



U.S. Customs and Border Protection

PUBLIC VERSION

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[names]

On behalf of Suzhou Quality Import and Export Co.
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[email addresses]

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On behalf of the Aluminum Extrusions Fair Trade Committee
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RE: Notice of Initiation of Investigation and Interim Measures: EAPA Case 7811

Dear Counsel and/or Representatives for the Above-Referenced Entities:

This letter is to inform you that U.S. Customs and Border Protection (“CBP”) has commenced a formal investigation under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act (“TFTEA”) of 2015, commonly referred to as the Enforce and Protect Act (“EAPA”). Specifically, CBP is investigating whether Suzhou Quality Import and Export Co. (“Suzhou Quality”) evaded the antidumping (“AD”) and countervailing duty (“CVD”) orders A-570-967 and C-570-968, respectively, on aluminum extrusions from the People’s Republic of China (“China”)¹ by entering into the United States Chinese-origin aluminum extrusions but not declaring them as subject to those AD/CVD orders. Based on a review of information on the record, CBP has determined that there is reasonable suspicion of evasion of AD/CVD duties by Suzhou Quality; therefore, CBP has imposed the interim measures outlined below.

Period of Investigation

Pursuant to 19 CFR 165.2, entries covered by an EAPA investigation “are those entries of allegedly covered merchandise made within one year before the receipt of an allegation....”² Entry is defined as an “entry for consumption, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.”³ As noted in the initiation

¹ See *Aluminum Extrusions From the People’s Republic of China*, 76 Fed. Reg. 30,650 (May 26, 2011) (“AD Order”) and *Aluminum Extrusions From the People’s Republic of China*, 76 Fed. Reg. 30,653 (May 26, 2011) (“CVD Order”), respectively (collectively, AD/CVD orders).

² See 19 CFR 165.2.

³ See 19 CFR 165.1.

memorandum for Suzhou Quality, the Aluminum Extrusions Fair Trade Committee (“AEFTC”) filed an EAPA allegation against the importer.⁴ On February 28, 2023, CBP acknowledged receipt of the properly filed EAPA allegation.⁵ Therefore, the entries covered by the period of investigation (“POI”) are those entered for consumption, or withdrawn from warehouse for consumption, on February 28, 2022, through the pendency of this investigation.⁶

Initiation

AEFTC alleged that Suzhou Quality entered Chinese-origin aluminum extrusions into the United States that are subject to the AD/CVD orders without declaring them subject to those orders or paying the required AD/CVD cash deposits. On March 21, 2023, based on the information in the Allegation summarized below, the Trade Remedy Law Enforcement Directorate (“TRLED”), within CBP’s Office of Trade, initiated an investigation under EAPA against Suzhou Quality.⁷

TRLED will initiate an investigation if it determines that “{t}he information provided in the allegation...reasonably suggests that the covered merchandise has been entered for consumption into the customs territory of the United States through evasion....”⁸ Evasion is defined as the “entry of covered merchandise into the customs territory of the United States for consumption by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the covered merchandise.”⁹ Thus, the allegation must reasonably suggest not only that merchandise subject to an AD and/or CVD order was entered into the United States by the importer alleged to be evading, but that such entry was made by a material false statement or act, or material omission, that resulted in the reduction or avoidance of applicable AD and/or CVD cash deposits or other security.

In assessing the claims made and evidence provided in the allegation, TRLED found that information provided by AEFTC reasonably suggests that Suzhou Quality has engaged in attempts to evade the AD/CVD orders through failure to declare entries of aluminum extrusions as subject to those orders. Evidence submitted by AEFTC supporting its allegation of evasion by Suzhou Quality is summarized below.

