

Scope Ruling Application Guide

Every antidumping duty (AD) and countervailing duty (CVD) order contains a narrative description that defines the merchandise covered by the proceeding. This narrative description outlines the “scope” of the order, and merchandise covered by the narrative description is “in-scope” merchandise. In addition to a narrative description of merchandise covered by the proceeding, the scope language contains Harmonized Tariff System of the United States (HTSUS) subheadings reflecting the classification of the merchandise covered by the order. However, because only part of the merchandise covered by an individual HTSUS subheading may be subject to an AD or CVD order, the narrative description of the scope is dispositive. The HTSUS numbers are provided for convenience, although Commerce can look to CBP’s interpretation of those HTSUS numbers as one of many sources of guidance in interpreting a scope.

The U.S. Department of Commerce (Commerce) may interpret the scope of an order through scope ruling proceedings. The regulations which apply to scope inquiries and scope rulings can be found at 19 CFR 351.225. They were significantly revised on September 20, 2021, with an effective date of November 4, 2021.¹ Parties may view AD/CVD scope descriptions and previous scope rulings made by Commerce that may impact the scope of an order at the following site: <https://legacy.trade.gov/enforcement/operations/scope/index.asp>. This site also has public documents which are available for determinations issued between 1990 and August 2011. Please note, some rulings issued prior to August 2011 may not be available on this site. Scope decisions made after August 5, 2011, are available in Commerce’s electronic records system, Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Parties can use the barcode assigned to a final scope ruling to locate and access the public version of the document via ACCESS.

A scope ruling determines whether merchandise which is in commercial production is covered by the scope of an order.² Most frequently, a scope ruling applies to merchandise which has already been exported from the foreign country covered by an AD/CVD order and imported into the United States. Commerce’s scope ruling proceedings do not modify the scope coverage of the order, and may be conducted independently of, or concurrently with, an administrative review or other type of proceeding. Interested parties may request that Commerce issue a

¹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (Sept. 20, 2021).

² See *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634, 3639 (January 22, 2008) (“{Commerce’s} practice is to issue a scope ruling or conduct a scope inquiry when the party requesting the ruling can show that the specific product in question is actually in production. The product need not be imported into the United States so long as the requestor can show evidence that the product is in production. {Commerce} will not issue a scope ruling or conduct a scope inquiry on a purely hypothetical product.”). See also *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 85 FR 49472, 49481 (August 13, 2020) (*Proposed Rule*) (“It is Commerce’s expectation that a party will be able to satisfy this requirement by providing the requisite information under {19 CFR 351.225(c)(2)(iv)}, concerning a narrative of the production history, and {19 CFR 351.225(c)(2)(v)}, concerning the volume of annual production of the product for the most recently completed fiscal year.”) Commerce will not conduct a scope inquiry of a single, sample product, however. The product must be shown to be in commercial production.

determination regarding whether specific products are covered by or not covered by the scope of an order—*i.e.*, request a “scope ruling”—pursuant to 19 CFR 351.225. On a monthly basis, Commerce will publish a notice in the *Federal Register* listing scope ruling applications filed with Commerce.

Commerce will review each scope ruling application for completeness. Except as provided under 19 CFR 351.225(d)(2), Commerce will determine whether to accept or reject a scope ruling application within 30 days after the application’s filing. If Commerce determines that a scope ruling application is incomplete or otherwise unacceptable, Commerce may reject the scope ruling application and will provide a written explanation of the reasons for the rejection. The full scope ruling application may be resubmitted to Commerce at any time after all identified deficiencies are corrected.

Following initiation of a scope inquiry, Commerce may issue questionnaires and may conduct a verification of any submissions received, where appropriate. Questionnaire responses are due on the date specified by Commerce.

The following document is intended to guide applicants through the scope ruling application process. Sections 19 CFR 351.225(c) and (j) list the required information that must be submitted with this scope ruling application, to the extent that such information is reasonably available to the applicant. *See* 19 CFR 351.225 for further guidance regarding Commerce’s scope inquiry process.

All documents generated in a language other than English must be translated into English. A copy of the original language document must also be included with all translations. If any documentation is incomplete or if any documents are not fully translated, Commerce will consider the scope ruling application incomplete. Label all application documents with sequential page numbers, so that Commerce may refer to each document by its respective page number.

The scope ruling application is divided into the following five sections:

- [Section I: General Information](#)
- [Section II: Product Information](#) – provides information related to the product description and to confirm that the product is in actual production.
- [Section III: Country of Origin Information](#) – provides information related to the product’s country of origin and further processing in a third country.
- [Section IV: Product Importation](#) – provides information related to whether the product in question subject to the inquiry has already entered for consumption into the United States Customs Territory by the date of the filing of this application.
- [Section V: Interested Party Status](#) – provides information regarding the applicant for purposes of demonstrating interested party status.

Sections II, III, IV and V (if relevant) require supporting documentation. The fields in these sections that require supporting documentation are identified in the application and list the specific types of documents that Commerce accepts. Submission of alternate documents in lieu

of documents that are not available and/or clarification of documents that are not completely legible may be acceptable, depending on the facts of each individual case.

