

INTERNATIONAL TRADE ALERT

AD/CVD IMPORTERS STAND TO BENEFIT FROM CBP TEST OF AUTOMATED COMMERCIAL ENVIRONMENT

In the December 30, 2009, *Federal Register*, U.S. Customs and Border Protection (CBP) issued a [notice and request](#) for comments on a National Customs Automation Program Test of new features of its Automated Commercial Environment (ACE) that will provide filing, processing and case management capabilities for Antidumping and Countervailing Duties (AD/CVD) entries through the online system. This test program is referred to as the Entry Summary, Accounts and Revenue III (ESAR III) program.¹ ACE, first introduced on May 1, 2002, provides electronic processing capabilities to importers for certain types of customs transactions, as well as access to their customs data via a web-based account portal. These capabilities were generally only available for formal and informal consumption entries. The ESAR III test for AD/CVD entries is scheduled to begin on January 17, 2010.

FILING, PROCESSING AND CASE MANAGEMENT CAPABILITIES UNDER ESAR III

Under the ESAR III program, ACE users who are AD/CVD importers will have the ability to file, process and manage their entries via the online system. Benefits to participation in this program include—

- access to the Periodic Monthly Statement (PMS) process, which allows qualifying participants an interest-free window of 45 days for payment of estimated duties
- the ability to search, display and print AD/CVD case information and messages and to record and track the life cycle of an AD/CVD case, as well as the ability to run searches for all types of messages related to a particular case through the portal
- the ability to determine with more precision whether entry line items are subject to an Order (by, for example, filing required “sold to party” and “foreign exporter” via ACE)
- access to important case information, including duty deposit rates, entry summary liquidation suspension status, bond/cash status, administrative review information and events related to the case history such as the Order, Preliminary and Final determination

¹ See 74 Fed. Reg. 69129 (Dec. 30, 2009)

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- the ability to respond to CBP requests for information, notices of action and marking/redelivery notices (e.g., Forms 28, 29 and 4647)
- the ability for customs brokers to create declarations for AD/CVD entries for AD/CVD importer clients that do not have their own Importer Portal Accounts
- the ability to run an Automated Broker Interface (ABI) query of AD/CVD case information, including queries for specific case numbers and queries for case criteria (such as country, manufacturer identification number and date since last update)
- the ability to file Non-Reimbursement certificates on any line item subject to an AD Order.

ELIGIBILITY FOR PARTICIPATION IN THE PROGRAM

Importer and broker volunteers who wish to participate in this test must have an ACE Portal Account to access all functionality of the program. To be eligible to obtain a Portal Account for the test of ESAR III, importers must, aside from CBP requirements, have a robust customs compliance program that permits the tracking and monitoring of AD/CVD entries that the importer files directly or indirectly with CBP. In addition, importers must establish an ACE Portal Account with CBP and agree to CBP’s Terms and Conditions

Additionally, although CBP expects to select a broad range of importers for this test, priority consideration will be given to participants that use carriers that participate in the Customs Industry Partnership Programs (IPP) and have participated in the CBP Account Management Program for at least one year.²

INTERESTED PARTY COMMENTS ON THE PROGRAM

The test period for ESAR III will continue until concluded by announcement in the *Federal Register*. Comments may be submitted throughout the test period via e-mail to Joe Palmer at ESARinfoinbox@dhs.gov. Please indicate “ESAR III (AD/CVD Entry Summary Processing/Case Mgt Notice)” in the subject line of your e-mail.

CONTACT INFORMATION

If you have questions about the customs and trade remedy aspects of this alert, please contact our customs and trade remedy lawyers—

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² 67 Fed. Reg. 21800 (May 1, 2002), revised by 70 Fed. Reg. 5199 (Feb. 1, 2005) and 73 Fed. Reg. 50337 (Aug. 26, 2008)