AEFTC submitted documentation reasonably available to it to substantiate its claim that Suzhou Quality imported aluminum fence merchandise from Chinese suppliers that were covered merchandise, and that Suzhou Quality did not declare them as subject to the AD/CVD orders. As noted by AEFTC, many aluminum fence products have been found to be covered by the scope of the AD/CVD orders, and [[data source](#)] shipment information indicates Suzhou

⁴ See the March 21, 2023, document named Initiation of Investigation for EAPA Case Number 7811 – Suzhou Quality Import and Export Co. (“Initiation”), which references Aluminum Extrusions from the People’s Republic of China: Request for an Investigation under the *Enforce and Protect Act*, submitted on January 17, 2023, but dated January 13, 2023 (“Allegation”).

⁵ See the email from TRLED to counsel for AEFTC dated February 28, 2023.

⁶ See 19 CFR 165.22.

⁷ See Initiation.

⁸ See 19 CFR 165.15(b)(2).

⁹ See 19 CFR 165.1 (setting forth the definition of “evasion” used here); see also 19 USC 1517(a)(5).

Quality shipped to the United States products labeled as “aluminum fence” and “aluminum fence and posts.”¹⁰ AEFTC noted such products are typically made from aluminum extrusions, not from aluminum alloys excluded from the AD/CVD orders.¹¹

AEFTC also showed there was a basis for concluding AD/CVD duties were not paid on entries of such merchandise that it was reasonable to conclude had been imported by Suzhou Quality. AEFTC provided evidence that [company name], which, based on information provided by AEFTC, is [company relationship], gave [business term and action] for aluminum fence components that are too low to reflect the substantial AD/CVD duties that would be applicable given the [business term and action], even when the analysis uses conservative assumptions (*i.e.*, not accounting for U.S. brokerage and handling expenses or normal U.S. duties, each of which would contribute to differences between [business term]).¹²

Regarding AEFTC’s identification of Suzhou Quality as the U.S. importer for its own exports from China, it is not unusual for foreign shippers to register as U.S. importers, and it was reasonable to conclude that Suzhou Quality’s involvement with shipments involving consignees such as Menard’s and Porcelen/Specrail’s, which are U.S. sellers of fence products,¹³ may have included Suzhou Quality acting as the U.S. importer. In addition, the fact that the aforementioned [business term] for aluminum fence products from [business activity] included [business term] suggested some party associated with [company name], such as Suzhou Quality, would be handling U.S. importation of such merchandise.¹⁴

Finally, CBP confirmed that the importer entered merchandise during the EAPA period of investigation as country of origin [location] and under a Harmonized Tariff Schedule of the United States (“HTSUS”) number associated with extruded aluminum fence components covered by the scope of the AD/CVD orders, and [business activity] on those entries.¹⁵ Consequently, there was sufficient evidence to reasonably suggest that AD/CVD duties are not being paid on subject entries of aluminum extrusions from China imported by Suzhou Quality.

Interim Measures

Not later than 90 calendar days after initiating an investigation under EAPA, CBP will decide based on the record evidence if there is reasonable suspicion that such merchandise covered by the AD/CVD orders was entered into the United States through evasion. CBP need only have

¹⁰ See Initiation at 4. See also Allegation at 7.

¹¹ See Initiation at 4. See also Allegation at 6-12, Exhibit 2, and Exhibits 5 through 13.

¹² See Initiation at 4. See also Allegation at 6, 13-16, Exhibit 2, and Exhibit 19. AEFTC also noted that a Menard’s price offer to U.S. consumers for such an item is too low to reflect the impact of the significant AD/CVD duties and supports that conclusion by comparing that price to the relevant aforementioned [company name and business term] adjusted for AD/CVD duties. See Initiation at 4. See also Allegation at 13 and Exhibit 2. As noted, many aluminum fence products have been found to be covered by the scope of the AD/CVD orders, and [data source] data indicate Menards and Porcelen/Specrail in the United States were obtaining such merchandise from Suzhou Quality. See Initiation at 4. See also Allegation at 6, 8-9, 12, Exhibit 2, and Exhibit 3.

¹³ See Allegation at 12 and Exhibits 3 and 4.

¹⁴ See Initiation at 4. See also Allegation at 6 and Exhibit 2.