All documents submitted with the application must be, to the extent possible, direct, unaltered copies of the original documents (*i.e.*, no copies of copies). Types of documents that Commerce may require include, but are not limited to, clear and legible photographs, schematic drawings, specifications, standards, marketing materials, other exemplars providing a visual depiction of the product, dated copies of the Customs Service entry summary forms (or electronic entry processing system documentation) identifying the product upon importation, and other related commercial documents, including invoices and contracts, which reflect the details surrounding the sale and purchase of that imported product.

All documents submitted with the application must be legible to the maximum extent possible. Firms that are not able to submit all relevant documents or are unable to submit completely legible copies of all the documents required in the application must complete [Appendix A](#) to explain why the submission of the documents or completely legible versions of the documents is not possible. In addition, the applicant must provide supplemental information to explain what is contained in the missing or not completely legible documents. In addition, the applicant must detail the steps undertaken in effort to obtain the missing or not completely legible copies of the required documentation. Illegible or altered documents cannot be considered evidence of the points for which they are required if not accompanied by the requisite explanations in [Appendix A](#). Commerce may reject the scope application as incomplete if the applicant fails to provide a complete response to Appendix A.

[Appendix B](#) contains the certifications of factual accuracy and certificate of service:

- (1) [The Company Certification](#), that an officer of the applicant company must make to Commerce, indicating that the information provided in the application is complete and correct.
- (2) [The Representative Certification](#), that a representative of the applicant company must make to Commerce, indicating that the information provided in the application is complete and correct. This is only required if the applicant company has legal counsel, or another representative, acting on its behalf.
- (3) [The Certificate of Service](#), that an officer of the applicant company must make to Commerce, indicating that all parties on the annual inquiry service list for the order have been served the scope ruling application. The service list must include those parties on the annual inquiry service list for the companion AD or CVD order that covers the same merchandise from the same country.

[Appendix C](#) contains an example cover sheet that must accompany the scope ruling application, and [Appendix D](#) contains a glossary of terms.

Filing Instructions

The following instructions apply to all documents that you submit to Commerce during the course of a scope inquiry proceeding, such as the scope ruling application, responses to additional questionnaires, extension requests, and case briefs.

A. Filing

1. All submissions must be filed electronically using Commerce’s ACCESS website at <https://access.trade.gov>. If an exception to the electronic filing requirement applies, as discussed in the “Manual Filings” section below, and you are unable to file an application electronically, alternative arrangements must be made. See the section on “Covid-19 Manual Filing Requirements” below. All laws, regulations, and other descriptive materials that supplement your responses should be submitted on the same date as the initial response.
2. Service Requirements during Covid-19: Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information and manual filing of submissions due to Covid-19. Therefore, until further notice, parties should follow the guidelines as specified in the applicable *Federal Register* notices.³
3. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time (ET) on the due date, unless an earlier time is specified. Where applicable, a submitter must manually file a document between the hours of 8:30 a.m. and 5:00 p.m. ET on the due date, unless an earlier time is specified.

B. Format

1. The application must be filed with a cover letter (example included at [Appendix C](#)) that includes the following information in the following format in the upper right-hand corner:
 - a. on the first line, indicate the AD and/or CVD Order/case number(s)⁴ under which you are filing this application;
 - b. on the second line, indicate the total number of pages in the document including cover pages and appendices;
 - c. on the third line, indicate the specific segment of the proceeding (*e.g.*, scope inquiry);
 - d. on the fourth line, indicate the Commerce Office(s)⁵ conducting the proceeding, in accordance with 19 CFR 351.303(d)(2)(iv). This information can be found in the ACCESS Case list covering the AD/CVD Orders at issue at <https://access.trade.gov/caseinfo.aspx>;⁶

³ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

⁴ A single application may be filed for both the AD and CVD Orders on the same product from the same country (*i.e.*, Companion Orders). The application for a Companion Order must be filed under the AD case number, with the companion CVD case number included in the “CASE” information on the cover page of the application.

⁵ If both AD and CVD Orders exist for a product, the applicant should list both Commerce Offices, as necessary, that are conducting the proceedings.

⁶ The ACCESS Case List is also available on the ACCESS E-File page after login.

- e. on the fifth and subsequent lines, indicate whether any portion of the document contains business proprietary information and, if so, list the page numbers containing business proprietary information; and indicate the business proprietary/public status of the document and whether you agree or object to release of the submitted information under administrative protective order (APO) by stating one of the following:
- “Business Proprietary Document -- May Be Released Under APO,”
 - “Business Proprietary Document -- May Not Be Released Under APO,”
 - “Business Proprietary/APO Version-- May Be Released Under APO,” as applicable,
 - “Public Version,” or
 - “Public Document.”
2. Prepare your response in typed form and in English (*see* 19 CFR 351.303(d) and (e) for these and other formatting requirements). Include an original and translated version of all pertinent portions of non-English language documents that accompany your response.
3. It is the applicant’s responsibility to contact the official in charge if subsequent to the filing there are events that affect the response.
- C. Manual Filing
1. Covid-19 Manual Filing Requirements

At this time, due to Covid-19, alternative arrangements for manual filing must be made. If your submission qualifies for manual filing under an exception listed below, please contact the ACCESS Help Desk at 202-482-3150 or access@trade.gov at least 72 hours before the due date or date of intended filing to make alternative arrangements for your filing.

