

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

RESTRICTED

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ANTI-DUMPING LEGISLATION OF THE UNITED STATES

Addendum

With their communication, dated 15 February 1978, the Permanent Mission of the United States has forwarded a copy of the Federal Register notice on the Special Summary Steel Invoice (SSSI), with the request that this be notified to the GATT under Article 15 of the Anti-Dumping Code.

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ENTRY OF MERCHANDISE - CUSTOMS REGULATIONS AMENDED

Part 141, Customs Regulations, Relating to the Documents and Information Required to be Filed at the Time of Importation of Certain Articles of Steel, Amended

TITLE 19 - CUSTOMS DUTIES

CHAPTER I - UNITED STATES CUSTOMS SERVICE

PART 141 - ENTRY OF MERCHANDISE

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over \$2,500. The additional information provided on the special invoice will be used in the administration and enforcement of the Anti-Dumping Act, 1921, as amended.

EFFECTIVE DATE: 21 February 1978

FOR FURTHER INFORMATION CONTACT:

With respect to the trigger price mechanism (described under "Supplementary Information", below), Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel (Tariff Affairs), Department of the Treasury, Washington, D.C. 20220, 202-566-2806. With respect to other aspects of the amendments, Ben L. Irvin, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, 202-566-8121.

SUPPLEMENTARY INFORMATION:

#### BACKGROUND

On 30 December 1977, notice was published in the Federal Register (42 FR 65214) of a proposal to amend the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over \$2,500. As explained in the supplementary information to that notice, the additional information provided by the special invoice would be used in the administration and enforcement of the Anti-Dumping Act, 1921, as amended.

In addition, the notice announced that the Secretary of the Treasury would implement a "trigger price mechanism" (TPM) as recommended to and approved by the President and that "trigger prices" for certain steel mill products would be established as the basis upon which imports of such products would be monitored for the purpose of determining whether investigations under the Anti-Dumping Act, 1921, as amended, would be appropriate.

Written comments were invited from all interested persons on the proposed amendments to be received on or before 27 January 1978. Many comments were received in response to that notice. As explained below, the comments have resulted in minor changes in the proposed amendments.

With respect to the trigger price mechanism, the Department of the Treasury announced the base prices to be used for certain importations of steel mill products in a notice published in the Federal Register on 9 January 1978 (43 FR 1464).

Subsequently, in a notice published in the Federal Register on 3 February 1978 (43 FR 4703), the Department announced "extras" to be used in the trigger price mechanism for 16 of the 17 steel mill products for which base prices were published in the Federal Register of 9 January 1978.

#### DISCUSSION OF MAJOR COMMENTS

SOME IMPORTERS WILL BE REQUIRED TO FILE BOTH THE NEW SPECIAL SUMMARY STEEL INVOICE (SSSI) AND THE SPECIAL CUSTOMS INVOICE (CF 5515).

Under amended section 141.83, importers of those steel products specified in section 141.83(b)(2) will be required to file both the SSSI and the Special Customs Invoice (SCI), unless the filing of the SCI is waived by the district director of Customs. Several commenters stated that, when applicable, only the SSSI should be required. One commenter suggested that all the data necessary to the TPM should be included in the SCI without the adoption of a new form.

The reason for retaining the optional requirement of an SCI is that certain information in the SCI is applicable only to a limited number of importations and it is impracticable to incorporate these items into the SSSI because of space limitation on the new form. Therefore, there will be a continuing need for both the SCI and the SSSI in a limited number of cases. District directors will be instructed to require both forms only when necessary. Because of the specialized nature of the information required for purposes of the TPM, the adoption of the new form is essential. Further, importers could not furnish this information readily on the SCI because that form has no space for providing it.

THE IMPORTER WILL BE REQUIRED TO PRESENT THE SSSI AT THE TIME ENTRY IS MADE.

Several comments were directed to the requirement that the SSSI must be available in proper form at the time entry is made. It was suggested that this requirement would interfere with the immediate delivery system which permits the release of merchandise to the importer in certain circumstances before the formal entry form is presented (19 CFR Part 142).