¹⁵ See Initiation at 4. See also NTAC Report documentation dated March 14, 2023.

sufficient evidence to support a reasonable suspicion that the importer alleged to be evading entered merchandise covered by an AD and/or CVD order into the customs territory of the United States by a materially false statement or act, or material omission, that resulted in the reduction or avoidance of applicable AD and/or CVD cash deposits or other security. If reasonable suspicion exists, CBP will impose interim measures pursuant to 19 USC 1517(e) and 19 CFR 165.24. As explained below, CBP is imposing interim measures because, based on the record evidence, there is reasonable suspicion that Suzhou Quality entered covered merchandise into the customs territory of the United States through evasion.

CF28

On December 7, 2022, several weeks prior to AEFTC’s filing of the EAPA allegation, CBP’s Center of Excellence and Expertise (“CEE”) issued a Customs Form 28 (“CF28”) to Suzhou Quality covering entry number [number]6142 (“Entry 6142”).¹⁶ At the time of entry, Suzhou Quality had identified Entry 6142, whose merchandise entered during [month] 2022, as including merchandise classifiable under the basket category HTSUS number 7610.90.0080 (which includes aluminum extrusion fence parts), with country of origin [location]. Suzhou Quality had also reported this as a type [#] entry, not subject to the aluminum extrusion AD/CVD orders.¹⁷ The CF28 requested that the importer provide “photographs of all items included in this shipment,” and that a “complete entry packet {was} required (invoices, packing lists, mill test certificates).” It also noted that “if metal is poured at a different location than the forming,” then mill test certificates should be provided “from both mills (melt and pour and forming mills).” The CF28 noted that a response to the request for information was expected within 30 days of the request, subject to possible change through interaction between the importer (or its representative) and CBP.¹⁸

On January 4, 2023, [name], identified as an analyst of [company name], a freight company, submitted to CBP via email the original CF28 document, into which “[location]” had been added to the “Port” field box, and into which a reference to “[product]” had been used to describe the merchandise. Also added onto the CF28 document was a printed name and a signature of an individual named [name], but no telephone number or date was identified for that individual in the respective field boxes designated for such information. Included in the email with that signed CF28 document were several photographs. In the email to which these documents were attached, [name] indicated “the customs broker that submitted this entry is not [company name],” and requested from someone named [name], who was included as an addressee on the email (email address [email address]), to “please urgently assist with the packing list and commercial document” that had been requested by CBP in the CF28.¹⁹ Based on information in the submission that is inconsistent with the merchandise associated with the entry (e.g., the references to [product] and to [company name] not being the broker), as well

¹⁶ On the same day, the CEE issued a CF28 to Suzhou Quality for another entry, [number]1980 (“Entry 1980”). That entry occurred just prior to the beginning of the POI of this EAPA investigation. The discussion here focuses on the POI Entry 6142, but there were no substantive differences in the documentation provided for both entries.

¹⁷ See the entry summary information for Entry 6142, which extracted by TRLED from ACE on April 10, 2023.

¹⁸ See December 7, 2022, CF28 for Entry 6142.

¹⁹ See January 4, 2023, freight company email and attachment information.

as the response of [name] to the request of [name],²⁰ it appears the information has nothing to do with Entry 6142.

On January 17, 2023, the CBP official identified on the CF28 and an individual named [name], with email address [email address], engaged in an email exchange regarding the CF28 for Entry 6142 and Entry 1980.²¹ The CBP official noted that no CF28 response had been provided for Entry 6142 or for Entry 1980, and that the required documents should be uploaded into the ACE Document Image System (“DIS”) as soon as possible. The official also warned that “{f}ailure to respond may result in liquidated damages.” [name] responded that she is “the point of contact for this issue,” that she had “reached out to the importer of record again,” and that she hoped for a response from the importer by the end of the day January 18, 2023, having warned the importer the information was past due. [name] noted that she believed “there were delays due to the holidays and office closures.”²²

Later that day, CBP issued CF29s Notice of Action for each of the two aforementioned entries. Those CF29s indicating that the entries were changed to reflect that the merchandise was subject to the AD/CVD order duties. The CF29s each referenced a lack of response to the CF28.²³