2. All submissions must be filed electronically. Only under the following four circumstances will Commerce accept a hardcopy response that is manually filed:
- Documents exceeding 500 pages in length may be filed manually (in paper form) in the APO/Dockets Unit. This is referred to as a “bulky document.”
 - Data files greater than 50 MB must be filed manually on CD-ROM or DVD.
 - If the ACCESS system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour between 12:00 p.m. and 4:30 p.m. ET or for any duration of time between 4:31 p.m. and 5:00 p.m. ET, then a person may manually file the document in the APO/Dockets Unit. Commerce will provide notice of such technical failures on the ACCESS Help

Desk line at 202-482-3150 and on the Enforcement and Compliance website, which is <https://www.trade.gov/us-antidumping-and-countervailing-duties>.⁷

- Apart from the above, if you are unable to comply with the electronic filing requirement, as provided in 19 CFR 351.103(c) of Commerce’s regulations, and in accordance with section 782(c) of the Tariff Act of 1930, as amended (the Act), you must promptly notify the official in charge and submit a full written explanation of the reasons you are unable to file the document electronically. You must also suggest alternative forms in which to submit the information. Commerce will consider the ability of a submitter and may modify the electronic filing requirement on a case-by-case basis.
3. All manually filed documents must be accompanied by a cover sheet generated in ACCESS. For manually filed bulky documents, separator sheets must also be generated and used.
 4. If your response qualifies as a bulky document and you opt to file it manually, you must file two identical paper copies of the document. For all other authorized manual submissions, only one paper copy is required.
 5. **See above at Filing Instructions, C.1. - At this time, due to Covid-19, alternative arrangements for manual filing must be made.**

Manual submissions must be addressed and submitted to:

Secretary of Commerce
APO/Dockets Unit, Room 18022
U.S. Department of Commerce
Fourteenth Street and Constitution Avenue, N.W.
Washington, D.C. 20230
Attention: Enforcement and Compliance, AD/CVD Operations, Office (specify Office Number(s))

D. Certifications

1. Submit the required certification of accuracy (included at [Appendix B](#)). Providers of information and the person(s) submitting it, if different (*e.g.*, a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. Commerce cannot accept filings that do not contain the certification statements.
2. Provide the required certificate of service (included at [Appendix B](#)) indicating that all parties on the annual inquiry service list for the order (as well as those parties on the annual inquiry service list for the companion CVD order on the same product from the same country, if applicable) have been served the submission. Note that if you will be

⁷ This guidance pertains to our normal operating procedures, which are not currently applicable due to Covid-19. Applicants should follow the directive in section C.1., above until further notice.

submitting a business proprietary application, that only the public version should be served on the parties on the annual inquiry service list.

3. Signed certifications noted above should be scanned and appended to the appropriate electronic documents filed in ACCESS.

E. Business Proprietary Information and Summarization of Business Proprietary Information

1. Request business proprietary treatment for information submitted that you do not wish to be made publicly available. As a general rule, Commerce places all correspondence and submissions received in the course of scope proceeding in a public reading file. However, information deemed to be proprietary information will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to 19 CFR 351.304, 19 CFR 351.305, and 19 CFR 351.306. You must submit the request for proprietary treatment at the same time as the claimed business proprietary information is submitted to Commerce.
2. Use the “one-day lag rule” under 19 CFR 351.303(c)(2) if you wish an additional day to review the final bracketing of business proprietary information in a document and to prepare the required public version. The filing requirements under the one-day lag rule provide for a party to file only the business proprietary document within the applicable time limit (19 CFR 351.303(c)(2)(i)). By the close of business one business day after the date the business proprietary document is filed, the person must file the complete final business proprietary document (19 CFR 351.303(c)(2)(ii)). The final business proprietary document must be identical to the original document except for any bracketing corrections.
3. By the close of business one business day after the date the business proprietary document is filed (refer to the “one-day lag rule” in the preceding paragraph), submit the public version of your response (19 CFR 351.303(c)(2)(iii)). A public version must contain:
 - a. a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence, and/or
 - b. an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Note: The summarization requirement does not apply solely to the narrative portion of your filing. It applies equally to worksheets and other appendices to your filing. Filings or portions thereof, that are not adequately summarized may be rejected from the record of the proceeding.

4. Submit the statements required regarding limited release of business proprietary information under the provisions of an APO. U.S. law permits limited disclosure to

representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. Information received under an APO cannot be shared with others who are not covered by the APO. Under the provisions governing APO disclosure, you must submit either:

- a. a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
- b. a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. As discussed above, you must state in the upper right-hand corner of the cover letter accompanying your filing whether you agree or object to release of the submitted information under APO (e.g., May Be Released Under APO or May Not Be Released Under APO). See 19 CFR 351.304 for specific instructions.

5. Place brackets (“[]”) around information for which you request business proprietary treatment. Place double brackets (“[[]]”) around information for which you request proprietary treatment and which you do not agree to release under APO.
6. Provide to all parties whose representatives have been granted APO access and who are listed on the Commerce’s most recent APO Service List, a complete copy of the submission--proprietary document and public version, except for that information which you do not agree to release under APO. APO service lists, as well as public service lists, are maintained as record documents in ACCESS. You may search for them by inputting the case number and selecting “APO Service List” or “Public Service List” in the Document Type dropdown menu.
7. If you exclude information because you do not agree to release it under APO, you must submit the complete business proprietary version, wherein information in double brackets has been excluded. This version of the response must be marked “Business Proprietary/APO Version - May Be Released Under APO” on the cover page. For parties that do not have access to information under APO, please provide a public version only.

