

THANKS FOR TUNING IN;

**EXPEDITORS WEBINAR
WILL BEGIN SHORTLY!**



EXPEDITORS WEBINAR

Anti Dumping & Countervailing (AD/CVD) Basics

11 Jan 2024





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AGENDA

1. Basics of anti-dumping and countervailing duties
2. What are dumping and subsidization?
3. How does the U.S. Government determine dumping or subsidization is occurring?
4. How do I know if my commodities are subject to these duties?
5. Resources for anti-dumping/countervailing duties

THE CONCEPT OF AD/CVD

AT A VERY HIGH LEVEL



INITIATION

The U.S. government or U.S. industries feel that imported commodities are being sold to the U.S. at unfairly low prices.

INVESTIGATION

An investigation is opened.

The goal of the investigation is to determine if the unfairly low prices are in fact occurring **and** if local U.S. industry is being harmed by the low-cost imports.

RESULTS

Depending on the results of an investigation, either:

- The investigation is terminated, or;
- Additional duties will be added to the imported commodities to “level the playing field.”

These duties are called **Anti-dumping** and/or **Countervailing duties**.



ADD = Anti-Dumping Duty

CVD = Countervailing Duty

AD/CVD = Anti-Dumping /
Countervailing Duties



WHY IS THIS SO IMPORTANT?

TRADE LANDSCAPE



U.S. GOVERNMENT FOCUS ON AD/CVD ENFORCEMENT

PRIORITY TRADE ISSUE

- U.S. Customs and Border Protection (CBP) considers this a high-risk area that could potentially harm U.S. economy or cause significant revenue loss
- CBP's goal is to detect and deter circumvention of AD/CVD law while facilitating legitimate trade

TRADE FACILITATION AND TRADE ENFORCEMENT ACT (TFTEA)

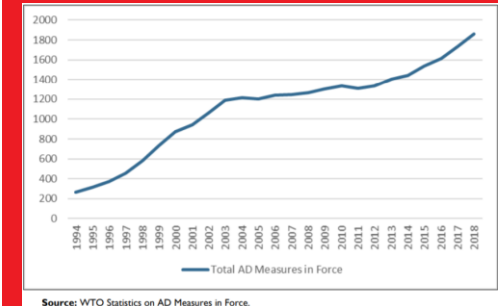
- Enforcement of AD/CVD cases is emphasized
- Enforce and Protect Act of 2015 part of TFTEA
- Established new procedure for the investigation of evasion allegations

TRADE REMEDY

- Actively used as a tool to protect U.S. industry
- AD/CVD is similar in concept to other trade remedy actions as "Section 301" and "Section 232" trade remedy tariffs

INCREASED NUMBER OF CASES

- U.S. government use of AD/CVD laws has increased over the years
- Trend of AD cases 1994 - 2018





WHAT IS DUMPING?



Foreign producers selling products in the U.S. at a price below what the producer could sell at in their domestic market



Foreign producers selling products in the U.S. at less than their cost of production

These could indicate **dumping** of a commodity into the U.S. market – this can make it difficult for U.S. companies producing these commodities to compete.



WHAT A SUBSIDY?



DEFINITION

When a government provides financial assistance to benefit the production, or exportation of goods

TYPES OF SUBSIDIES

- Direct cash payments
- Credits against taxes
- Loans at terms that do not reflect market conditions



Are all subsidies countervailable?

No

Must be specific to a certain enterprise, industry, or region

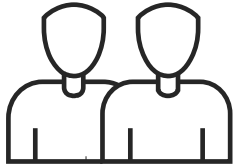
This ensures that common government programs like financing infrastructure or public education are out of scope

Must be contingent upon export or the use of domestic goods for production



HOW DOES THE U.S. GOVERNMENT DETERMINE DUMPING OR SUBSIDIZATION IS OCCURRING?

THE PLAYERS



U.S. INDUSTRY

- Reports potential dumping and/or subsidization
- Files petition with USITC and ITA



INTERNATIONAL
TRADE
ADMINISTRATION

U.S. DEPARTMENT OF COMMERCE (DOC) | INTERNATIONAL TRADE ADMINISTRATION (ITA)

- Initiate investigations
- Determines whether the dumping or subsidy is occurring
- Determines how much additional duty is needed
- Sets scope



U.S. INTERNATIONAL TRADE COMMISSION (USITC)

