



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-028]

### **Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China: Preliminary Affirmative Determination of Circumvention with Respect to R-410B from the Republic of Turkey**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce preliminarily determines that imports of R-410B from the Republic of Turkey (Turkey), which are completed in Turkey using components originating in the People's Republic of China (China), and further processed in the United States, as specified below, are circumventing the antidumping duty (AD) order on hydrofluorocarbon (HFC) blends from China.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Melissa Porpotage, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1413.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On August 19, 2016, Commerce published the *Order* in the *Federal Register*.<sup>1</sup> On July 7, 2023, Commerce initiated a country-wide circumvention inquiry to determine whether imports of R-410B from Turkey, completed in Turkey using HFC components R-32 (difluoromethane)

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<sup>1</sup> See *Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order*, 81 FR 55436 (August 19, 2016) (*Order*).

and R-125 (pentafluoroethane) (collectively, China-origin components) manufactured in China, and further processed in the United States are circumventing the *Order* and, accordingly, should be covered by the scope of the *Order*.<sup>2</sup> In August 2023, Commerce selected the following two mandatory respondents in this circumvention inquiry: Cantas Ic Ve Dis Ticaret Sogutma Sistermleri Sanayi A.S. (Cantas) and ICE Sogutma Sanayi Ve Ticaret Ltd. (ICE Sogutma).<sup>3</sup> For a complete description of the events that followed the initiation of this circumvention inquiry, *see* the Preliminary Decision Memorandum.<sup>4</sup>

### **Scope of the *Order***

The merchandise covered by the *Order* is certain HFC blends. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.<sup>5</sup>

### **Merchandise Subject to the Circumvention Inquiry**

This circumvention inquiry covers imports of R-410B from Turkey, which are completed in Turkey using China-origin HFC components and further processed in the United States (inquiry merchandise).

### **Methodology**

Commerce is conducting this circumvention inquiry in accordance with section 781(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226. For a complete description of the methodology underlying this circumvention inquiry, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included in Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered

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<sup>2</sup> *See Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Circumvention Inquiries on the Antidumping Duty Order*, 88 FR 43275 (July 7, 2023) (*Initiation Notice*).

<sup>3</sup> *See* Memorandum, "Respondent Selection," dated August 25, 2023; *see also* Commerce's Letter, "R-410B from Turkey Initial Questionnaire," dated August 28, 2023.

<sup>4</sup> *See* Memorandum, "Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China: Preliminary Decision Memorandum for the Circumvention Inquiry with Respect to R-410B from the Republic of Turkey," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</sup> *Id.* at 3-4.

users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### **Preliminary Circumvention Determination**

As detailed in the Preliminary Decision Memorandum, and the “Application of Facts Available and Use of Adverse Inferences” section, Commerce preliminarily determines that R-410B from Turkey, completed in Turkey using HFC components from China, that is further processed in the United States, is circumventing the *Order* on a country-wide basis. As a result, in accordance with section 781(a) of the Act, we preliminarily determine that the inquiry merchandise should be included within the scope of the *Order*. See the “Suspension of Liquidation and Cash Deposit Requirements” section below for details regarding suspension of liquidation and cash deposit requirements. See the “Certifications” and “Certification Requirements for Turkey” sections below for details regarding the use of certifications for inquiry merchandise exported from Turkey.

### **Use of Adverse Facts Available (AFA)**

Pursuant to section 776(a) of the Act, if the necessary information is not available on the record, or an interested party withholds requested information, fails to provide requested information by the deadline or in the form and manner requested, or significantly impedes a proceeding, Commerce shall use the facts otherwise available in reaching the applicable determination. Moreover, pursuant to section 776(b) of the Act, Commerce may use inferences adverse to the interests of an interested party in selecting from among the facts otherwise available if the party fails to cooperate by not acting to the best of its ability to provide requested information.

Commerce requested information from Cantas and ICE Sogutma. In these initial questionnaires, Commerce explained that, if the company to which Commerce issued the questionnaire fails to respond to the questionnaire, or fails to provide the requested information,

Commerce may find that the company failed to cooperate by not acting to the best of its ability to comply with the request for information, and may use an inference that is adverse to the company's interests in selecting from the facts otherwise available. Cantas, one of the mandatory respondents in Turkey, received, but failed to respond to, Commerce's questionnaire.<sup>6</sup>

Therefore, we preliminarily find that Cantas failed to provide requested information by the deadline or in the form and manner requested, and significantly impeded this inquiry. Moreover, we find that this company failed to cooperate to the best of its ability to provide the requested information because it did not provide a response to Commerce's initial questionnaire. Consequently, we used adverse inferences with respect to Cantas in selecting from among the facts otherwise available on the record, pursuant to sections 776(a) and (b) of the Act. For details regarding the AFA used in this preliminary determination, *see* the Preliminary Decision Memorandum.