Note: A chart summarizing AD/CVD document filing requirements can be found at <https://access.trade.gov/Resources/filing/index.html>. Detailed and supplemental information concerning APOs, including the APO Handbook, a complete set of APO regulations, and APO application forms, can be found at https://access.trade.gov/Resources/Administrative_Protective_Order.aspx.

F. Verification

All information submitted may be subject to verification. Failure to allow full and complete verification of any information may affect the consideration accorded to that or any other verified or non-verified item in the responses.

Application Guidance Section I: General Information

The following information will appear in Section I of the Scope Ruling Application:

Section I: General Information

This application requests a scope ruling for *{insert product name}*. This application is submitted in accordance with Commerce’s [Scope Ruling Application Guide](#) and [19 CFR 351.225\(c\)](#). All electronic files have been uploaded in a manner indicating their specific contents. Where possible, exhibits have not been split between electronic files. Where any websites are referenced, screenshots of the websites have been provided as exhibits.

If this application pertains to the scope of companion antidumping and countervailing duty orders of the same product from the same country, it has been filed only on the record of the applicable antidumping proceeding. Where there is a companion countervailing duty order to which this scope inquiry would apply equally, the companion countervailing duty order case number should be identified under “CASE” on the cover page of this application.

This application has been filed in typed form and in English. Where applicable, original and translated versions of all pertinent portions of non-English language documents accompany this application. All sources of information have been identified, and copies of source documents necessary to understand this application have been included.

The following is a table of attachments/exhibits accompanying this application:

Insert table of attachments/exhibits

<i>Attachment/Exhibit 1</i>	<i>Name of Attachment/Exhibit</i>
<i>Attachment/Exhibit 2</i>	<i>Name of Attachment/Exhibit</i>
<i>Attachment/Exhibit n.</i>	<i>Name of Attachment/Exhibit</i>

NOTE: The following examples may be cause for Commerce to reject an application:

- Failure to provide complete responses to each question, including public responses to questions 1a. through 1d.
- Failure to provide relevant supporting documentation in accordance with the format requested (*i.e.*, failure to provide screenshots of referenced websites as exhibits).
- If certain questions are not answered completely, or certain information relevant to the scope application is missing, failure to explain the reasons the party does not have access to the information and has not provided that information in the application, including what steps the party took to obtain the information.

Application Guidance Section II: Product Information

The following information will appear in Section II of the Scope Ruling Application:

Section II: Product Information⁸

To the extent reasonably available, we are providing the following requested information and relevant supporting documentation. We have responded to each question in its entirety, or, alternatively, we have explained the reasons we do not have access to the information, including what steps we took to obtain the information, in Appendix A.

Responses to questions 1a. through 1d. are intended to be published in Commerce’s monthly Federal Register notice of filed scope applications.⁹ Therefore, the description must contain a sufficient public summary to enable the public to understand the product at issue.

1. A **public** narrative describing the product and the information about the product listed below:
 - a. A description of the physical characteristics (including chemical, dimensional, and technical characteristics) of the product. *See* 19 CFR 351.225(c)(2)(i)(A) and (c)(2)(ii).

Insert public narrative description of physical characteristics. For reference, a list of examples covering questions 1a. – 1d. is provided below.

- b. The country(ies) where the product is produced, the country from where the product is exported, and if imported, the declared country of origin. *See* 19 CFR 351.225(c)(2)(i)(B) and (c)(2)(ii).

Identify the names of the applicable countries.

- c. The product’s tariff classification under the Harmonized Tariff Schedule of the United States (HTSUS) if already imported or otherwise known. *See* 19 CFR 351.225(c)(2)(i)(C) and (c)(2)(ii).

Insert HTSUS classification if already imported or otherwise known.

- d. The uses of the product. *See* 19 CFR 351.225(c)(2)(i)(D) and (c)(2)(ii).

Insert public narrative description of product uses.

For reference, here are examples of responses which were historically considered acceptable under questions 1a. – 1d.

⁸ The regulations pertaining to filing a scope ruling application may be found at <https://www.federalregister.gov/documents/2021/09/20/2021-17861/regulations-to-improve-administration-and-enforcement-of-antidumping-and-countervailing-duty-laws>.

⁹ *See, e.g., Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings*, 87 FR 2594 (January 18, 2022).

A passenger vehicle wheel described as:

“within rim sizes ranging from 16x6 in. to 16x7 in., with bolt patterns of 8x6.5 in. and 8x170 mm, with center holes (i.e., hub bore sizes) ranging from 4.57 to 4.93 inches, with load capacity ranging from 2500 to 3750, for use in passenger vehicle wheels, classified under HTSUS 8708.70.45.60. The products will be produced in, and exported from, China, with China as the declared country of origin.”

