

ANTIDUMPING AND COUNTERVAILING DUTIES (AD/CVD)

Current Status

After the first quarterly meeting of the 12th Term Commercial Operations Advisory Committee (COAC), a subcommittee on Antidumping and Countervailing Duties (AD/CVD) was created. The objectives for the subcommittee are to generate advice and develop recommendations pertaining to enforcement and collections of antidumping and countervailing duties.

The work will focus on:

- Strengthening partnerships between CBP and the trade community to promote compliance with AD/CVD laws, policy and enhance enforcement
- Improving the effectiveness of AD/CVD risk assessment through better identification of high and low risk shipments and/or entities
- Identifying effective approaches for deterring AD/CVD violations
- Supporting other steps to enable more effective administration of AD/CVD operations.

CBP has created a multi-discipline Re-Engineering Dumping (RED) Team to develop an operational protocol to frame the import process for entries subject to AD/CVD from foreign place of manufacture and export through entry and collections and then identify where and what are the threats, challenges, and vulnerabilities in each step of the process. They are looking with special interest at transshipment, undercollections, the role of shell companies, and other gaps/vulnerabilities/challenges.

The team has identified priority issues that it will address in order to strengthen the ADCVD administration, enforcement and collections process. These include:

- Utilization of Single Transaction Bonds/Live Entries and requirement of cash deposits
- Expedited information sharing with trade community in regards to enforcement actions.
- Establishment of AD/CVD “jump teams”
- Work with Department of Justice (DOJ) and Immigration and Customs Enforcement (ICE)
- Seizures at the ports of entry
- Work with the Department of Commerce (DOC) help with verification of importers and transshipments
- Work with DOC in regards to strengthening “new shipper” requirements
- Clarification on responsibilities for Customs Brokers
- Review challenges of collecting duties from foreign based entities/importers
- Review penalty process and mitigation guidelines
- Further expand the Centers for Excellence and Expertise (CEE) possibly with a focus on AD/CVD matters
- Continue to refine the seizure authorities of ICE and CBP in order to prevent merchandise from entering the country contrary to AD/CVD requirements.