



Regulatory News Alerts & Updates

Regulatory Alert: AD/CVD Aluminum Extrusions - 2024 Preliminary Affirmative Determination

August 8, 2024

BACKGROUND

In October 2023, Federal Register Notices (FRN) [88 FR 74421](#) and [88 FR 74433](#) announced that the U.S. Department of Commerce (Commerce) initiated antidumping duty (AD) and, for some countries and territories, concurrent countervailing duty (CVD) investigations into aluminum extrusions from 14 countries and territories: China, Colombia, Ecuador, India, Indonesia, Italy, Korea, Malaysia, Mexico, Taiwan, Thailand, Turkey, the United Arab Emirates, and Vietnam. The investigations examined if these products were sold in the U.S. at less than fair value (LTFV) and/or if they were subsidized by their respective governments. Specifically, AD and CVD investigations were initiated for China, Indonesia, Mexico, and Turkey, while only AD investigations were initiated for the other countries and territories. On November 27, 2023, as announced in FRN [88 FR 82913](#), the International Trade Commission (ITC) found support for the AD/CVD investigations to continue for the 14 countries and territories.

In March 2024, Commerce issued preliminary affirmative determinations for CVD cases involving China, Indonesia, Mexico, and Turkey, followed by preliminary affirmative determinations for AD cases in May 2024. Cash deposits are now due and are currently being collected by U.S. Customs and Border Protection (CBP).

Stages of the AD Investigation

1. Initiation (October 24, 2023): Commerce initiated the investigation.
2. ITC Preliminary Determinations (November 20, 2023): ITC determined there is a reasonable indication that goods are being dumped.
3. Preliminary Affirmative Determination (May 7, 2024): Commerce issued preliminary affirmative determinations for all 14 countries, indicating dumping.
 - a. Once Commerce made affirmative preliminary determinations, U.S. Customs and Border Protection (CBP) began collecting cash deposits (AD duty).

Countries and territories with Only AD Investigations:

- Colombia, Ecuador, India, Italy, Korea, Malaysia, Taiwan, Thailand, the United Arab Emirates, Vietnam

Stages of the CVD Investigation

1. Initiation (October 24, 2023): Commerce initiated the investigation.
2. ITC Preliminary Determinations (November 20, 2023): ITC determined there is a reasonable indication that goods are being subsidized.
3. Preliminary Affirmative Determination (March 11, 2024): Commerce issued preliminary affirmative determinations for all four countries and territories, indicating government subsidies.
 - a. Once Commerce made affirmative preliminary determinations, CBP began collecting cash deposits (CVD duty).

Countries and territories with Both AD and CVD Investigations:

- China, Indonesia, Mexico, Turkey

Next Steps of the AD and CVD Investigation and Expected Outcomes

1. Commerce Final Determination (Postponed - Expected September 2024): Commerce will make a final determination on whether the imports are being dumped or subsidized.
 - Affirmative Determination: If final determinations are affirmative, the investigation goes to the ITC to vote on whether the U.S. domestic industry is injured or threatened by material injury due to imports of the dumped or unfairly subsidized product.
 - Negative Determination: If final determinations are negative, no AD/CVD orders are issued, and any collected cash deposits (AD/CVD duties) will be refunded.
2. ITC Final Determination (Expected November 2024)*
 - Affirmative Determination: If the ITC vote for final determinations are affirmative, Commerce will issue an AD/CVD Order.
 - Negative Determination: If final determinations are negative, no AD/CVD orders will be issued, and any collected cash deposits (AD/CVD duties) will be refunded.
3. Issuance of Orders (Expected November 2024)**

* This will take place only in the event of a final affirmative determination from Commerce.

** This will take place only in the event of final affirmative determinations from Commerce and ITC.

AD/CVD Cases for Aluminum Extrusions

The below chart shows current AD and CVD cases for aluminum extrusions. Lines filled in gray share the **Original China Scope Order**. Lines filled in blue fall under the **2024 Preliminary Affirmative Determinations** scope.

Country	Parent Case Number	Third Country	Third Country Case Number	Scope
China	A-570-967/C-570-968	Mexico	A-201-994/ C-201-995	A-570-967/ C-570-968
		Dominican Republic	A-247-901/ C-247-902	
		Vietnam	A-552-998/ C-552-999	
Country	Parent Case Number	Third Country	Third Country Case Number	Scope
China	A-570-158/C-570-159	Canada	A-122-158/C-122-159	89 FR 38031
		Mexico	A-201-158/C-201-159	
Colombia	A-301-806	N/A	N/A	89 FR 38021
Ecuador	A-331-804	N/A	N/A	89 FR 38053
India	A-533-920	N/A	N/A	89 FR 38063
Indonesia	A-560-840/C-560-841	N/A	N/A	89 FR 38026
Italy	A-475-846	N/A	N/A	89 FR 38067
Korea	A-580-918	N/A	N/A	89 FR 38085
Malaysia	A-557-826	Canada	A-122-995	89 FR 38057
Mexico	A-201-860/C-201-861	N/A	N/A	89 FR 38037
Taiwan	A-583-874	N/A	N/A	89 FR 38080
Thailand	A-549-847	China	A-570-300	89 FR 38042
Turkey	A-489-850/C-489-581	N/A	N/A	89 FR 38046
United Arab Emirates	A-520-810	N/A	N/A	89 FR 38090
Vietnam	A-552-837	Canada	A-122-996	89 FR 38075

Differences between the Original China Scope Order and 2024 Preliminary Affirmative Determinations

The original China Scope Order and the 2024 Preliminary Affirmative Determinations cover many overlapping items. However, there are some key differences.