A wood product described as:

“composite jambs are predominantly made of composite materials. They are used as part of an interior door frame. The core of the composite jambs is made of 10 mm thick of OSB and is laminated with pine veneer on the face and back. The door stop is made from 9 mm thick layer of MDF. The flat jamb measures approximately 16.67 mm thick, 115.89 mm wide and 2039.938 mm long and the super and stapled jamb measures approximately 16.67 mm thick, 115.89 mm wide and 2039.938 mm long. The composite jambs are dadoed on one side and the other side has a flat smooth surface. They are not finger-jointed and/nor edge-glued.

The composite jambs and door stop are produced in China, have country of origin of China and are to be imported from China to the United States. The HTSUS classification for the composite jambs is HTSUS subheading 4418.99.9590.”

2. Additional information (including **business proprietary information**) relevant to the scope application. *See* 19 CFR 351.225(c)(i).
 - a. Information not provided above with respect to the physical characteristics (including chemical, dimensional, and technical characteristics) and uses of the product, including proprietary information and other detailed data relevant to the product. *See* 19 CFR 351.225(c)(2)(i)(A) and (D).

Insert further detailed descriptions and information pertaining to the product’s physical characteristics and uses.

- b. Attach copies of any Customs rulings relevant to the tariff classification as exhibits to this application. *See* 19 CFR 351.225(c)(2)(i)(C).

Identify exhibit numbers for attached Customs Rulings.

- c. Provide clear and legible photographs, schematic drawings, specifications, standards, marketing materials, and other exemplars providing a visual depiction of the product, provided as attachments with accompanying descriptions of the attachments. *See* 19 CFR 351.225(c)(2)(i)(E). If certain documents are unavailable, please provide a complete description of those documents and the efforts taken to acquire those documents in Appendix A below.

Insert narrative descriptions of the attachments and identify exhibit numbers for attachments.

- d. A description of parts, materials, and the production process employed in the production of the product. *See* 19 CFR 351.225(c)(2)(i)(F).

Insert narrative description of parts, materials, and production process.

3. The name and address of the producer, exporter, third-country exporter, and importer of the product. *See* 19 CFR 351.225(c)(2)(iii).

Insert name and address of the producer, exporter, third-country exporter, and importer.

4. A narrative history of the production of the product at issue, including a history of earlier versions of the product if this is not the first model of the product. *See* 19 CFR 351.225(c)(2)(iv).

Insert narrative history.

5. The volume of annual production of the product for the most recently completed fiscal year. *See* 19 CFR 351.225(c)(2)(v).

Insert annual production volume and specify units of measurement.

6. A description of how the product is advertised, displayed, and packaged for sale.

Insert narrative description and references to relevant exhibits that are attached to the application.

7. Pursuant to 19 CFR 351.225(c)(2)(viii), a statement as to whether the product is covered by the scope of the order:

- a. Referencing 19 CFR 351.225(j) and 19 CFR 351.225(k), this product **is/is not** covered by the scope of the order because . . .

Insert statement with specific reference to 19 CFR 351.225(j) and 19 CFR 351.225(k), as appropriate, as to whether the applicant believes the products are covered by the order. 19 CFR 351.225(j) concerns the product's country of origin. In determining the country of origin, Commerce considers relevant factors that arise on a case-by-case basis. Those factors are listed in Section III of this scope ruling application, and an applicant must provide that information, along with its position on the country of origin of the product.

19 CFR 351.225(k)(1)(i) lists primary interpretive sources that Commerce may take into account in interpreting the language of the scope and if a product is covered by an Order, such as:

- A. The descriptions of the merchandise contained in the petition pertaining to the order at issue;
- B. The descriptions of the merchandise contained in the initial investigation pertaining to the order at issue;
- C. Previous or concurrent determinations of the Secretary, including, but not limited to, prior scope rulings, memoranda or clarifications pertaining to both the order at issue, as well as other orders with same or similar language as that of the order at issue; and
- D. Determinations of the U.S. International Trade Commission (Commission) pertaining to the order at issue, including reports issued pursuant the Commission's initial investigation.

19 CFR 351.225(k)(1)(ii) lists secondary interpretive sources that Commerce may also consider, such as any other determinations of the Secretary or the Commission not identified above, Customs rulings or determinations, industry usage, dictionaries, and any other relevant record evidence. However, in the event of a conflict between these secondary interpretive sources and the primary interpretive sources under paragraph (k)(1)(i), the primary interpretive sources will normally govern in determining whether a product is covered by the scope of the order at issue.

If Commerce determines that the sources under 19 CFR 351.225(k)(1) are not dispositive, Commerce will then further consider the following factors under 19 CFR 351.225(k)(2)(i):

- A. The physical characteristics (including chemical, dimensional, and technical characteristics) of the product;
- B. The expectations of the ultimate users;
- C. The ultimate use of the product;
- D. The channels of trade in which the product is sold; and
- E. The manner in which the product is advertised and displayed.

If the applicant's merchandise contains or consists of two or more components and the product at issue in the scope inquiry is a component of that merchandise as a whole, Commerce may conduct additional analysis. Please see 19

CFR 351.225(k)(3) for additional factors that your response to question 7a of this section should address.

- b. The following legal authorities support the above statement:

Insert citations to any applicable legal authority.

8. Factual information, including full copies of relevant prior determinations by Commerce (including scope rulings) and the Commission, Customs rulings or determinations, industry usage, dictionaries, and any other relevant record evidence along with a narrative explanation regarding how each document supports the above position are provided as attachments with accompanying descriptions of the attachments. *See* 19 CFR 351.225(c)(2)(ix).