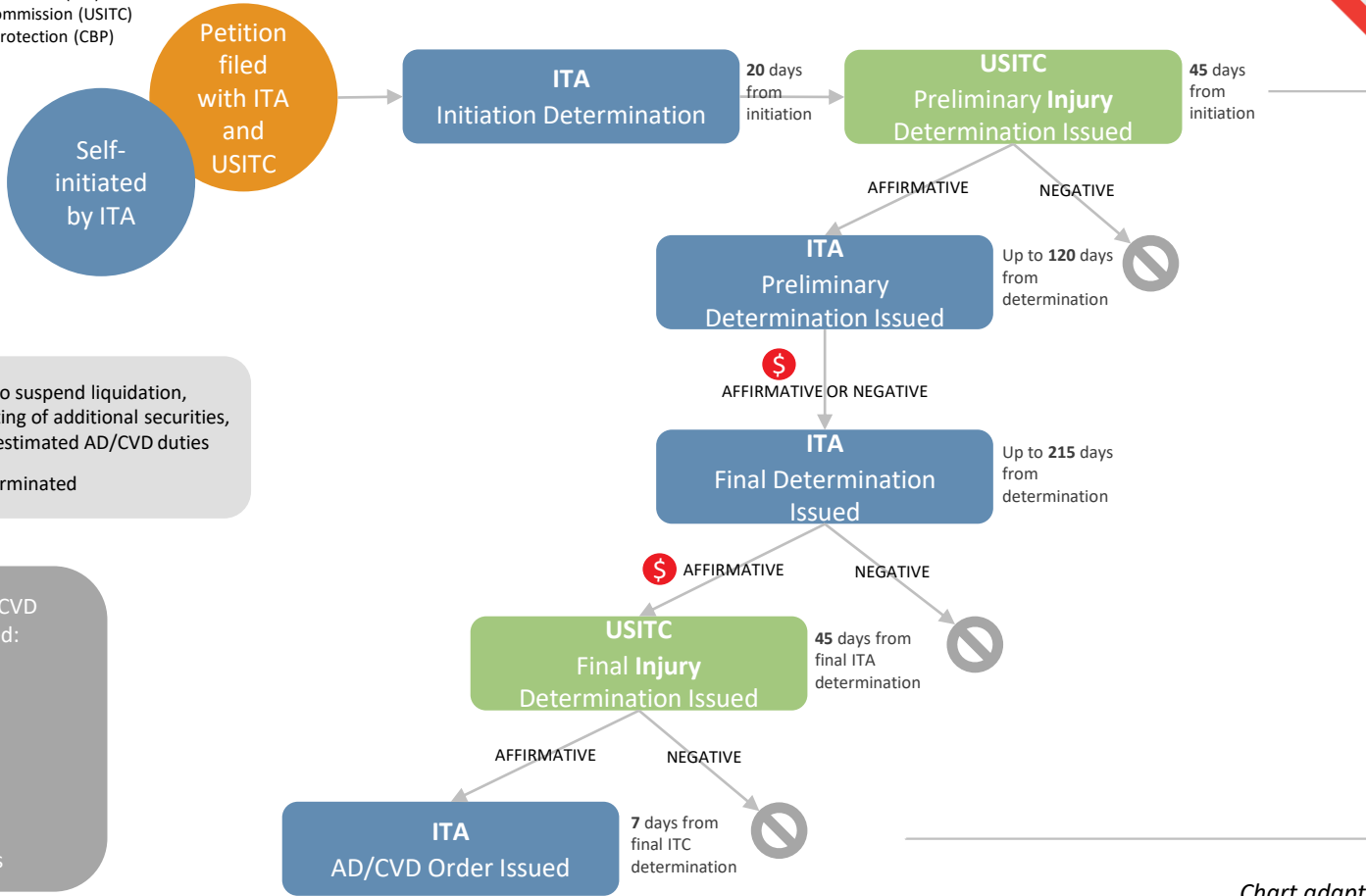
- Determines if there is a risk to current or future U.S. industry



U.S. CUSTOMS AND BORDER PROTECTION (CBP)

- Responsible for enforcing the AD/CVD laws on imported goods

- U.S. Domestic Industry
- International Trade Administration (ITA)
- U.S. International Trade Commission (USITC)
- U.S. Customs and Border Protection (CBP)



- 💰 CBP instructed to suspend liquidation, require the posting of additional securities, and collect the estimated AD/CVD duties
- ⊘ Investigation Terminated

- Other parts of AD/CVD process not covered:
- Suspension Agreements
 - Administrative Reviews
 - Changed Circumstances Reviews
 - Sunset Reviews

