



What are Anti-dumping (AD) & Countervailing (CVD) duties?

Dumping occurs when foreign manufacturers sell goods in the United States less than fair value, causing injury to the U.S. industry. AD cases are company specific; their duties are calculated to bridge the gap back to a fair market value.

CVD cases are established when a foreign government provides assistance and subsidies, such as tax breaks to manufacturers that export goods to the U.S., enabling the manufacturers to sale the goods cheaper than domestic manufacturers. CVD cases are country specific, and the duties are calculated to duplicate the value of the subsidy.

When either of these occurs, petitions are filed by U.S. manufacturers or businesses with the International Trade Commission (ITC). If the ITC finds evidence of injury to the U.S. industry, the Department of Commerce (DOC) does an investigation. If the results are positive, CBP withholds liquidation of entries and collects AD/CVD duties. The entries are not liquidated until the DOC instructs CBP headquarters to do so.

Anti-Dumping and Counter-Vailing Duties Frequently Asked Questions

Q: How can I determine whether merchandise that I am planning to import is subject to antidumping or countervailing duties?

A: You need to review the scope of antidumping and countervailing duty (AD/CVD) orders to determine whether the merchandise falls under the scope of an order. The scope of antidumping and countervailing duty orders can be found in several places:

- Federal Register notices from the U.S. Department of Commerce (Commerce), available at <http://ia.ita.doc.gov/frn/index.html>;
- Written instructions from Commerce to U.S. Customs and Border Protection (CBP), available in CBP's Automated Commercial Environment (ACE) (for importers and customs brokers with ACE accounts), and on the internet at <http://adcvd.cbp.gov>; and
- The website of Commerce's International Trade Administration, www.trade.gov/ia. You can also request a scope ruling from the International Trade Administration. Details on how to request a scope ruling are available at <http://ia.ita.doc.gov/scope/RequestScope-Ruling.html>. You may also contact an Import Specialist at the port you intend to enter your merchandise, although that advice is not binding.



Q: I know the Harmonized Tariff Schedule (HTS) classification of the goods that I import. How can I determine whether the HTS falls under the scope of an AD/CVD order?

A: The written description of the scope of the order is dispositive, not the HTS classification. HTS classifications are listed in the scope of AD/CVD orders for convenience only, and do not determine whether a product falls under the scope of an AD/CVD order.

Q: Who sets the duty rates of the imported merchandise that is subject to AD/CVD?

A: Commerce's International Trade Administration sets the AD/CVD rates and establishes the scope of AD/CVD orders. CBP enforces these decisions and collects the AD/CVD due on imported goods.

Q: How can I find a list of products covered by AD/CVD orders?

A: ACE contains comprehensive case information on every AD/CVD case. The U.S. International Trade Commission publishes a list of every AD/CVD case at:

http://www.usitc.gov/trade_remedy/documents/orders.xls.

The website of Commerce's International Trade Administration, www.trade.gov/ia, under scope information, also contains information on AD/CVD cases listed by country.

Q: What is the AD/CVD case number and AD/CVD rate for the merchandise that I am planning to import?

A: ACE contains comprehensive case information on every AD/CVD case, including company-specific case numbers and AD/CVD cash deposit rates. Federal Register notices issued by Commerce list the case numbers and AD/CVD cash deposit rates. In addition, the Commerce instructions to CBP list the case numbers and AD/CVD cash deposit rates. (see ACE and <http://addcvd.cbp.gov>)

Q: I paid the AD/CVD duties due when I imported goods into the United States. Do I have any further AD/CVD liability on that import?

A: The AD/CVD paid at the time of entry are cash deposits of estimated AD/CVD duties. The final amount of duties owed is not determined until Commerce conducts an administrative review to establish the final AD/CVD rates on past entries. The final AD/CVD amount may increase, decrease, or stay the same from the AD/CVD cash deposit paid at the time of entry. After Commerce sends instructions to CBP on the final AD/CVD rate for the entry, CBP will assess this final duty. CBP will issue a bill for any increase in duty, and refund any decrease of duty. On average, this entire process, from the date of importation, takes approximately three years.

Q: I paid a fair price to my supplier for my imported merchandise, and the estimated AD/CVD duties that I paid are too high. How can I get a refund of the duties when CBP liquidates the entry?

A: You may request an administrative review of your imports from Commerce to determine the final AD/CVD duty liability. Commerce instructs CBP on the final AD/CVD rates, and CBP will assess final duties based on these instructions.



Q: I do not believe that the goods that I imported fall under the scope of an AD/CVD order, and CBP required me to pay AD/CVD duties on my imported goods. How can I obtain a ruling that my products are not subject to AD/CVD?

A: You may apply to Commerce for a scope ruling. For more information on applying for a scope ruling, see <http://ia.ita.doc.gov/scope/Request-Scope-Ruling.html>. Further, if you believe CBP misapplied the scope of the order as written, you may file a protest with CBP within 180 days after the entry has liquidated.

Q: Can I use a bond to cover the AD/CVD duties for my imported merchandise?

A: Commerce allows bonds to cover the AD/CVD cash deposit in limited circumstances. In those cases, if an importer chooses to use a bond to cover the AD/CVD cash deposit, importers:

- must use a single transaction bond when the AD/CVD rate is greater than or equal to five percent; or
- may use a continuous bond when the AD/CVD rate is less than five percent.

Q: I imported my merchandise using a consumption entry, paid the AD/CVD duties, and I now want to export the goods. Can I get a refund of my AD/CVD duties?

A: With regard to refunds of AD/CVD duties, the statute and regulations clearly prohibit “any remission, abatement refund or drawback of duties”... See 19 U.S.C. 1558, and 19 CFR 191.3(b)(3). Once the merchandise has been released from CBP custody, the importer is not entitled to a refund of AD/CVD duties.

Q: Are there any other special requirements for imports subject to AD/CVD duties?

A: The regulations require that, prior to liquidation and the assessment of antidumping duties, the importer is required to file a certificate advising whether it has entered into an agreement or otherwise has received reimbursement of AD duties. If an importer fails to provide a statement of reimbursement prior to liquidation, CBP will presume reimbursement and double the duties. Importers may also file their non-reimbursement statements through ACE. Non-reimbursement statements fulfill (in electronic format) the same requirements as reimbursement certificates. For more information on reimbursement certificates, see http://www.cbp.gov/sites/default/files/documents/guidance_for_cert_3.pdf

Q: Are there publications available to the public regarding the AD/CVD processes?

A: CBP’s website at www.CBP.gov contains several general publications on importing, including “Importing into the United States.” Click on “Trade,” and then “Basic Importing and Exporting.” The website of Commerce’s International Trade Administration, www.trade.gov/ia, also contains information on AD/CVD orders.

SOURCE: <https://www.cbp.gov/sites/default/files/assets/documents/2016-Apr/>