Insert narrative descriptions of and references to the relevant attachment.

Application Guidance Section III: Country of Origin Information

The following information will appear in Section III of the Scope Ruling Application:

Section III: Country of Origin Information

NOTE: If you believe that the country of origin differs from that declared upon entry to Customs, please provide information in response to the following questions, as well as relevant supporting documentation. ***If you believe that the country of origin declared upon entry to Customs is correct, skip this section and go to Section IV.***

Pursuant to 19 CFR 351.225(c)(2)(viii), to the extent reasonably available, this scope ruling application includes the following information as to the product's country of origin.

1. Whether the processed downstream product is a different class or kind of merchandise than the upstream product.

Insert narrative statement as to whether the product subject to the scope ruling request is a different class or kind of merchandise than the upstream product. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

2. The physical characteristics (including chemical, dimensional, and technical characteristics) of the product.

Insert narrative statement as to how the physical characteristics of the product subject to the scope ruling request impact the product's country of origin. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

3. The intended end-use of the downstream product.

Insert narrative statement as to how the intended end-use of the product subject to the scope ruling request impacts the product's country of origin. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

4. The cost of production/value added of further processing in the third country or countries.

Insert narrative statement as to how the cost of production/value added of further processing in a third country(ies) of the product subject to the scope ruling request impacts the product's country of origin. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

5. The nature and sophistication of processing in the third country or countries.

Insert narrative statement as to how the nature and sophistication of processing in the third country(ies) of the product subject to the scope ruling request impacts the product's country of origin. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

6. The level of investment in the third country or countries.

Insert narrative statement as to how the level of investment in the third country(ies) of the product subject to the scope ruling request impacts the product's country of origin. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

7. A description, accompanied by supporting documentation, of where the essential component of the product is produced or the country or countries where the essential characteristics of the product are imparted under certain scenarios, in accordance with 19 CFR 351.225(j)(2).

Insert narrative description that includes an explanation as to the reason a component or characteristic is "essential" to the product. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

8. An explanation of whether the product undergoes any additional processing in the United States after importation, or in a third country before importation.

Insert explanation concerning further processing. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

9. An explanation of the relevance of additional processing to the scope of the order.

Insert explanation concerning the relevance of further processing vis-à-vis the scope of the order. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

10. An explanation as to whether the product is a standalone product that is able to operate without another component.

Insert explanation as to whether the product is a standalone product or a component of another product. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

11. As applicable, if the product is a component or part of another component or product, a detailed identification and description of the other components, the country of origin of those components (if known), the finished product, and the country in which the finished product was completed.

As applicable, insert explanation as requested above. As available, submit supporting documentation accompanied by narrative descriptions of and references to the relevant attachments.

12. A statement as to whether the applicant has any knowledge that the product was sold to the United States through a third country.

Insert a statement as to whether the product was resold to the United States through a third country.

Application Guidance Section IV: Product Importation

The following information will appear in Section IV of the Scope Ruling Application:

Section IV: Product Importation

To the extent reasonably available, we declare the following concerning the product's importation:

1. This product **has/has not** been imported into the United States Customs Territory by the date of the filing of this application. *See* 19 CFR 351.225(c)(2)(vi).

Insert statement as to whether the product subject to the scope ruling has been imported into the United States Customs Territory by the date of the filing of this application.

2. If the product has been imported into the United States Customs Territory:

- a. Indicate if one or more entries of the product **have/have not** been declared by an importer or determined by U.S. Customs and Border Protection (CBP) as subject to an order. *See* 19 CFR 351.225(c)(2)(vi)(A).

Insert statement as to whether the product subject to the scope ruling has been declared by an importer or determined by CBP as subject to an antidumping duty or countervailing duty order.

- b. Provide the following documentation, including dated copies of the CBP entry summary forms (or electronic entry processing system documentation) identifying the product upon importation and other related commercial documents, such as bills of lading, packing lists, commercial invoices, receipts of payment, and contracts, which reflect the details surrounding the sale and purchase of that imported product and support the above statements concerning importation. *See* 19 CFR 351.225(c)(2)(vi)(B). If certain documents are unavailable, please provide a complete description of those documents and the efforts taken to acquire those documents in Appendix A below.

Insert narrative descriptions of and references to the relevant documentation. All the documents must pertain to the same sale. If the product has not yet been imported into the United States Customs Territory, state "Not Applicable" in response to this item.

- c. The following narrative explains how the documents submitted in response to item 2b. relate to one another and what the specific links are among the documents.

Insert narrative explanation concerning the relation of each document submitted in response to item 2b above. If volumes or values do not exactly match from one document to the next, the applicant must provide in this narrative a clear explanation of any apparent discrepancies among the documents. The applicant must also provide and explain additional documentation necessary to corroborate its explanation in this

regard. For example, if the invoice and payment amount do not match, the applicant must explain the difference and provide documentary support for this explanation.

Application Guidance Section V: Interested Party Status

The following information will appear in Section V of the Scope Ruling Application:

Section V: Interested Party Status

The following information is being provided to demonstrate the applicant’s interested party status.