On February 1, 2023, [name] contacted the aforementioned CBP official, indicating that documentation for Entry 6142 and Entry 1980 had been uploaded to the ACE system via DIS.²⁴ The documents relating to Entry 6142, the one of the two entries initially examined by the CEE that fall within the POI of this EAPA investigation, include the following:

- a) the original CF28 form, now signed by someone named “[name]” and identified as a sales manager;
- b) a proforma invoice and packing list, both of which are not dated, and both of which reference Suzhou Quality as the seller and [company name] with an unspecified role (presumably buyer or consignee);
- c) a chart with 14-line items containing chemical content information and repeated references to grade [number]; and
- d) six pages with photos of assorted fence parts and components.²⁵

The proforma invoice and packing list contain separate line items for multiple numbers of [products], [products], [products], and [products], and both documents state the following: “[product and description

²⁰ See the wholesaler company email dated January 4, 2023, from [name] to [name], in which the former challenges whether the shipment mentioned by the latter is one associated with the wholesaler company for whom [name] works, and even whether it was a shipment to the United States.

²¹ See January 17, 2023, email exchanges involving those parties.

²² *Id.*

²³ See the respective CF29 documents for Entry 6142 and Entry 1980, both dated January 17, 2023.

²⁴ See the February 1, 2023, email from said party to the aforementioned CBP official. See also the February 1, 2023, CF28 response documents extracted by TRLED from the DIS system (“CF28 Response”) for each of the two entries.

²⁵ See the February 1, 2023, CF28 Response for Entry 6142. As noted above, the documentation for Entry 1980 is comparable. See the February 1, 2023, CF28 Response for Entry 1980.

].” The proforma invoice contains individual line items for each type of part/component, with individual unit prices per part/component and individual dollar values for the total volume of each type of part/component. The proforma invoice and the packing list both, in a note E, describe the packaging as follows: “[description].” The packing list indicates the entire volume of the shipment, covering the [#] packs of different parts/components, encompassed [#] cubic meters.²⁶

The first page of the photographs in the CF28 response states the following: “[reference to products].” In addition, one of the other pages with photographs states the following:

“[descriptions of products].”

The photographs show different types of parts grouped and even packaged separately from others.²⁷

Finally, the party that appears to be the ultimate consignee or customer, as noted above, is identified on the proforma invoice and packing list as [company name]. Those documents refer to a purchase order number [number].²⁸

On April 3, 2023, an individual named [name], with email address [email address], provided the CBP official with two mill test certificates the sender indicated relate to the two entries in question (*i.e.*, Entry 6142 and Entry 1980). The certificates are identified as those of a firm called [company name], with the following address: “[address].”²⁹ Each of the two certificates identifies the “material” as [number], which is a 6000 series aluminum grade, explicitly covered by the AD/CVD orders.³⁰

Five Rejected Entries

Soon after the importer failed to meet the deadline for submitting its CF28 responses for Entry 6142 and Entry 1980, the CEE rejected five other Suzhou Quality entries that exhibited the same general fact pattern (HTSUS, country of origin, and type) as Entry 6142. The rejection of those entries was acknowledged in an email from [number], employed by the customs broker [company name].³¹ [name] later submitted a letter from Suzhou Quality, containing photographs

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ See April 3, 2023, email from [name] and attachments.

³⁰ *Id.* See also the AD/CVD orders, for scope language, and the ASM document included on the record of this investigation that is dated April 10, 2023.

