

**Guide on How to File for  
an Antidumping/Countervailing Duty  
Scope Ruling Request**

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## **I. Who is Eligible to Request a Scope Ruling?**

### **A. Interested Party**

1. An interested party may apply for a ruling as to whether a particular product is within the scope of an antidumping/countervailing duties (AD/CVD) order. See [19 CFR 351.225\(c\)\(1\)](#).
2. Section 771(9) of the Tariff Act of 1930 (as amended) (the Act) ([19 U.S.C. 1677\(9\)](#)) defines who qualifies as an “interested party,” including:
  - a foreign manufacturer, producer, or exporter, or the United States importer, of subject merchandise or a trade or business association a majority of the members of which are producers, exporters, or importers of such merchandise;
  - the government of a country in which such merchandise is produced or manufactured or from which such merchandise is exported;
  - a manufacturer, producer, or wholesaler in the United States of a domestic like product;
  - a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product;
  - a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States; and
  - an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E) of the Act with respect to a domestic like product.

## **II. Preparing a Scope Ruling Request**

### **A. A Scope Ruling Request Must Contain the Following Information:**

- a statement of interested party status (*i.e.*, identify under which interested party category (see [Section I](#)) you qualify to submit a scope ruling request);
- a detailed description of the product, including its technical characteristics and uses. Please include a photo of the product, copies of product brochures, technical specifications or any such documents that would be helpful to the process of making the ruling;
- identification of the current U.S. harmonized tariff schedule classification number for the product subject to the inquiry; and
- a statement of the interested party’s position as to whether the product is within the scope of the order (including the reasons for your position and any factual information supporting your position). See [19 CFR 351.225\(c\)](#) for a full discussion.

### **B. A Scope Ruling Request Must Be Served On Interested Parties On the Comprehensive Scope Service List.**

- At the same time that it submits a scope ruling request, an interested party must also serve a copy of the request upon all parties on the

Comprehensive Scope Service List. See [19 CFR 351.225\(c\)](#) and [19 CFR 351.303\(f\)\(1\)](#).

- All service lists for the Department’s AD/CVD proceedings can be found at <http://enforcement.trade.gov/apo/apo-svc-lists.html>. First locate the product for which you plan to file your scope ruling request, and locate the “Comprehensive Service List for Scope Inquiries” for the product.
- Service of the scope ruling request can be made by first class mail, hand delivery or, with the consent of the recipient, by electronic mail.
- If your scope ruling request contains business proprietary information (BPI), (see [Sections IV, V and VI](#)) you will need to prepare a public version of your scope ruling request.
- **Only serve your public version scope ruling request on the Comprehensive Scope Service List.** You will be required to serve the BPI scope ruling request on authorized representatives at a later time. See [Section V](#).
- Note that your initial scope ruling request and any supplements thereto must be served on the Comprehensive Service List. After your scope ruling request is submitted, the Department will create a shorter public service list (and if applicable APO service list) for the scope ruling segment pertaining to the product on which you have requested a ruling, based on an indication from parties on the original service list that they want to be on the service list for this scope segment of the proceeding. This shorter list should be used for all other submissions regarding this scope segment.

C. A Scope Ruling Request Must Be Accompanied By the Following Required Certifications (See [Appendix 1](#)):

1. Company Certification of Accuracy
  - Department regulations require the party officially responsible for presentation of the factual information to certify the accuracy of the information that he/she submits to the Department. Please make sure that you complete the certification and include it with your scope ruling request.
2. Representative Certification of Accuracy
  - Department regulations require the legal representative filing the submission to certify the accuracy of the information that he/she submits to the Department. Please make sure that you complete the certification and include it with your scope ruling request.
3. Certificate of Service
  - Department regulations require you to include a certificate of service stating that a copy of your submission has been sent to all interested parties participating in the scope ruling segment. The certificate of service should specify the method of delivery and date, and must include the names and addresses of parties on the comprehensive scope service list for the product at issue.

Note that the Department **cannot consider your submission complete without these certifications and certificate of service.**

Once you have prepared your scope ruling request, it must be submitted electronically via ACCESS (See [Section III](#)).

For AD/CVD Document Filing, Format, Translation, Service, and Certification of Document Requirements, see [19 CFR 351.303](#), see also AD/CVD Document Filing Requirements, at <http://enforcement.trade.gov/filing/index.html>.