Chart adapted from [CRS Report](#)



**U.S.
CUSTOMS
AND BORDER
PROTECTION
(CBP)**

- Responsible for enforcing the AD/CVD laws on imported goods

- Provide visibility to AD/CVD cases
 - [Warnings via ABI messaging](#) *NEW as of December 2023*
 - [CSMS Messages](#)
 - AD/CVD Search Tool and reports within the [ACE Portal](#)
 - ABI feeds to broker's software
- Collect duties
- Suspend and manage entry liquidation
- Monitor bond sufficiency
- Monitor receipt of [Non-Reimbursement Statements](#)
- Communicate with importers if more information is required



REMINDER: Login to each reference tab application every 45 days to keep your account active.

AD/CVD

AES Direct UI

CEE Directory

Gold Rate

HTS

Legacy ACE

Truck Manifest Trade Portal

Search

Search By

Case

A570-131

Principal Case Only

Clear Search

[Advanced Search](#)

Online Help


Details for Case Number # A-570-131

Details Company Cases ³ Third Country Cases

Principal Case Header

CBP Case #: A-570-131 Status: Active Number of 3rd Country Cases: 0
 DOC Case #: A-570-131 Suspend ES Liquidation & B/C: Yes Cert. other than Non-reimbursement may be Required ⁰: N/A
 CBP Companion Case #: [C-570-132](#) Notes: No
 Country: CHINA(MAINLAND)  Short Case Name: Twist Ties
 Official Case Name: Twist Ties 

Events

Effective Date ↓	Event Type	Determination	FR Cite	FR Date	Added Date	Updated Date	Inactivated Date
04/14/2021	Final ITC	Affirmative	86 FR 19639	04/14/2021	04/16/2021	04/16/2021	
04/14/2021	Order		86 FR 19602	04/14/2021	04/16/2021	04/16/2021	
04/13/2021	Gap Period End		86 FR 19639	04/14/2021	04/16/2021	04/16/2021	
04/09/2021	Gap Period Begin		86 FR 19639	04/14/2021	04/16/2021	04/16/2021	
02/22/2021	Final DOC	Affirmative	86 FR 10536	02/22/2021	02/24/2021	02/24/2021	
12/10/2020 	Prelim DOC	Affirmative	85 FR 79468	12/10/2020	12/10/2020	12/10/2020	
08/10/2020	Prelim ITC	Affirmative	85 FR 49681	08/14/2020	12/10/2020	12/10/2020	
07/16/2020	Initiation		85 FR 45161	07/27/2020	07/27/2020	07/27/2020	

Screenshot from the ACE Portal

Search ^

Search By

Case ▼

A570-131

Principal Case Only

Clear Search

[Advanced Search](#)

Online Help

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08/10/2020	Prelim ITC	Affirmative	85 FR 49681	08/14/2020	12/10/2020	12/10/2020	
07/16/2020	Initiation		85 FR 45161	07/27/2020	07/27/2020	07/27/2020	

Screenshot from the ACE Portal



A 570 - 131 - 001

A or C = Anti-dumping or Countervailing

570 = Country code

131 = Commodity code

001 = Manufacturer/Exporter specific code; *'000'* – represents a country-wide rate

Search

Search By

Case

A570-131

Principal Case Only

Clear Search

[Advanced Search](#)

Online Help

Case Search Results

CBP Case # ↑	Indicators	DOC Case #	Country	Case Name	Status	Suspend ES Liq.	Manufacturer Name	Exporter Name	Rate Application	Current CD Rate	Companion Case # (CBP)
A-570-131		A-570-131	CHINA(MAINLAND)	Twist Ties	Active	Yes				N/A	C-570-132
A-570-131-000			CHINA(MAINLAND)	Twist Ties	Active	Yes	All Other Companies	All Other Companies	N/A	62.42%	C-570-132
A-570-131-001			CHINA(MAINLAND)	Twist Ties	Active	Yes	Rongfa Plastic Products Co., Ltd. (...)	Rongfa Plastic Products Co., Ltd. (...)	Mfr and Exp Chain	62.42%	C-570-132
A-570-131-002			CHINA(MAINLAND)	Twist Ties	Active	Yes	Tianjin Kyoel Packaging Supplies Co...	Tianjin Kyoel Packaging Supplies Co...	Mfr and Exp Chain	62.42%	C-570-132
C-570-132		C-570-132	CHINA(MAINLAND)	Twist Ties	Active	Yes				N/A	A-570-131
C-570-132-000			CHINA(MAINLAND)	Twist Ties	Active	Yes	All Other Companies	All Other Companies	N/A	111.96%	A-570-131
C-570-132-001			CHINA(MAINLAND)	Twist Ties	Active	Yes	Dongguan Guanqiao Industrial Co., L...	And/Or	Mfr and/or Exp	111.96%	A-570-131
C-570-132-002			CHINA(MAINLAND)	Twist Ties	Active	Yes	Foshan Shunde Ronggui Yingli Indust...	And/Or	Mfr and/or Exp	111.96%	A-570-131
C-570-132-003			CHINA(MAINLAND)	Twist Ties	Active	Yes	Yiwu Kurui Handicraft Co. Ltd.	And/Or	Mfr and/or Exp	111.96%	A-570-131
C-570-132-004			CHINA(MAINLAND)	Twist Ties	Active	Yes	Zhenjiang Hongda Commodity Co. Ltd.	And/Or	Mfr and/or Exp	111.96%	A-570-131

