

Commercial Customs Operations Advisory Committee (COAC) Government Issue Paper: Antidumping & Countervailing Duties

November 2017



U.S. Customs and
Border Protection



OT/Trade Policy & Programs
Antidumping and Countervailing Duties
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Action Required: Informational

Background:

- Antidumping and countervailing duty (AD/CVD) enforcement is a priority for U.S. Customs and Border Protection (CBP).
- CBP collects estimated AD/CVD duties on over 420 AD/CVD orders when merchandise is imported into 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 orders, lab testing, and special operations.
- The Commercial Customs 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 providing diverse perspectives on AD/CVD issues. Members of the working group include importers, customs brokers, sureties, U.S. manufacturers, lawyers, as well as participants from the Department of Commerce and Immigration and Customs Enforcement, Homeland Security Investigations.

Issue:

- 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.

Current Status:

- CBP has implemented six of the seven COAC 2016-2018 term recommendations. CBP plans to set-up briefings for the AD/CVD Working Group with representatives from the Centers of Excellence and Expertise to fulfill recommendation 10007: to provide industry focused outreach related to AD/CVD.
- CBP held several extensive consultations with the COAC AD/CVD Working Group on Executive Order (EO) 13785, *Enhanced Collection of AD/CVD and Violations of Trade and Customs Laws*.
 - CBP reviewed the EO and an outline of CBP's draft implementation plans with the AD/CVD Working Group.
 - The AD/CVD Working Group provided input on AD/CVD collection and enforcement issues and risk factors, and feedback on the concepts included in CBP's draft implementation plan. These discussions provided practical trade input that helped guide CBP's development of the EO implementation plan.

Next Steps:

- CBP continues to work with the COAC AD/CVD Working Group on updating guidance and providing new guidance to importers to facilitate the filing of AD/CVD entries.
 - For example, we are working with the AD/CVD Working Group on enhancing and clarifying CBP's AD/CVD frequently asked questions document to include information and guidance related to Department of Commerce critical circumstance determinations and AD/CVD entries that have a 0% deposit rate at time of entry. In addition, CBP continues to update the Automated Commercial Environment (ACE) entry summary business rules for the trade.
- CBP is also partnering with the AD/CVD Working Group to provide increased visibility for the trade on the steel seminars taught by the U.S. steel industry at CBP ports of entry.

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