1. The scope ruling applicant’s full and exact name and contact information (including address, telephone, fax, and e-mail address).

Insert full name and contact information requested above

2. Any other names, such as trade names or “doing-business-as” (“d.b.a.”) names, as a legal matter in the home market, in third countries, or in the United States.

Complete the chart below in full, with all trade names and/or d.b.a. names, when and under what circumstances they are used, and confirm whether the business license/registration documents include each of these or other alternative names. Add rows to the chart, as necessary. If not applicable, so state.

	Identified on the Business License (Y/N)	Capacity in which the trade name/DBA used
Trade Name/DBA		(e.g., producer, exporter, importer)
Trade Name/DBA		(e.g., producer, exporter, importer)
Trade Name/DBA		(e.g., producer, exporter, importer)

3. An explanation of any trade name that is not listed on the company’s business license/registration documents and supporting evidence as to how the company is permitted to use that trade name.

Insert explanation as requested above. Supporting documents should be referenced in the explanation.

4. The applicant certifies the accuracy of and can document the following statements:
 - The applicant is the producer of the product in the country of the order;
 - The applicant is the exporter of the product from the country of the order;
 - The applicant is the exporter of the product from a third country;
 - The applicant is the United States importer of the product;

- The applicant is a United States producer of the domestic like product;
- The applicant is a third-country processor of the product;
- The applicant's relationship to the product is other (provide a full explanation).

List any above statements concerning the applicant's relationship to the product's production, exportation, importation, or processing, as requested above. As necessary, supporting documents that illustrate or further explain the applicant's relationship to the product should be attached.

Application Guidance APPENDIX A

Appendix A must be completed by all firms who provided some supporting documentation, but were unable to provide all documentation requested in this application in a complete, legible, and unaltered format.

If this section applies, identify the document or documents which you were unable to provide. Examples of potential documentation are listed below. Please note that this list is illustrative and may not include every document relevant to your application:

- Photographs
- Schematic Drawings
- Specifications
- Product Standards
- Marketing Materials
- Other exemplars providing a visual depiction of the product
- Copies of the Customs Service entry summary forms (or electronic processing system documentation)
- Invoices
- Contracts
- Other related commercial documents
- Other non-commercial documents not specifically referenced above

In addition to identifying the missing or incomplete supporting documentation, please provide a detailed explanation for the reasons that you were unable to provide the missing documentation and a description of the efforts taken to acquire that data for purposes of this application.

Insert description of missing complete, legible, or unaltered documents, reasoning for its absence and narrative description of efforts taken to acquire it.

Notwithstanding, Commerce may reject an application if Commerce determines the missing information is necessary to conduct a scope ruling or that the explanation for the information's absence is insufficient.

Application Guidance APPENDIX B

The following information will appear in Appendix B of the Scope Ruling Application:

CERTIFICATIONS OF FACTUAL ACCURACY AND CERTIFICATE OF SERVICE

CERTIFICATIONS OF FACTUAL ACCURACY

For scope ruling applications, in accordance with 19 CFR 351.303(g):

(g) *Certifications.* Each submission containing factual information must include the following certification from the person identified in paragraph (g)(1) of this section and, in addition, if the person has legal counsel or another representative, the certification in paragraph (g)(2) of this section. The certifying party must maintain the original signed certification for a period of five years from the date of filing the submission to which the certification pertains. The original signed certification must be available for inspection by U.S. Department of Commerce officials. Copies of the certifications must be included in the submission filed at the Department.

(1) For the **person(s)** officially responsible for presentation of the factual information, a company must provide the following certification for scope ruling applications:

COMPANY CERTIFICATION:*

I, **(PRINTED NAME AND TITLE)**, currently employed by **(COMPANY NAME)**, certify that I prepared or otherwise supervised the preparation of the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE)** pursuant to the **(SCOPE RULING) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}**. I certify that the public information and any business proprietary information of **(CERTIFIER'S COMPANY NAME)** contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: _____

Date: _____

* For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

(2) For the **legal counsel or other representative**:

REPRESENTATIVE CERTIFICATION:***

I, **(PRINTED NAME)**, with **(LAW FIRM or OTHER FIRM)**, **(INSERT ONE OF THE FOLLOWING OPTIONS IN {} : {COUNSEL TO} or {REPRESENTATIVE OF})** **(COMPANY NAME, OR GOVERNMENT OF COUNTRY, OR NAME OF ANOTHER PARTY)**, certify that I have read the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE)** due on **(DATE)** OR filed on **(DATE)** pursuant to the **(SCOPE RULING) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}**. In my capacity as **(INSERT ONE OF THE FOLLOWING OPTIONS IN {} : {COUNSEL} or {ADVISER, PREPARER, OR REVIEWER})** of this submission, I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: _____

Date: _____

*** For multiple representative certifications, all representatives and their firms should be listed in the first sentence of the certification and all representatives should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the foregoing submission
(name of certifying official)

on behalf of _____, dated _____,
(company name)

was served by first class mail or by hand delivery (indicate the method used) on the following parties:

On Behalf of
Name and address

(Signature of Certifying Official)

Application Guidance APPENDIX C

The following information will appear in the Scope Ruling Application:

