

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

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U.S. Customs and
Border Protection



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

Background:

- CBP enforces over 546 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 Fiscal Year 2020, CBP began to enforce 44 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 the Trade's input on proposed changes to CBP's AD/CVD policies.
- CBP regularly engages the COAC to garner feedback on how to improve ACE AD/CVD capabilities for the trade community.
- In this Working Group, CBP also discusses issues related to its 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 U.S Department of Commerce (DOC) and the Office of the U.S. Trade Representative (USTR).
- The DOC recently briefed the AD/CVD Working Group on its proposed rule to amend the Commerce AD/CVD regulations.

Next Steps:

- CBP is exploring whether it can use reconciliation as another option for importers to take advantage of retroactive exclusions. CBP is expanding its communication with importers on this issue.
- CBP also plans to provide a webinar to the trade on the protest process by the end of the calendar year.
- CBP continues to engage with the COAC's AD/CVD Working Group 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's input on proposed changes to CBP's AD/CVD policies.