

**Commercial Customs Operations Advisory Committee
Intelligent Enforcement Subcommittee
Antidumping and Countervailing Duty (AD/CVD)
Working Group
Background Information**

September 2023

COAC

**COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE**

Commercial Customs Operations Advisory Committee (COAC)
Intelligent Enforcement Subcommittee
AD/CVD Working Group
Background Information

Introduction

This document provides background information related to a recommendation the Work Group is making for the September 2023, COAC public meeting.

The recommendation is that the existence of an entry certification for AD/CVD merchandise be provided for the trade in a more visible area and recorded as an event connected with the underlying AD/CVD case number.

Overview

From time to time, the Commerce Department, through its International Trade Administration's Enforcement and Compliance group (E&C), determines that certain imports subject to antidumping duty (AD) or countervailing duty (CVD) orders require the importer or other interested party to make a certification (19 CFR §351.228). Notice of this requirement is usually provided through publication in the *Federal Register*. With nearly 700 AD or CVD orders and investigations in effect, it can be difficult for the trade community to remain informed of all certification requirements that may apply to the imported merchandise. Two examples of recent certification requirements are:

1. E&C published a scope certification process for certain Malaysian processed quartz slab (<https://www.govinfo.gov/content/pkg/FR-2022-10-21/pdf/2022-22857.pdf>).
2. E&C's final scope determination and final affirmative determination of circumvention of the AD and CVD orders on solar cells and modules from China contained examples of certifications importers may have to complete and maintain. (<https://www.govinfo.gov/content/pkg/FR-2023-08-23/pdf/2023-18161.pdf>)

Homeland Security's U.S. Customs and Border Protection (CBP) and E&C jointly host and/or maintain information regarding merchandise subject to AD/CVD investigations and orders within the ACE system. Among this information is a section that outlines various events that have occurred during the investigation and after issuance of an order.

During meetings with the AD/CVD Working Group in recent quarters, it was determined that the existence of a certification requirement should be something that is in a more centralized or visible location where the trade often looks when researching AD/CVD entries. The existence of a certification requirement can be something entry filing software may be programmed to identify in order to alert filers of a certification requirement prior to submitting entries. To accomplish this, we recommend the need for any certification be recorded as an event connected to all applicable AD/CVD cases number(s).

When the certification requirement event is recorded, there would be a citation, such as the citation for the *Federal Register* notice, to direct the trade to where more details are provided. Events should be recorded for each case number, both at the country level (7-digit) and at any

applicable company level (10-digit). This event would then be displayed in the AD/CVD tool of the Automated Commercial Environment (ACE) Secure Data Portal and would also be something provided as part of the AD/CVD Case Information query results provided to an authorized Automated Broker Interface (ABI) user.

Because of its use for nearly every AD entry, it is not necessary that an event be created for an antidumping duty non-reimbursement certification, described in the regulations at 19 CFR 351.402(f)(2). This recommendation is intended to highlight those certifications arising from other situations, such as scope or circumvention inquiries.

The trade believes that having notice of a certification requirement available to the trade as part of the ACE Portal AD/CVD information and ABI AD/CVD Case Information query results would assist the trade with having compliant and accurate entry filings. This can also lead to less administrative work undertaken by CBP Centers of Excellence and Expertise Import Specialists who review the entries.