Items per page: 10 1 - 10 of 11

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		Official Case Name:	Twist Ties		

Events

HTS

HTS	HTS # Expired Date	Added Date	Updated Date	Inactivated Date
8309.90.0000		07/27/2020	07/27/2020	
5609.00.3000		07/27/2020	07/27/2020	
3920.51.5000	12/31/2021	07/27/2020	07/27/2020	
3923.90.0080		07/27/2020	07/27/2020	
3926.90.9990	06/30/2020	07/27/2020	07/27/2020	
4811.59.6000		07/27/2020	07/27/2020	
4821.10.2000		07/27/2020	07/27/2020	
4821.10.4000		07/27/2020	07/27/2020	
4821.90.2000		07/27/2020	07/27/2020	
4821.90.4000		07/27/2020	07/27/2020	

HTS numbers are listed for the importing industries' convenience ONLY. AD/CVD applicability goes by the case scope.

Screenshot from the ACE Portal



HOW DO I KNOW IF AD/CVD APPLIES TO THE COMMODITIES I IMPORT?



5 STEPS TO SUCCESS

HOW TO DETERMINE IF AD/CVD APPLIES TO YOUR PRODUCT

1

Determine what AD/CVD case(s) are flagged for your HTS codes



2

Find and read the case scope(s)



3

Determine if the case applies



4

Report back to your customs broker



5

Update your records



1

Determine
what AD/CVD
case(s) are
flagged for
your HTS codes



- Use the ACE Portal – *see a step-by-step tutorial on our Expeditors flyer*
- Ask your Customs Broker – *Expeditors can run an analysis on your parts database or commonly used HTS numbers to show potential AD/CVD cases*
- Work with a Trade Consultant



2

Find and read
the case
scope(s)



Official Website of the International Trade Administration [Here's how you know](#)



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[Link to AD/CVD Duty Scope Descriptions and Determinations](#)



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AD/CVD Search

Final scope rulings can be found [here](#).

Search Instructions: To get started, enter in either a country, product, Case Number, HTS Number, or Commodity.

honey

Search

If using a case, you need to insert dashes as ITA has them stored (e.g., A-570-863)

Filter Results [\[Clear All\]](#)

Case Numbers

- A-351-857: 1
- A-357-823: 1
- A-533-903: 1
- A-552-833: 1
- A-570-863: 1

Commodities

- Foodstuffs: 5

Countries

- Argentina: 1
- Brazil: 1
- China: 1
- India: 1
- Vietnam: 1

HTS Numbers

- 0409.00.00: 1

5 results from ADCVD Cases were found for **honey**.

[China, Honey](#)

Honey
A-570-863

[Argentina, Raw Honey](#)

Raw Honey
A-357-823

[India, Raw Honey](#)

Raw Honey
A-533-903

[Brazil, Raw Honey](#)

Raw Honey
A-351-857

[Vietnam, Raw Honey](#)

Raw Honey
A-552-833

Case #A-570-863

China

Honey

Foodstuffs

Upcoming Announcements

HTS Numbers

Scope of the Order



Upcoming Announcements

No data is available to display.

HTS Numbers

0409.00.00	0409.00.00.05	0409.00.00.10	0409.00.00.35
0409.00.00.45	0409.00.00.56	0409.00.00.65	1702.90.90
2106.90.99			

Scope of the Order

The products covered by the order are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise subject to the order is currently classifiable under subheadings 0409.00.00, 1702.90.90, 2106.90.99, 0409.00.0010, 0409.00.0035, 0409.00.0005, 0409.00.0045, 0409.00.0056, and 0409.00.0065 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under the order is dispositive.