As detailed in the Preliminary Decision Memorandum, based on AFA, we preliminarily determine that Cantas further processed the inquiry merchandise in the United States into subject merchandise, and that U.S. entries of that merchandise are circumventing the *Order*. Additionally, we preliminarily find that Cantas is precluded from participating in the certification program that we are establishing for exports of R-410B completed in Turkey using HFC components from China, that is further processed in the United States.

### **Suspension of Liquidation and Cash Deposit Requirements**

Based on the preliminary affirmative country-wide determination of circumvention for Turkey, in accordance with 19 CFR 351.226(1)(2), we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of R-410B, completed in Turkey using China-origin components, that were entered, or withdrawn from warehouse, for consumption on or after July 7, 2023, the date of

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<sup>6</sup> *Id.* at 4-6; *see also* Memorandum, "Delivery Confirmation," dated September 1, 2023.

publication of the initiation of this circumvention inquiry in the *Federal Register*.<sup>7</sup> CBP shall require cash deposits in accordance with the rate established for the China-wide entity, *i.e.*, 216.37 percent,<sup>8</sup> for entries of such merchandise produced in Turkey.

R-410B produced in Turkey from HFC blends that is not of Chinese-origin is not subject to this inquiry. Therefore, cash deposits are not required for such merchandise under the *Order*. If an importer imports R-410B from Turkey and claims that it was not produced using China-origin HFC components and/or not further processed into subject merchandise in the United States, in order to not be subject to the *Order* cash deposit requirements, the importer and exporter are required to meet the certification and documentation requirements described in the “Certifications” and “Certification Requirements for Turkey” sections, below.

Commerce has established the following third-country case number for Turkey in the Automated Commercial Environment (ACE) for such entries: A-489-400. For Cantas, which will not be permitted to certify that its merchandise was not produced from China-origin HFC components, Commerce will direct CBP, for all entries of R-410B from Turkey produced or exported by Cantas, to suspend liquidation and require a cash deposit at the rate established for the China-wide entity, *i.e.*, 216.37 percent, under this third country case number.<sup>9</sup>

Where no certification is provided for an entry, and the *Order* potentially applies to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rate established for the China-wide entity, *i.e.*, 216.37 percent, under the third-country case number above. These suspension of liquidation instructions will remain in effect until further notice.

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<sup>7</sup> See *Initiation Notice*, 88 FR at 43275.

<sup>8</sup> See *Order*, 81 FR at 55438.

<sup>9</sup> Cantas is not currently eligible to participate in the certification program as either the producer or exporter. In addition, other parties exporting R-410B produced by Cantas will likewise not be eligible to participate in the certification program with regard to such products.

## **Certified Entries**

Entries for which the importer and exporter have met the certification requirements described below and in Appendix II to this notice will not be subject to either the suspension of liquidation or the cash deposit requirements described above. Failure to comply with the applicable requisite certification requirements may result in the merchandise being subject to duties.

## **Certifications**

To administer the preliminary affirmative country-wide determination of circumvention, Commerce established importer and exporter certifications, which allow companies to certify that specific entries of R-410B from Turkey are not subject to suspension of liquidation or the collection of cash deposits pursuant to this preliminary affirmative country-wide determination of circumvention because the merchandise is not made with China-origin components and/or it is not further processed into subject merchandise in the United States (*see* Appendix II to this notice).

Because Cantas was non-cooperative, it is not currently eligible to participate in the certification program described above.<sup>10</sup> Commerce may reconsider the eligibility of Cantas in the certification process in a future administrative review. Each year during the anniversary month of the publication of an AD or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Act, may request, in accordance with 19 CFR 351.213, that Commerce conduct an administrative review of that AD or CVD order, finding, or suspended investigation. An interested party who would like Commerce to conduct an administrative review of the *Order* should wait until Commerce announces via the *Federal Register* the next opportunity during the anniversary month of the

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<sup>10</sup> See Preliminary Decision Memorandum at the “Application of Facts Available and Use of Adverse Inferences” section; *see also, e.g., Anti-circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order*, 63 FR 18364, 18366 (April 15, 1998), unchanged in *Anti-Circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 63 FR 54672, 54675-76 (October 13, 1998).

publication of the *Order* to submit such review requests. The anniversary month for this *Order* is August.