### **III. How to E-file a Scope Ruling Request With the Department Through ACCESS**

- A. Register for ACCESS
- The Department’s electronic filing system, called the Antidumping and Countervailing Duty Centralized Electronic Service System, or ACCESS, is found at the website: <https://access.trade.gov>.
  - In the left navigator, click on “E-Filer Registration”.
  - Read the Terms of Use Agreement and click “Accept” at the bottom of the page.
  - Enter all requested information on the next screen. Click “Submit”.
  - A confirmation page will appear. You will receive a confirmation email once your registration has been reviewed and approved.
  - Once you receive confirmation of your registration, you will have to log-in to ACCESS to begin the electronic filing process.
- B. Electronically File the Scope Ruling Request with the Department Through ACCESS
- Go to the ACCESS website at <https://access.trade.gov>.
  - Type in your registered Username, Password, and the Security Code shown. Click on the box to accept the Terms and Conditions. Click “Login”.
  - Once you are logged in, click on “E-File Document”; the ACCESS Document Information webpage will appear.
  - Fill in the ACCESS Document Information fields in the form. For “Segment” from the drop-down box, select “SCO-Scope Inquiry”. For “Segment Specific Information” select “Request New Segment”.
  - Click the “browse” button to select the document(s)/file(s) to be uploaded. Note that .doc or .docx files must be converted to .pdf files or they will not be accepted by the system.
  - Once you have entered all of the requested information, click “submit.”
  - After you click the “Submit” button, an interim confirmation window will appear. You must click on the “OK” button in this window to complete your submission.
  - After you click the “OK” button, the ACCESS E-File Confirmation page will appear. Print this page or note the barcode number for future reference
- C. File Your Entry of Appearance

- In addition to filing your scope ruling request, you should also file a separate entry of appearance using ACCESS.
- The entry of appearance must explain how a party qualifies as an interested party (*e.g.*, it is an importer, exporter, or producer of the subject merchandise) and it must also include the contact information for the point of contact for the party.
- Note that certifications of accuracy are not required for an entry of appearance. As discussed in [Section II.B](#), you need only serve an entry of appearance on the shorter public service list for the scope ruling segment. If the Department has not yet set up the shorter public service list for the scope ruling segment at the time you file your entry of appearance, then you need not include a certificate of service.
- Once you have filed your entry of appearance, the Department will add you to the shorter public service list for the scope ruling segment. You will begin receiving service copies of documents filed by other interested parties as well as email notifications from the Department notifying you of Department-generated public documents and public versions submitted to the record of the scope segment.

#### IV. **Categories of Information**

All documents filed in the administrative proceeding are placed on the official record. For establishing which information may be protected from disclosure, and which should be part of the public record, see [19 CFR 351.105](#) sets forth the categories of information in an AD/CVD proceeding: public, business proprietary, privileged, and classified.

##### A. Public Information

- The Department treats all information submitted by parties in an AD/CVD proceeding as public information unless it is accompanied by a request for business proprietary treatment. The types of information which are normally regarded as public information are set forth in paragraph (b) of [19 CFR 351.105](#). This paragraph describes public information as:
  1. Factual information of a type that has been published or otherwise made available to the public by the person submitting it such as in advertisements, product brochures, or marketing displays.
  2. Factual information that is not designated as business proprietary by the person submitting it.
  3. Factual information which, although designated as business proprietary by the person submitting it, is in a form which cannot be associated with or otherwise used to identify activities of a particular person, or which the Secretary determines is not properly designated as business proprietary.
  4. Publicly available laws, regulations, decrees, orders, and other official documents of a country, including English translations.
  5. Written argument relating to the proceeding that is not designated as business proprietary.

As articulated above, the Department’s general approach is that all information submitted should be considered public information, unless and until the submitting party affirmatively demonstrates that specific information or data requires treatment as “business proprietary” and thus should not be disclosed to the public.

B. Business Proprietary Information (BPI)

- Only that information which can be designated as “business proprietary” (equivalent to “business confidential”) may be treated as BPI. The description of what may be classified as BPI is addressed in [19 CFR 351.105\(c\)](#). The regulation states that the following factual information will generally be regarded as BPI, if it is so designated by the submitter.
  1. Business or trade secrets concerning the nature of a product or production process.
  2. Production costs (*but not the identity of the production components unless a particular component is a trade secret*).
  3. Distribution costs (*but not channels of distribution*).
  4. Terms of sale (*but not terms of sale offered to the public*).
  5. Prices of individual sales, likely sales, or other offers (*but not components of prices, such as transportation, if based on published schedules, dates of sale, product descriptions (other than business or trade secrets described in paragraph (c)(1) of this section), or order numbers*).
  6. Names of particular customers, distributors, or suppliers (*but not destination of sale or designation of type of customer, distributor, or supplier, unless the destination or designation would reveal the name*).
  7. In an AD proceeding, the exact amount of the dumping margin on individual sales.
  8. In a CVD proceeding, the exact amount of the benefit applied for or received by a person from each of the programs under investigation or review (*but not descriptions of the operation of the programs, or the amount if included in official public statements or documents or publications, or the ad valorem countervailable subsidy rate calculated for each person under a program*).
  9. The names of particular persons from whom BPI was obtained.
  10. The position of a domestic producer or workers regarding a petition.
  11. Any other specific business information the release of which to the public would cause substantial harm to the competitive position of the submitter.When a party claims proprietary treatment for information submitted in a proceeding, it must include a statement explaining why that specific piece of information requires that treatment. Typically, the statement will cite the appropriate subsection of the regulation listed above as part of the explanation.