Commenters requested that the importer be allowed additional time in which to file the SSSI. In this connexion, one commenter suggested that the importer could be required to furnish a bond for subsequent delivery of the SSSI. Another commenter suggested that the importer should be allowed to enter the shipment for warehouse if he could not produce the SSSI at the time of entry.

The effectiveness of the TPM will depend upon the immediate availability of information in the SSSI. Prompt submission of the SSSI is therefore essential to the programme. Under the immediate delivery procedure, the importer will have up to ten working days after the date of release of the shipment to file the SSSI. This delay provides a reasonably sufficient time for compliance with the SSSI requirements. It is highly unlikely that redelivery of the merchandise to Customs custody for failure to supply the SSSI will be required in a significant number of cases. Warehousing of the merchandise upon arrival would be impracticable because of the handling costs involved for steel products. Further, the delay would preclude timely submission of the information for purposes of the TPM.

IMPORTERS WHOSE SHIPMENTS HAVE AN AGGREGATE PURCHASE PRICE OF NOT MORE THAN \$2,500 NEED NOT FILE AN SSSI.

Comments were directed to the provisions in section 141.89(b)(1) which will limit the requirement of an SSSI to any shipments (i) containing steel mill products, as defined in section 141.89(b)(2), and (ii) having an aggregate purchase price of over \$2,500. The commenters generally suggested revision of the language describing the limitations. Some commenters would expand the scope of the limitation and some would require a more narrow definition. One comment suggested further clarification of the term "purchase price".

This provision was added to provide an exemption for the small number of shipments of limited value which may contain steel mill products. Such shipments can be regarded as non-commercial quantities, as commercial shipments of these types of products usually are valued over \$2,500. Further, such shipments are not significant for purposes of the TPM. The \$2,500 figure will be based in the purchase price as shown in the invoice filed in connexion with entry.

#### REFERENCE TO ACCOMPANYING DOCUMENTS

One comment requested that importers be allowed to provide the information called for by the SSSI in summary form and refer to accompanying documents for more detailed information.

The space provided in the SSSI will be sufficient in most cases for the importers to provide the requested information. To expedite examination of the form and compilation of the submitted information for purposes of the TPM, it will be necessary that the use of accompanying documents be minimized.

SHOULD IMPORTERS BE REQUIRED TO SUBMIT SALES CONTRACTS IN CERTAIN CIRCUMSTANCES?

In connexion with Item 8 (Date Price Terms Agreed), it was suggested that if the importer claims that the contract was entered into before the effective date of the TPM, he should be required to attach a copy of the pertinent contract to the SSSI. The commenter suggested that an instruction to Item 8 be added for this purpose.

Although confirmation of the contract date stated in the SSSI may be necessary in some cases, this possibility does not appear to justify imposing this added burden upon importers. If an anti-dumping investigation ensues, the contracts can be examined to confirm this information.

INFORMATION CONCERNING THE DATE OF EXPORTATION WILL NOT BE REQUIRED.

Concerning proposed Item 8b (Date of Exportation), several commenters made the point that this information generally will not be known at the time the SSSI is being prepared by the foreign exporter. This information will be set forth in the entry filed in conjunction with the SSSI and accordingly it is deleted from the SSSI.

IMPORTERS WILL BE REQUIRED TO INDICATE THE CURRENCY USED AND EXCHANGE RATE.

Several commenters suggested that the currency and the applicable rate of currency exchange used to arrive at the sales price be stated on the SSSI.

This information will be necessary for comparison of sales prices with the published trigger prices and the information accordingly will be requested under Item 8b of the SSSI as finally adopted.

INFORMATION CONCERNING EXTRAS PROVIDED BY THE MANUFACTURER

A significant number of comments were directed to the proposed provisions of Item 17 (Base Price), Item 18 (Extras) and Item 11 (Code for Other Extras). Generally, the commenters suggested the use of more specific descriptive terms to ensure that all of the usual extras are covered. Clarification of Item 15 (Description of Goods) also was requested so that the descriptive information would identify the extras applicable to each shipment.

Items 11 and 18 have been revised to specify that heat treating, inspection and testing, coating, chemical and other qualities are also extras for purposes of the SSSI. The scope of Item 15 also has been expanded to require that the specifications be included in the description of the goods.