³¹ See January 9, 2023, email acknowledgement from [name] to the aforementioned CBP officer, which notes in the subject line the following entries: [number]7949 (“Entry 7949”), [number]8095 (“Entry 8095”), [number]0542 (“Entry 0542”), [number]5697 (“Entry 5697”), and [number]9101 (“Entry 9101”). All five of these entries occurred during the POI for this EAPA investigation.

and illustrations of fence material, and claiming the merchandise associated with the rejected entries was not subject to the AD/CVD orders.³² That letter claims “the fully assembled aluminum fence{s} exported are not subject” to the AD/CVD orders because they are “finished goods” and do not require “further finishing or fabrication, such as cutting or punching.” It states each product “is finished” and that the customer “only need sell or install it into ground” without the need of “any further process.” In short, Suzhou Quality claims its entries are excluded from the AD/CVD orders under the “finished goods kits” exclusion referenced in the scope of those orders.³³

On January 19, 2023, Suzhou Quality submitted into the CBP DIS system entry packages for each of the five entries, including entry summary (CF 7501), Customs release form (CF 3461), commercial invoice, packing list, and other shipping documents.³⁴ For each entry, the documentation references only one line item of merchandise, “[product],” with the exception of the Customs release form for four of the five entries, within each of which a single line item refers to “[products].”³⁵ There is no indication in any of the documents in these entry packages that all parts required for a finished goods kit are present, and no reference to the word “kit” or other narrative suggesting the merchandise might constitute a “finished goods kit.”³⁶

On January 30, 2023, the CEE requested some information from Suzhou Quality regarding these entries.³⁷ In response, on February 1, 2023, [name] provided answers and a document he referred to as a mill certificate.³⁸ In that response, Suzhou Quality acknowledges that “the panels and gates” it is importing “are extruded material.” What [name] referred to as a mill certificate appears to be simply a chart with multiple lines of chemical content information, and in each instance reference the same 6000 series grade that was identified for Entry 6142.³⁹

Later, [name], identified as a [job title], also employed by [company name], submitted five actual mill test certificates to CBP, indicating they relate to the five rejected entries. Each of these five certificates references the same firm ([company name]) and firm address as that identified in the certificates submitted for Entry 6142 and Entry 1980, and each identify the “material” as [number], which is a 6000 series aluminum grade covered by the scope of the AD/CVD orders.⁴⁰

³² See January 18, 2023, email with attachments from [name].

³³ *Id.*

³⁴ See the January 19, 2023, email from [name], and the respective January 19, 2023, sets of documents for Entry 7949, Entry 8095, Entry 0542, Entry 5697, and Entry 9101.

³⁵ *Id.*

³⁶ *Id.*

³⁷ See January 30, 2023, email from the aforementioned CBP official to [name].

³⁸ See February 1, 2023, email with attachments from [name].

³⁹ *Id.*

⁴⁰ See April 3, 2023, email with attachments from [name]. These mill certificates were also submitted into the CBP DIS system.

Analysis

Suzhou Quality does not deny that it was importing Chinese-origin aluminum extrusion fence parts/components, but nevertheless claims the merchandise it imported was not subject to the AD/CVD orders, as discussed below.

Regarding the country of origin, Suzhou Quality does not claim that any of the products associated with the seven entries in question did not originate in China, and Suzhou Quality has described products in those entries using aluminum fence parts/components terminology. In addition, information provided by Suzhou Quality identifies the grade of the merchandise as one in the 6000 series, which is a series that the scope of the AD/CVD orders explicitly identifies as covered. Furthermore, [name] acknowledged in the February 1, 2023, submission that for the five rejected entries, “the panels and gates are extruded material,” and Suzhou Quality did not provide any information suggesting the fence parts included in Entry 6142 or Entry 1980 were anything other than extruded material.

Suzhou Quality claims the aluminum extrusion fence/component parts originating in China that were included in the seven entries are not subject to the AD/CVD orders because it was importing “finished goods kits.” “Finished goods kits” are specifically excluded from the scope of the AD/CVD orders on aluminum extrusions.⁴¹ However, the mere presence of an assortment of parts/components and associated items is not sufficient for the merchandise to be classified as a “finished goods kit.”⁴²