Also, included in the scope are blends of honey and rice syrup, regardless of the percentage of honey contained in the blend.

[Hide text](#)

3

Determine if
the case
applies



**Understand the
AD/CVD scope**

- Product is clearly stated as an exclusion
- Product is clearly stated as being in scope

**Consider product
information**

- Internal specification sheets
- External product documentation or literature

Talk to experts

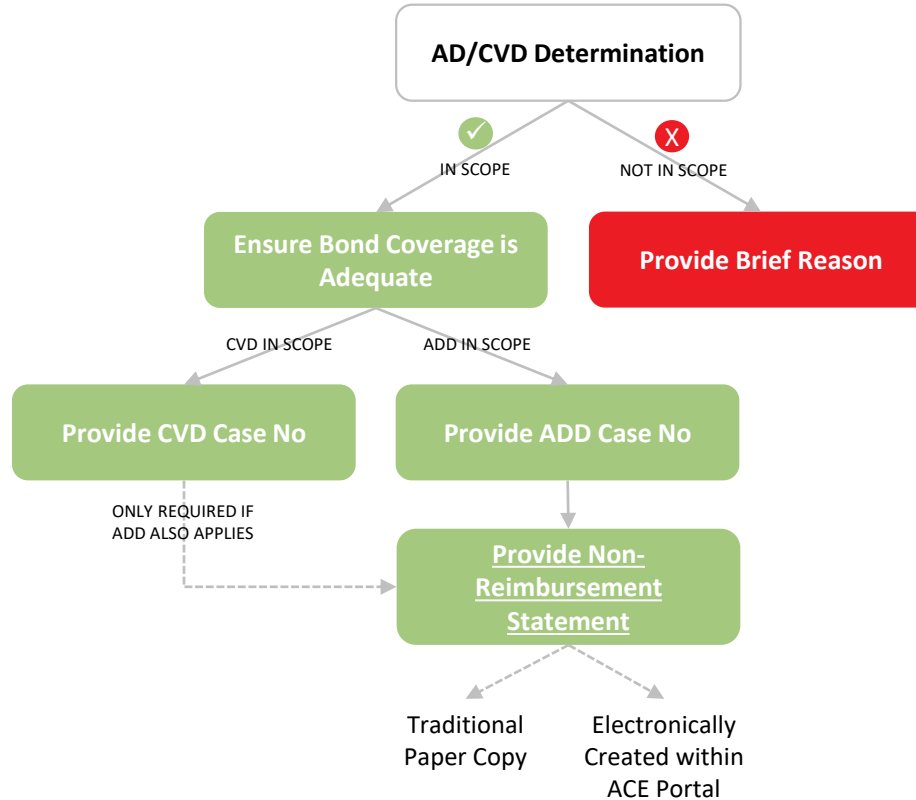
- Buyers
- Engineers
- Suppliers
- Lawyers

**Request a scope
ruling from ITA**



4

Report back to your customs broker (if a shipment is pending)



AD/CVD determination needs to be completed for each AD/CVD case that is flagged.

A commodity may be subject to multiple cases, or a combination of AD or CVD cases.



5

Update your
records



- Parts databases
- SAP/other databases
- Backup for your determination
- Import compliance manual
- Customs broker SOP or other instruction





WHERE CAN I FIND MORE INFORMATION?

RESOURCES



GOVERNMENT

ITA

NEW [AD/CVD Proceedings Data Visualization](#)

- [Antidumping and Countervailing Duty Scope Descriptions](#)
- [How to File for an Antidumping/Countervailing Duty Scope Ruling Request](#)

CBP

- [Priority Trade Issue: Antidumping and Countervailing Duties](#)
- [Guidance for Non-Reimbursement Certificates](#)
- [AD/CVD Frequently Asked Questions](#)

★ CONGRESSIONAL RESEARCH SERVICE

- [Trade Remedies: Antidumping and Countervailing Duties](#) – Feb 2023
- [Trade Remedies: Antidumping](#) – Sept 2020
- [Trade Remedies: Countervailing Duties](#) – Aug 2021

EXPEDITORS

BROKERAGE OPERATIONS

- Analysis of parts and/or used HTS for flagged AD/CVD cases
- [AD/CVD Resources Webpage](#)

TRADEWIN

- Can assist in obtaining an anti-dumping/countervailing duty scope ruling

TRADEFLOW

- Parts database to house anti-dumping/countervailing duty case information



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