#### DESCRIPTIONS OF SALES TRANSACTIONS NOT CUSTOMARY IN THE TRADE

One commenter requested that instructions be added to the SSSI to provide for circumstances in which the imported products were sold at a negotiated base price without extras. The same commenter asked that the form be revised to better accommodate f.o.b. transactions.

The SSSI was designed to reflect prevailing trade practices for steel mill products as sold in the United States market. It would be impracticable to attempt to accommodate in detail on the form practices in less widely used transactions. However, the form contains ample space for a description of any sales made under other terms.

#### IMPORTATIONS NOT INVOLVING A SALE

A number of comments were directed at transactions in which the product is imported by a party related to the foreign shipper or is otherwise imported under circumstances in which an arms-length sale price may not exist. It was suggested that in any case in which these circumstances apply, the importer be required to furnish a written undertaking that he would later provide Customs with information as to the first resale price in the United States. It was noted that price information in connexion with importations not involving a sale is now required of the importer in Item 27 of the Special Customs Invoice (CF 5515).

Customs believes that imposing the suggested undertaking at the time of entry would be impracticable. If the information is needed for purposes of the TPM, the district director can require the filing of the Special Customs Invoice. Further, under the Anti-Dumping Act, resale information can be requested to determine "exporter's sales prices".

#### OTHER COMMENTS SUGGESTING THAT MORE DETAILED INFORMATION BE REQUIRED

A number of comments recommended revision of the following items of the SSSI to obtain more detailed information:

Item 7 - Origin of Goods  
Item 12(b) - Declaration of Seller/Shipper (or Agent)  
Item 16 - Quantity  
Item 24 - Domestic Freight Charges  
Item 26 - Other Costs

The provisions of the SSSI were adopted after a thorough study of the needs of the TPM, and it is believed that the information requested by these items of the SSSI will be sufficient for purposes of the TPM. More detailed information can be obtained by direct inquiry in specific cases, if necessary. The limited space available in the form and the marginal benefit of the additional details in most cases also were considered.

#### COMMENTS ON THE TRIGGER PRICE MECHANISM

A large number of comments were received concerning the merits of the TPM. The Department of the Treasury will respond to these comments in a series of Questions and Answers to be issued from time to time.

#### EDITORIAL CHANGES

In Item 9 of the SSSI, the word "payment" is added so that the provisions of the item will conform to the corresponding item in the SCI. The order of Items 23 and 24 on the SSSI have been reversed. Other non-substantive corrections have been made to the regulations and SSSI.

#### SPECIAL SUMMARY STEEL INVOICE

Copies of the Special Summary Steel Invoice (SSSI) designated as Customs Form 5520, may be obtained from any district director of Customs, the United States Government Printing Office, Washington, D.C. 20402, or through any United States Consul or United States Embassy. Copies may also be printed privately or by facsimile as long as they are identical in contents and size and not inferior in paper quality to that available from United States Government sources. A sample of the Special Summary Steel Invoice (SSSI) CF 5520, as revised, follows:

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

OMP APPROVAL 48-RO547

1. SELLER		2. DOCUMENT NO.		3. INVOICE NO. AND DATE		ADDITIONAL SPACE FOR EXTRAS SHOWN IN BOX 11.	
5. CONSIGNEE		4. REFERENCES		6. BUYER (if other than consignee)			
7. ORIGIN OF GOODS		9. TERMS OF SALE, PAYMENTS AND DISCOUNTS		11. CODE FOR OTHER EXTRAS		22. PACKING COSTS	
8a. Date Price Terms Agreed		8b. Currency Used		8c. Exch. Rate (if fixed or agreed)		23. DOMESTIC FREIGHT CHARGES	
10. <input type="checkbox"/> If the production of these goods involved furnishing goods or services to the seller (e.g. assists such as dies, molds, tools, engineering work) and the value is not included in the invoice price, check box (10) and explain below.		12. DECLARATION OF SELLER/SHIPPER (OR AGENT)		e. Edging		24. OCEAN OR INTERNATIONAL FREIGHT	
11. declare: If there are any rebates, drawbacks or bounties allowed upon the exportation of goods, I have checked box (A) and itemized separately below.		If any unrelated incentives or reimbursement of dumping duties, or other inducements not reflected in this invoice have been, or will be, paid or granted, I have checked box (B) and explained below.		f. Chemistry		25. INSURANCE COSTS	
13. I further declare that there is no other invoice differing from this one (unless otherwise described below) and that all statements contained in this invoice and declaration are true and correct.		(C) SIGNATURE OF SELLER/SHIPPER (OR AGENT):		g. Quality (commercial deep drawing)		26. OTHER COSTS (Specify below)	
14. MARKS AND NUMBERS ON SHIPPING PACKAGES		15. DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)		h. Heat treating		27. UNIT PRICE	
16. QUANTITY		17. BASE PRICE		i. Coating		28. HOME MARKET INVOICE TOTALS	
18. EXTRAS		19. EXTRAS		j. inspection and testing		29. OTHER INVOICE TOTALS	
a. WIDTH		b. LENGTH		c. CODE		d. \$	