Regarding the five rejected entries (Entry 7949, Entry 8095, Entry 0542, Entry 5697, and Entry 9101), the descriptions of the imported merchandise do not support Suzhou Quality’s claim that it was importing “finished goods kits.” The typical general description of the imported merchandise that appears on the documentation submitted by Suzhou Quality refers simply to “[product],” and where more detail does appear, on the CBP Customs release form, the reference is to “[products].” There are no references to a range of parts and associated items, such as fasteners, that would be necessary, but not sufficient, for the imported merchandise to be collectively classified as a “finished goods kit.” Furthermore, the

⁴¹ The scope language for the AD/CVD orders “excludes finished goods containing aluminum extrusions that are entered unassembled in a ‘finished goods kit.’” See the AD/CVD orders referenced above. The scope states the following regarding what constitutes a “finished good kit”:

A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled “as is” into a finished product. An imported product will not be considered a “finished goods kit” and therefore excluded from the scope of the Order merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.”

See the AD/CVD orders.

⁴² *Id.*, referencing the scope language indicating “{a}n imported product will not be considered a ‘finished goods kit’ and therefore excluded from the scope of the Order merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.”

documentation submitted by Suzhou Quality that it claims are associated with the entries in question do not even make any reference to “kit” or other terminology that would suggest that the merchandise represents a set of items.

For Entry 6142 and Entry 1980, despite references to the word “kit” on the proforma invoice and packing list, those documents, as well as other information on the record for that entry, suggest the imported merchandise was entered into the United States as bulk package combinations of parts, rather than as a “finished goods kit.”⁴³ For example, considering the documentation for Entry 6142:

a) Both the proforma invoice and the packing list⁴⁴ not only list each of the individual types of parts/components and accessories on different line items, but they identify different net weights, gross weights, unit prices, and total prices for each type individually.⁴⁵

b) It is not evident that the parts/components and accessories identified in the proforma invoice and the packing list constitute all of the items needed “to fully assemble a final finished good;” the Fence Workshop Kit that TRLED located contains a broader array of parts/components and accessories than those listed in the Suzhou Quality proforma invoice and packing list,⁴⁶ and, furthermore, as AEFTC has noted, the U.S. Department of Commerce ruled, citing language from the scope of the orders, that an imported product will not be considered a “finished goods kit” and excluded from the scope merely by including fasteners such as screws, bolts, *etc.* in the packing with an aluminum extrusion product.⁴⁷

⁴³ As an initial point, Suzhou Quality failed to respond in a timely fashion to the CEE’s request for information about this entry and did not request additional time to submit the information prior to the passing of the deadline. Nevertheless, we are considering the information that Suzhou Quality submitted subsequent to the CEE’s issuance of the CF29 citing that non-response when noting it was converting the entry to be covered by the AD/CVD orders. Although some photographs were submitted prior to the deadline for the CF28 response by [name], an analyst of [company name], it is not evident that party was submitting information on behalf of the importer or that they pertained to the entry in question.

⁴⁴ Although the relevance of the proforma invoice and the packing list may be called into question, given they are not dated and do not refer specifically to the role of [company name] in the transaction, for purposes of this analysis, CBP is assuming the information in those documents does relate to the transaction in question.

⁴⁵ There is no indication that Suzhou Quality segregated the items and weights and values for individual types of items for Customs purposes. Also, TRLED located via the Internet an example of an aluminum fence “kit” being offered by another entity within the United States; that “kit” lists the individual parts and accessories in detail, but identifies a single price for the overall kit, rather than referencing individual value subtotals for each individual item. *See* Fence Workshop Kit document, dated April 11, 2023.

⁴⁶ Note that CBP is not concluding that the Fence Workshop Kit identified by TRLED itself would even qualify as a “finished goods kit” were it to be imported into the United States but, rather, that it possesses physical properties and sale description information of some form of actual fence kit.