V. **Participation in a Scope Proceeding/Obtaining Access Under an Administrative Protective Order (APO)**

A. Access to Public Information

- After filing an entry of appearance (see [Section III](#)), the Department will place a party on the public service list of the scope segment. That party will receive all public documents and public versions filed by other parties participating in the scope segment. It will also receive email notifications of public versions and public documents issued by the Department in the scope segment.

B. Access to BPI

- Only a representative of a party to the proceeding may apply for access to BPI under APO and, once approved, receive notice and access to BPI submitted in the proceeding.
- The representative of a party to the proceeding may apply for APO access by filling out and submitting an APO application, available at <http://enforcement.trade.gov/apo/new/367-208-apo-app.pdf>. Note that an APO application is needed to view other parties' BPI. A representative does not need to file an APO application to view its own client's BPI.
- When the Department approves a representative's APO application, it will add the name, firm and contact information of that representative to the APO service list for the scope segment in which the scope ruling request was filed. All parties on the public service list will be notified of any additions or changes to the APO service list. As mentioned above, the APO service list can be found at <http://enforcement.trade.gov/apo/apo-svc-lists.html>.
- If you submitted a scope ruling request containing business proprietary information, you must serve a copy of that BPI on parties on the APO service list after the parties are added to the APO service list. Note that the APO service list is usually generated after you filed the initial scope ruling request.
- If you wish to serve the BPI scope ruling request on APO-authorized parties, you must (1) ensure that the BPI is only yours/your client's and (2) obtain the consent of the person being served. Some representatives will not consent to service of another party's BPI by email.

**VI. Identifying and Disclosing Business Proprietary Information (BPI)**

If a party wishes to submit BPI that may be released under APO, it must submit a BPI document and a public version of the document with the BPI redacted.

A. Preparation and Filing of a BPI document

- A party must identify the information for which it claims business proprietary treatment by:
  - enclosing the BPI within single square brackets [ ];
  - submitting an explanation of why each item of bracketed information is entitled to business proprietary treatment;
  - including a request for business proprietary treatment;
  - including an agreement to permit disclosure under an APO (unless the submitting party claims that there is a clear and compelling need to withhold the information from disclosure under an APO); and
  - selecting the security classification "Business Proprietary Document—May Be Released Under APO" in ACCESS at the time of e-filing.

B. Preparation and Filing a Public Version of a BPI Document

- A party filing a submission that contains information for which business proprietary treatment is claimed must file an identical public version of the submission redacting the information from the square brackets. The public version must:
  - summarize the bracketed information in sufficient detail to permit a reasonable understanding of the substance of the information; or
  - if summarization is not possible, give a full explanation of the reasons supporting that claim.
  - The party must select the security classification “Public Version” in ACCESS at the time of e-filing and also enter the barcode of the corresponding BPI document.

**VII. Summary of the Department of Commerce Regulations Relevant To Filing A Scope Ruling Request**

- [19 CFR 351.303](#) requires that you submit all documents to the Enforcement and Compliance’s APO/Dockets Unit.
- Please note the number of copies required under [351.303\(c\)](#) and the required format of submissions under [351.303\(d\)\(2\)](#).
- [19 CFR 351.304](#) describes the procedures for identifying and disclosing BPI.
- [19 CFR 351.225\(n\)](#) requires service upon all parties listed in the relevant scope service list.
- [19 CFR 351.303\(f\)](#) requires a certificate of service upon those parties.
- [19 CFR 351.303\(g\)](#) requires certification of factual information for each submission. Effective March 14, 2011, this certification must reflect the amended language as published in the Federal Register. See Certification of Factual Information to Enforcement and Compliance During Antidumping and Countervailing Duty Proceedings: Interim Final Rule, [76 Fed.Reg. 7491, 7499](#) (Feb.10, 2011) (refer to <http://enforcement.trade.gov/frn/index.html>).

**VIII. Contact Information**

If there are any questions, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, at (202) 482-0984.



## Appendix 1

### Certifications of Accuracy and Service

1. Certifications of Accuracy and Service for the Person(s) Officially Responsible for Presentation of the Factual Information.

A. 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 AND DATE)           filed on           (DATE)           pursuant to           SCOPE RULING OF AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)          . I certify that the information 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 Department may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

B. Certification of Legal Counsel or Other Representative\*\*\*

I,           (PRINTED NAME)          , with           (LAW FIRM or OTHER FIRM)          , counsel or representative to           (COMPANY OR GOVERNMENT OR PARTY)          , certify that I have read the attached submission of           (IDENTIFY THE SPECIFIC SUBMISSION BY TITLE AND DATE)           filed on           (DATE)           pursuant to the           SCOPE RULING OF AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)          . In my capacity as an adviser, counsel, 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 Department may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

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.”

C. Certificate of Service

I, **(PRINTED NAME)**, certify that on **(DATE)** I served the attached submission on the following individuals via **(SPECIFY METHOD OF DELIVERY)**.

**(List Names and Addresses)**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

The relevant service lists can be found on the website  
<http://enforcement.trade.gov/apo/apo-svc-lists.html>.