UNITED STATES CUSTOMS SERVICE

INSTRUCTIONS FOR PREPARATION OF SPECIAL SUMMARY STEEL INVOICE

(Required for all shipments of steel valued over \$2,500)

Note: Where this summary invoice covers several types of merchandise priced in different ways, each should be shown separately. Prepare in duplicate.

Sections 1-7, 8b, 9, 10, 12, 13, 16, and 19-26 may be completed in the same manner as the equivalent sections on Special Customs Invoice, Customs Form 5515.

Section 8A. Date Price Terms Agreed: Show here the date on which the final sales price for this shipment was agreed.

Section 11. Codes for Extras: This section refers to the additional price charged for extras (other than width and length which are provided for in 18a and 18b). The code(s) for the extras shown should be reflected in section 18c, and the amount for each extra should be shown in 18d. The extras listed are expressed in terms as now understood in the United States market.

Section 12B. Declaration of Seller/Shipper: Complete and explain if any payment or other thing of value other than shown on this invoice has been or will be made or granted.

Section 14. AISI Category: This column should be completed with the appropriate category number from the following list.

Section 15. Description of Goods: In addition to the full description of goods as usually required on the Special Customs Invoice, steel specifications which this merchandise meets must be shown.

Section 17. Base Price: Show here for each steel category the base price on which the total sales price was based.

Section 18. Extras: Show here the charge for each category of any extra added to the base price. Use appropriate codes from section 11 where appropriate.

Category No. and products

1. Ingots, blooms, billets, slabs, etc.
2. Wire rods
3. Structural shapes - plain 3 inches and over
4. Sheet piling
5. Plates
6. Rail and track accessories
7. Wheels and axles
8. Concrete reinforcing bars
9. Bar shapes under 3 inches
10. Bars - hot rolled - carbon
11. Bars - hot rolled - alloy
12. Bars - cold finished
13. Hollow drill steel
14. Welded pipe and tubing
15. Other pipe and tubing
16. Round and shaped wire
17. Flat wire
18. Bale ties
19. Galvanized wire fencing
20. Wire nails
21. Barbed wire
22. Black plate
23. Tin plate
24. Terne plate
25. Sheets - hot rolled
26. Sheets - cold rolled
27. Sheets - coated (including galvanized)
28. Sheets - coated - alloy
29. Strip - hot rolled
30. Strip - cold rolled
31. Strip - hot and cold rolled - alloy
32. Sheets other - electric coated.

ADVANCED EFFECTIVE DATE

The trigger price mechanism is a critical element of the Comprehensive Program for the United States Steel Industry approved by the President. Its implementation on an expedited basis is essential to its effectiveness, and no significant adverse effects of expedited implementation have been identified. Therefore, good cause exists for dispensing with a 30-day delayed effective date, and the amendments are made effective as of 21 February 1978 (5 U.S.C. 553).

DRAFTING INFORMATION

The principal author of this document was Edward T. Rosse, Regulations and Legal Publications Division, United States Customs Service. However, other personnel in the Customs Service and the Department of the Treasury assisted in its development.

AMENDMENT TO THE REGULATIONS

Part 141 of the Customs Regulations (19 CFR Part 141) is amended as set forth below.

