016 AD/CVD Brochure on [CBP.gov](http://CBP.gov) and shared with the COAC AD/CVD working group.
  - On January 20, 2017, CBP issued a Public Information Notice announcing the Steel Seminar being held in Houston, Texas from February 28 – March 1, 2017. The COAC AD/CVD Working Group received a copy of the notice and the registration form on January 24, 2017.
  - COAC recommended that CBP should provide an updated document to the trade that provides clear definitions of what is meant by terminated versus inactive AD/CVD cases in the ACE AD/CVD case management portal.
  - CBP worked with the Department of Commerce to draft a document with in-depth definitions on these subjects. The AD/CVD Working Group reviewed the document and provided feedback to CBP and Commerce.
  - On February 3, 2017, CBP posted the final document to the AD/CVD page on [CBP.gov](http://CBP.gov). This COAC recommendation has been fully implemented.
- The COAC AD/CVD Working Group held extensive discussions on the Enforce and Protect Act (EAPA).
  - The AD/CVD Working Group discussed the Interim Final Rule published by CBP.
  - CBP also requested input from the AD/CVD Working Group on draft EAPA checklists to assist the trade in filing EAPA allegations, prior to the publication of these checklists. The final checklists were posted to [CBP.gov](http://CBP.gov) on September 30, 2016.

- In December 2016, the working group reviewed the updated EAPA section on [CBP.gov](http://CBP.gov), including new timelines and instructions for reporting an EAPA allegation. The updated EAPA section on [CBP.gov](http://CBP.gov) incorporates many of the recommendations the AD/CVD Working Group made in July 2016.
- During the AD/CVD Working Group calls in January and February 2017, the Working Group discussed CSMS message #16-000466 dated June 7, 2016 which reported that ACE now allows the filing of AD/CVD entries when an HTS number is not listed in the AD/CVD case record in ACE.
  - CBP reminded the AD/CVD Working Group that such entries could be filed in ACE. In case of any problems with filing entries in this situation, CBP recommended that brokers and importers should reach out to ABI Software Vendors to ensure the functionality from the June 2016 CSMS message has been implemented to ensure that merchandise subject to AD/CVD can be processed appropriately.