Importers and exporters that claim that their entries of R-410B from Turkey are not subject to suspension of liquidation or the collection of cash deposits because the merchandise is not made with China-origin components and/or is not further processed into subject merchandise in the United States must complete the applicable certifications and meet the certification and documentation requirements described below, as well as the requirements identified in the applicable certification.

### **Certification Requirements for Turkey**

Importers are required to complete and maintain the applicable importer certification, and maintain a copy of the applicable exporter certification, and retain all supporting documentation for both certifications. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry. The importer, or the importer's agent, must submit both the importer's certification and the exporter's certification to CBP as part of the entry process by uploading them into the document imaging system (DIS) in ACE. Where the importer uses a broker to facilitate the entry process, the importer should obtain the entry summary number from the broker. However, agents of the importer, such as brokers, are not permitted to certify on behalf of the importer.

Exporters are required to complete and maintain the applicable exporter certification and provide the importer with a copy of that certification and all supporting documentation (*e.g.*, invoice, purchase order, production records, *etc.*). With the exception of the entries described below, the exporter certification must be completed, signed, and dated by the time of shipment of the relevant entries. The exporter certification should be completed by the party selling the R-410B that was manufactured in Turkey and exported to the United States.

Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. Importers and exporters are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all R-410B from Turkey that was entered, or withdrawn from warehouse, for consumption during the period July 7, 2023 (the date of initiation of this circumvention inquiry), through the date of publication of the preliminary determination in the *Federal Register*, where the entry has not been liquidated (and entries for which liquidation has not become final), the relevant certification should be completed and signed as soon as practicable, but not later than 45 days after the date of publication of this preliminary determination in the *Federal Register*. For such entries, importers and exporters each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof. The exporter must provide the importer with a copy of the exporter certification within 45 days of the date of publication of this preliminary determination in the *Federal Register*.

For unliquidated entries (and entries for which liquidation has not become final) of R-410B from Turkey that were declared as non-AD type entries (*e.g.*, type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period July 7, 2023 (the date of initiation of this circumvention inquiry), through the date of publication of the preliminary determination in the *Federal Register*, for which none of the above certifications may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD type entries to AD type entries (*e.g.*, type 01 to type 03). Importers should report those AD type entries using the third-country case numbers identified in the "Suspension of Liquidation and Cash Deposit Requirements" section, above. The importer should pay cash deposits on those entries consistent

with the regulations governing post summary corrections that require payment of additional duties.

If it is determined that an importer and/or exporter has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend, pursuant to this preliminary affirmative country-wide determination of circumvention and the *Order*,<sup>11</sup> all unliquidated entries for which these requirements were not met and to require the importer to post applicable cash deposits equal to the rate noted above.

Interested parties may comment on these certification requirements, and on the certification language contained in Appendix II to this notice in their case briefs.

### **Verification**

As provided in 19 CFR 351.307, Commerce may verify information relied upon in making its final determination.

### **Public Comment**

Case briefs or other written comments should be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which any verification report is issued. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.<sup>12</sup> Interested parties who submit case briefs or rebuttal briefs in these proceedings must submit: (1) a statement of the issue; and (2) a table of authorities.<sup>13</sup> Case and rebuttal briefs should be filed using ACCESS.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this circumvention inquiry, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for

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<sup>11</sup> See *Order*.

<sup>12</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

each issue raised in their briefs.<sup>14</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination of this circumvention inquiry. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>15</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the *Federal Register*, filed electronically via ACCESS. Requests should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals from the requesting party that will attend the hearing; and (3) a list of the issues that the party intends to discuss at the hearing. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.

### **U.S. International Trade Commission Notification**

Consistent with section 781(e) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of this preliminary determination to include the merchandise subject to this circumvention inquiry within the *Order*. Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed

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<sup>14</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>15</sup> See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

inclusion, it will have 60 days from the date of notification by Commerce to provide written advice.

**Notification to Interested Parties**

Commerce is issuing and publishing this determination in accordance with section 781(b) of the Act and 19 CFR 351.226(g)(1).