Approved: 9 February 1978

(Signed) R.E. Chasen  
Commissioner of Customs

(Signed) Ruth B. Anderson  
Under Secretary of the Treasury

PART 141 - ENTRY OF MERCHANDISE

The first sentence of section 141.81 is amended to read as follows:

141.81 Invoice for each shipment.

A special Customs invoice, a special summary invoice, or a commercial invoice shall be presented for each shipment of merchandise at the time of entry, subject to the conditions set forth in these regulations. \* \* \*

Section 141.82 is amended by adding a new paragraph (e) to read as follows:

141.82 Invoice for instalment shipments arriving within a period of 10 days.

\* \* \*

(e) Special summary invoice. The provisions of this section shall not apply if a special summary invoice is required by 141.83(b).

Present paragraphs (b) and (c) of section 141.83 are redesignated as paragraphs (c) and (d), respectively and a new paragraph (b) is added to read as follows:

141.83 Type of invoice required.

\* \* \*

(b) Special summary invoice. A special summary invoice shall be presented for each shipment of merchandise described in 141.89(b). The district director may waive production of a special Customs invoice (Customs Form 5515) if a special summary invoice is required.

\* \* \*

Section 141.89 is amended by designating the present provisions of that section as paragraph (a) and adding a new paragraph (b) to that section to read as follows:

141.89 Additional information for certain classes of merchandise.

\* \* \*

(b) Special summary steel invoice.

(1) A Special Summary Steel Invoice (Customs Form) shall be presented in duplicate for each shipment which is determined by the district director to have an aggregate purchase price over \$2,500, including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, and which contains any of the articles of steel listed in paragraph (b)(2) of this section. In addition to the information required by section 141.86, the Special Summary Steel Invoice shall set forth the following:

- (A) The date price terms were agreed upon (the date of agreement on the final sales price for the shipment).
- (B) Description and cost of extras (a description of, and the additional price charged for, extras, other than width and length, with extras described in terms understood in the United States market).
- (C) American Iron and Steel Institute (AISI) category.
- (D) Base price (the base price for each steel category on which the total sales price was based).

(2) The following articles of steel are subject to the special invoice requirements of section 141.89(b)(1):

- (A) Ingots, blooms, billets, slabs, etc.
- (B) Wire rods
- (C) Structural shapes, plain 3 inches and over
- (D) Sheet piling
- (E) Plates
- (F) Rail and track accessories
- (G) Wheels and axles
- (H) Concrete reinforcing bars
- (I) Bar shapes under 3 inches
- (J) Bars, hot rolled, carbon
- (K) Bars, hot rolled, alloy
- (L) Bars, cold finished
- (M) Hollow drill steel
- (N) Welded pipe and tubing
- (O) Other pipe and tubing
- (P) Round and shaped wire
- (Q) Flat wire

- (R) Bale ties
- (S) Galvanized wire fencing
- (T) Wire nails
- (U) Barbed wire
- (V) Black plate
- (W) Tin plate
- (X) Terne plate
- (Y) Sheets, hot rolled
- (Z) Sheets, cold rolled
- (AA) Sheets, coated including galvanized
- (BB) Sheets, coated alloy
- (CC) Strip, hot rolled
- (DD) Strip, cold rolled
- (EE) Strip, hot and cold rolled - alloy
- (FF) Sheets other, electric coated

The introductory clause of section 141.91 is amended to read as follows:

141.91 Entry without required invoice.

If a required invoice, other than a special summary invoice, is not available in proper form at the time of entry and a waiver in accordance with section 141.92 is not granted, the entry shall be accepted only under the following conditions. \* \* \*

\* \* \*

The introductory clause of section 141.92(a) is amended to read as follows:

141.92 Waiver of invoice requirements.

(a) When waiver may be granted. The district director may waive production of a required invoice, except a special summary invoice required by section 141.83(b), when he is satisfied that either: \* \* \*

\* \* \*

(R.S. 251, as amended, sec. 407, 42 Stat. 18; secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759, 77A Stat. 14, Tariff Schedules of the United States (General Headnote 11)(19 U.S. 66, 173, 1202, 1481, 1484, 1624)