COVER SHEET

{Insert Case Number (A/C-XXX-XXX)}
Total Number of Pages: {Insert Total Number of Pages}
**Enforcement & Compliance
Scope Inquiry
AD/CVD Operations, Office** {Insert Office Numbers}
{Indicate Business Proprietary, Public Version, or Public Document}

SCOPE RULING APPLICATION

APPLICANT(S): {insert name of applicant}

REPRESENTATION: {insert name of counsel and law firm and contact info}

CASE: {insert name of antidumping and/or countervailing duty order, country(ies) and case number(s), including companion countervailing duty case number where applicable}

PRODUCT FOR WHICH SCOPE RULING IS REQUESTED: {insert the name of the product for which the applicant is requesting a scope ruling}

DATE OF SUBMISSION: {insert date of application filing}

Application Guidance APPENDIX D

GLOSSARY OF TERMS

This glossary is intended to provide parties with a basic understanding of some technical terms that may appear during the course of the proceeding. These explanations are not regulations or rules with the force of law. As difficult or detailed questions arise, parties should seek clarification from the statute, regulations, and Commerce, rather than attempting to derive precise guidance from these general explanations.

Administrative Protective Order

An administrative protective order (APO) is the legal mechanism that controls the limited disclosure of business proprietary information to representatives of interested parties. Commerce authorizes the release of proprietary information under administrative protective order only when the representatives file a request in which they agree to the following four conditions: (a) to use the information only in the proceeding, (b) to secure the information and protect it from disclosure to any person not subject to an administrative protective order, (c) to report any violation of the terms of the protective order, and (d) to acknowledge that they may be subject to sanctions if they violate the terms of the order. (Section 777(c) of the Tariff Act of 1930, as amended (the Act)).

Antidumping Law and Regulations

The United States antidumping laws are set forth in Title VII of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673 *et seq.*). Commerce's regulations governing antidumping proceedings are set forth at 19 CFR Part 351, published in the *Federal Register* on May 19, 1997 (62 FR 27379-27424). For procedures governing Administrative Protective Orders and the treatment of proprietary information, please *see* 19 CFR Parts 351 and 354, published in the *Federal Register* on May 4, 1998 (63 FR 24391). For information pertaining to Commerce's modifications to the regulations concerning scope matters in AD and CVD proceedings, as well as modifications to the regulations regarding service lists, entries of appearance, and importer filing requirements for access to business proprietary information in AD and CVD proceedings, *see* 19 CFR 351.103, 19 CFR 351.225, and 19 CFR 351.305, published in the *Federal Register* on September 20, 2021 (86 FR 52300).

Business Proprietary Information

Business proprietary information (BPI) is sensitive business data that would cause substantial harm to the submitting party if disclosed publicly. Examples of information that Commerce normally treats as business proprietary, if requested and not already in the public domain, include trade secrets concerning the production process, production and distribution costs, terms of sale, individual prices, and the names of customers and suppliers.

Companion Order

If antidumping and countervailing duty orders cover the same merchandise from the same country of origin, the antidumping and countervailing duty orders are companions of each other (*i.e.*, they are companion orders).

Exporter

As a general matter, an exporter arranges for the sending or carrying abroad of merchandise. Most commonly, the exporter of merchandise takes possession of the merchandise and actively participates in the transport of merchandise to an importer. Should an intermediate party, who is not a reseller, be involved in export transactions, Commerce will focus primarily on the actual involvement of the intermediate party in the sale and transportation of the merchandise to determine which party is the “exporter” for AD/CVD purposes.

Foreign Like Product

The term foreign like product refers to merchandise that is sold in the foreign market and that is identical or similar to the subject merchandise. *See* Section 771(16) of the Act.

Interested Party

The term “interested party” is defined in section 771(9) of the Act, and pertains, for example, to “foreign manufacturers,” “producers,” “exporters,” or “United States importers” “of subject merchandise.” However, the nature of a scope ruling is to determine whether the merchandise produced, imported by, or exported by a party is subject to an AD or CVD order. Thus, in many cases, the question of whether a party is an “interested party” depends in part on whether the merchandise at issue is subject merchandise. Accordingly, for purposes of the scope regulations, the term “interested party” includes a party that would meet the definition of “interested party” under section 771(9) of the Act, if the merchandise at issue in the scope inquiry is in fact in-scope.

Proprietary Treatment

If a party requests business proprietary treatment of information claimed to be business proprietary information, and if Commerce agrees that the information is proprietary, Commerce will protect the information from public disclosure. If Commerce does not agree that the information is proprietary, it will return the information and not rely on it in the proceeding, unless the submitting party agrees that it may be made public. When requested, Commerce will disclose business proprietary information only to United States International Trade Commission and United States Customs Service officials and, under limited administrative protective orders, to the representatives of interested parties. *See* Section 777(b) of the Act. *See also* **Administrative Protective Order**.

Subject Merchandise

The term “subject merchandise” means the class or kind of merchandise that is within the scope of an investigation, a review, a suspension agreement, or an order. *See* Section 771(25) of the Act.

Verification

To establish the adequacy and accuracy of information submitted in proceedings, Commerce examines the records of the party that provided the information and interviews company personnel who prepared the filings and are familiar with the sources of the information in the response. This process is called verification. Commerce may verify information relied upon in making a final determination. *See* Section 782(i) of the Act; 19 CFR 351.307.