⁴⁷ *See* Allegation at 10 (footnote 30), referencing Ameristar Kitted Fences Final Scope Ruling at 6, attached in the Allegation at Exhibit 6. That ruling found “that the kitted fence does not meet the description of the ‘finished goods kit’ because it does not contain all of the parts necessary to fully assemble a final finished fence system and consists solely of subject aluminum extrusions (*i.e.*, fence posts, pickets and rails) and fasteners (screws and grommets).” *See* the Allegation at Exhibit 6 (final page).

c) As noted above, both the proforma invoice and the packing list state, “Package as photo,” and as also noted above, the only photographs provided by the importer⁴⁸ with the proforma invoice and packing list contain what appear to be packaged items that are packaged separately from each other, rather than being together in a “packaged combination” as required for “finished goods kits” as described in the scope of the AD/CVD orders.

d) The packing list refers to [#] cubic feet as the “cubic” measurement covering all the listed items, but there is no photograph or documentary evidence of a single package containing all items that is of any dimension, let alone [#] cubic feet.⁴⁹

As discussed above, documentary examination of aluminum fence components referenced in various Suzhou Quality entries indicate that the imported merchandise consisted of China-origin extruded aluminum products covered by the scope of the AD/CVD orders, and that such merchandise was not imported as “finished good kits” excluded from the scope of the AD/CVD orders. Consequently, CBP finds that there is reasonable suspicion that such merchandise is covered by the AD/CVD orders, and Suzhou Quality should have declared the merchandise in question as subject to the AD/CVD orders and paid the required AD/CVD cash deposits.

Enactment of Interim Measures

Based on the record evidence described above, CBP determines that reasonable suspicion exists that Suzhou Quality imported aluminum extrusions into the United States from China and should have declared the merchandise at time of entry as covered by the AD/CVD orders and paid the required AD/CVD cash deposits but failed to do so. Therefore, CBP is imposing interim measures pursuant to this investigation.⁵⁰

Specifically, in accordance with 19 USC 1517(e)(1-3), CBP shall:

- (1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after March 21, 2023, the date of the initiation of the investigations;
- (2) pursuant to the Commissioner’s authority under 19 USC 1504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before March 21, 2023, the date of the initiation of the investigation; and
- (3) pursuant to the Commissioner’s authority under 19 USC 1623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United

⁴⁸ As in the case of the proforma invoice and packing list, CBP is assuming in this analysis, for the sake of argument, that the photos provided by the importer are representative of the shipment in question, even though there is no evidence that those photographs were taken of the actual shipment products/packaging associated with the entered merchandise.

⁴⁹ It is possible that all such items were loaded in a single shipping container, but there is no evidence of that and, even if that were so, there would be no reason to conclude that a standard shipping container constitutes the “packaging” for all the merchandise in question.

⁵⁰ See 19 USC 1517(e); see also 19 CFR 165.24.

States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.⁵¹

In addition, CBP will require live entry and reject any entry summaries that do not comply with live entry and require refiling of entries that are within the entry summary rejection period. CBP will also evaluate Suzhou Quality's continuous bonds to determine their sufficiency. Finally, CBP may pursue additional enforcement actions, as provided by law, consistent with 19 USC 1517(h).

Any future submissions or factual information that you submit to CBP pursuant to this EAPA investigation must be made electronically using EAPA's case management system (CMS) at <https://eapallegations.cbp.gov/>. Please provide a business confidential and public version to CBP and serve the public version on the parties to this investigation (*i.e.*, to the parties identified at the top of this notice). Public versions of administrative record documents will be available via the EAPA Portal at <https://eapallegations.cbp.gov>. Please note that CBP is requiring that all documents submitted via the CMS are made text searchable, especially if those documents are submitted as PDFs.

Should you have any questions regarding this investigation, please feel free to contact us at eapallegations@cbp.dhs.gov, with steve.d.bezirgianian@cbp.dhs.gov and somboun.dauble@cbp.dhs.gov copied. Please include "EAPA Case 7811" in the subject line of your email. Additional information on this investigation, including the applicable statute and regulations, may be found on CBP's website at: <https://www.cbp.gov/trade/trade-enforcement/tftea/eapa>.

Sincerely,



Victoria Cho
Acting Director, Enforcement Operations Division
Trade Remedy Law Enforcement Directorate
CBP Office of Trade

⁵¹ See also 19 CFR 165.24(b)(1)(i-iii).