
❖ SPC&B Update ❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

October 3, 2011

I. CBP DISCONTINUES MAILING PAPER COURTESY NOTICES OF LIQUIDATION FOR ELECTRONICALLY FILED ENTRIES

II. ITA FINAL RULE ENDS PRACTICE OF ACCEPTING BONDS DURING PROVISIONAL ANTIDUMPING/ COUNTERVAILING DUTY INVESTIGATIONS



I. As discussed in our *SPC&B Update* dated September 12, 2011, CBP has discontinued printing and mailing paper courtesy notices of liquidation for entries filed electronically through the Automated Broker Interface (ABI). Consequently, there will be no printed paper courtesy notices for entries filed via ABI with a liquidation date of September 30, 2011 or later. Instead, CBP will now send electronic courtesy notices through ABI to the entry summary filers for those entries. For entry summaries **not** filed through ABI, CBP will continue to mail courtesy notices of liquidation to the importers of record.

Those importers which already have an ACE Portal account may access liquidation information for their electronically filed entries using the AM-100 Courtesy Notice of Liquidation Report, a new ACE report which was introduced on September 24, 2011 and, according to a CBP message dated September 29, 2011, is now available to run. Instructions for locating, running, and customizing the AM-100 report may be found in the Information Notice at the following link:

http://apps.cbp.gov/csms/docs/18474_416362858/InfoNoti_CourtesyNotiOfLiquidationRptv5.pdf

Importers which do not have an ACE Portal account must take further action to ensure that they continue to receive notification of the liquidation of their electronically filed entries. One option is to apply for an ACE Portal account, which can be used to access the new AM-100 report discussed above. CBP advises that importers may obtain an ACE Portal account at no charge. Links to the online application and the instructions for completing it may be found at the following CBP Web page:

http://www.cbp.gov/xp/cgov/trade/automated/modernization/ace_app_info/

Alternatively, importers may make arrangements for their customs broker(s) to send them copies of liquidation reports for their entries on a monthly or other regular basis.

All importers should note that electronically generated AM-100 liquidation reports, like the paper courtesy notices of liquidation, do not constitute CBP's official notice of liquidation.

Anyone wishing additional information regarding liquidation notices or any other aspects of ACE should contact Gail Cumins at gcumins@spcblaw.com or Kenneth Paley at kpaley@spcblaw.com, or call us at 212-425-0055.

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II. The International Trade Administration (ITA) has published a final rule modifying the antidumping (AD) and countervailing duty (CVD) regulations to eliminate, for the most part, the ability to post bonds, rather than cash deposits, after preliminary affirmative determinations. Effective for all investigations commenced on and after November 2, 2011, importers will no longer be able to post bonds for estimated AD or CVD duties assessed during the period between the preliminary and final determinations. In its published notice, the ITA indicated that requiring a cash deposit will help to strengthen the administration of the AD and CVD laws by making importers directly responsible for the payment of AD and CVD duties. The change will help to ensure that the government will be able to collect the full amount of the duties owed in cases where an AD or CVD order is imposed and will reduce some of the burdens faced by Customs in trying to collect the duties.

For further information on antidumping and countervailing duty proceedings, please contact Gail Cumins at gcumins@spcblaw.com or 212-425-0055.
