

Commercial Customs Operations Advisory Committee (COAC) Government Issue Paper: Antidumping and Countervailing Duty (AD/CVD) Working Group

December 2020



U.S. Customs and
Border Protection



OT/Trade Policy & Programs
Antidumping and Countervailing Duties
December 2020

Action Required: Informational

Background:

- CBP enforces approximately 540 AD/CVD orders on imported goods. CBP employs 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.
- In FY2020, CBP began to enforce 45 new AD/CVD orders on imported goods.
- CBP engages with the AD/CVD Working Group of the Commercial Customs Operations Advisory Committee (COAC) to improve the transparency of CBP's AD/CVD enforcement and processing. CBP provides information on AD/CVD requirements to facilitate legitimate AD/CVD imports and obtains trade input on proposed changes to CBP's AD/CVD policies.
- CBP is continually engaging with the COAC to garner feedback on how to improve ACE AD/CVD capabilities for the trade community.
- CBP also discusses in this Working Group issues related to CBP's enforcement of trade remedies under Sections 201, 232, and 301.
- CBP strives to be as transparent on AD/CVD enforcement, as disclosure laws allow, and regularly posts AD/CVD information on CBP.gov and CBP's AD/CVD Twitter page.

Issue:

- CBP is committed to enforcing AD/CVD laws, identifying and penalizing those who would try to evade those laws, and facilitating legitimate trade.

Current Status:

- CBP is working with the COAC on its recent recommendations to address concerns that importers are not able to take full advantage of retroactive exclusions to Section 232 and 301 trade remedies issued by the Commerce Department and the Office of the U.S. Trade Representative (USTR).
- CBP scheduled a webinar to the trade community on December 9, 2020 on the protest process related to trade remedy issues.
- The Commerce Department recently briefed the AD/CVD Working Group on its proposed rule to amend the Commerce AD/CVD regulations.
- CBP briefed the AD/CVD Working Group on CBP's AD/CVD investigations under the Enforce and Protect Act.

Next Steps:

- CBP is exploring whether it can use reconciliation as another option for importers to take advantage of retroactive exclusions; and CBP is expanding its communication to importers on this issue.
- CBP continues to engage with the AD/CVD Working Group of the COAC to improve the transparency of CBP's AD/CVD enforcement and processing by providing more information on AD/CVD requirements to facilitate legitimate AD/CVD imports and obtain trade input on proposed changes to CBP's AD/CVD policies.