Dated: March 1, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary*

*for Policy and Negotiations,*

*performing the non-exclusive functions and duties*

*of the Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of the Circumvention Inquiry
- VI. Application of Facts Available and Use of Adverse Inferences
- VII. Statutory and Regulatory Framework for the Circumvention Inquiry
- VIII. Statutory Analysis for the Circumvention Inquiry
- IX. Summary of Statutory Analysis
- X. Country-Wide Affirmative Determination of Circumvention and Certification Requirements
- XI. Recommendation

## Appendix II

### IMPORTER CERTIFICATION

I hereby certify that:

- A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS of IMPORTING COMPANY}.
- B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the hydrofluorocarbon (HFC) blend R-410B produced in Turkey that entered under the entry number(s) identified below, and which is covered by this certification. "Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product, including the exporter's and/or foreign seller's identity and location.
- C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The R-410B covered by this certification was imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER};

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

- D. The R-410B covered by this certification was shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED} located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.
- E. Select appropriate statement below:

The R-410B covered by this certification does not contain HFC Components produced in China.

I have direct personal knowledge of the facts regarding the end use of the imported product because my company is the end user of the imported product covered by this certification and I certify that the imported R-410B from Turkey will not be used to produce subject merchandise. "Direct personal knowledge" includes information contained within my company's books and records.

I do not have personal knowledge of the facts regarding the end use of the imported product because my company is not the end user of the imported product covered by this certification. However, I have been able to contact the end user of the imported product and confirm that it will not use this product to produce subject merchandise. The end user of the imported product is {COMPANY NAME} located at {ADDRESS}. "Personal knowledge" includes facts obtained from another party (e.g., correspondence received by the importer from the end user of the product).

- F. The imported R-410B covered by this certification will not be further processed into in-scope HFC blends in the United States.
- G. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:  
Entry Summary Line Item #:  
Foreign Seller:  
Foreign Seller's Address:  
Foreign Seller's Invoice #:  
Foreign Seller's Invoice Line Item #:  
Country of Origin of HFC Components:  
Producer:  
Producer's Address:

- H. I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.*, documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, chemical testing specifications, productions records, invoices, etc.) for the later of: (1) the date that is five years after the date of the latest entry covered by the certification or; (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries.
- I. I understand that {IMPORTING COMPANY} is required to submit a copy of the importer and exporter certifications as part of the entry summary by uploading them into the document imaging system (DIS) in ACE, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, and any supporting documentation, and a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon request of either agency;
- J. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.
- K. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty (AD) order on hydrofluorocarbon blends from the People's Republic of China. I understand that such finding will result in:
- (i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;
  - (ii) the requirement that the importer post applicable antidumping duty cash deposits (as appropriate) equal to the rates determined by Commerce; and
  - (iii) the importer no longer being allowed to participate in the certification process.
- L. I understand that agents of the importer, such as brokers, are not permitted to make this certification.
- M. This certification was completed by the time of filing the entry summary, if the entry date is more than 14 days after the publication of Commerce's preliminary determination of

circumvention in the *Federal Register*, or within 45 days of the date on which Commerce published its notice of preliminary determination of circumvention in the *Federal Register*.

N. I am aware that U.S. law (including, but not limited to, 18 U.S.C. Section 1001) imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL}

{DATE}

## EXPORTER CERTIFICATION

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

- A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES}; located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES};
- B. I have direct personal knowledge of the facts regarding the production and exportation of the hydrofluorocarbon (HFC) blend R-410B for which sales are identified below. "Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, an exporter should have direct personal knowledge of the producer's identity and location.
- C. The R-410B, and the individual components thereof, covered by this certification was shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};
- D. The R-410B produced in Turkey does not contain HFC components (*i.e.*, R-32 and R-125) produced in the People's Republic of China (China), regardless of whether sourced directly from a Chinese producer or from a downstream supplier;
- E. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:

Foreign Seller's Invoice to U.S. Customer Line item #:

Producer Name:

Producer's Address:

Producer's Invoice # to Foreign Seller: (*If the foreign seller and the producer are the same party, put NA here.*)

Name of Producer of HFC Components:

Location (Country) of Producer of HFC Components:

- F. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.*, documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, chemical testing specifications, productions records, invoices, *etc.*) for the later of: (1) the date that is five years after the latest date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;
- G. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with this certification, and any supporting documents, upon request of either agency;

- H. I understand that the claims made herein, and the substantiating documentation are subject to verification by CBP and/or Commerce;
- I. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty order on hydrofluorocarbon blends from the People's Republic of China. I understand that such a finding will result in:
- (i) suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;
  - (ii) the importer being required to post the cash deposits determined by Commerce; and
  - (iii) the seller/exporter no longer being allowed to participate in the certification process.
- J. I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.
- K. This certification was completed at the time of shipment, if the entry date is more than 14 days after the publication of Commerce's preliminary determination of circumvention in the *Federal Register*, or within 45 days of the date on which Commerce published its preliminary determination of circumvention in the *Federal Register*.
- L. 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.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL }

{DATE}

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