- Products covered under the Original China Scope Order remain subject to that order and are excluded from the 2024 Preliminary Affirmative Determinations.
 - This means that where the language of the scopes are the same, Chinese goods remain subject under the Original China Scope Order.
- Some items previously excluded under the Original China Scope Order are now within scope of the 2024 Preliminary Affirmative Determinations.
 - Examples (not an all-inclusive list):
 - Finished goods kits
 - Finished heat sinks
- The Original China Scope Order covers only Aluminum Series Designation Numbers 1, 3 and 6, whereas the 2024 Preliminary Affirmative Determinations cover 1, 3, 6, and also 5.

Q & A

Q 1: What if my product of Chinese origin is covered under both the 2024 Preliminary Affirmative Determinations and the Original China Scope Order?

A 1: Products of Chinese origin remain subject under the Original China Scope Order. If products are within scope of the Original China Scope order, goods are subject to AD/CVD under cases A-570-967/C-570-968.

Q 2: What is an Aluminum Series Designation Number?

A 2: Aluminum series designation numbers categorize aluminum alloys based on their major alloying elements. For example:

1xxx Series: 99% pure aluminum.

3xxx Series: Manganese as the major alloying element.

5xxx Series: Magnesium as the major alloying element.

6xxx Series: Magnesium and silicon as the major alloying elements.

For more information regarding aluminum series designation numbers, refer to the [Aluminum Association Industry Standards](#).

Q 3: How will these determinations affect the import process?

A 3: CBP is currently collecting cash deposits. Importers should ensure to include relevant information to properly clear shipments through customs. Importers will need to ensure compliance with the new AD/CVD orders by paying the required duties at the time of entry. If final determinations are negative, no AD/CVD orders are issued, and any collected cash deposits (AD/CVD duties) will be refunded.

Q 4: What if a product was excluded under the Original China Scope Order?

A 4: Items originally excluded may no longer be excluded under the 2024 Preliminary Affirmative determinations, such as finished goods kits. It is important to review the scope in full to determine if goods are still out of scope.

Q 5: What should I do if I suspect my product is covered by these determinations?

A 5: Verify the classification and scope of your product against the detailed descriptions provided in the FRN. Please review the table from the *AD/CVD Cases for Aluminum Extrusions* section of this article for a comprehensive list of the AD/CVD scopes of all 14 countries and territories identified in the 2024 Preliminary Affirmative Determinations as well as AD/CVD scopes of the Original China Scope Order.

Q 6: For AD/CVD purposes, what is a third country case?

A 6: AD/CVD orders apply to products from the country specified in the order. However, if merchandise from the subject country undergoes further processing in a third country before being exported to the U.S., it may still be subject to the original AD/CVD order. For AD/CVD purposes, these goods fall under the scope of the original country's order, but for CBP purposes, they may be classified under the third country's origin.

To ensure proper reporting, Commerce assigns third country AD/CVD case numbers that align with the relevant AD/CVD order and the CBP country of origin. This system ensures accurate duty application for products processed in a third country but still subject to AD/CVD orders from their original production country.

Q 7: What details do I need to provide to FedEx in order to properly clear my product through customs?

A 7: To properly clear your product through customs, you need to provide the following details:

- **Detailed Description of Goods:** The entry documents should provide a thorough description of the goods, including information on their composition, purpose, and materials. This ensures accurate classification and helps determine whether the goods fall within any active AD/CVD cases. Vague descriptions can lead to shipments being held or delayed by customs.
- **Manufacturer and Exporter Information:** For goods subject to AD/CVD duties, include the name and address of the manufacturer and the name of the exporter.

Q 8: Are there any additional customs clearance requirements for products subject to AD/CVD?

A 8: If goods are within the scope of any AD/CVD cases, the shipment will be ineligible for clearance on FedEx Logistics' bond. Goods that are subject to AD/CVD duties must be released on the customer's bond.

REFERENCES

CBP Antidumping and Countervailing Duties (AD/CVD) Frequently Asked Questions

<https://www.cbp.gov/trade/priority-issues/adcvd/antidumping-and-countervailing-duties-adcvd-frequently-asked-questions>

Preliminary Affirmative Determinations in the Antidumping Duty (AD) Investigations of Aluminum Extrusions from 14 Trading Partners

<https://www.trade.gov/preliminary-determinations-ad-investigations-aluminum-extrusions-multiple-countries>

Preliminary Affirmative Determination in the Countervailing Duty Investigation of Aluminum Extrusions from the People's Republic of China, Indonesia, Mexico, and Turkey

<https://www.trade.gov/preliminary-determination-cvd-investigations-aluminum-extrusions-china-indonesia-mexico-and-turkey>

Statutory Time Frame for AD/CVD Investigations

<https://www.trade.gov/statutory-time-frame-adcvd-investigations>

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