CBP Establishes New Procedures to Investigate AD/CVD Related Allegations

On August 22, 2016, CBP published an Interim Final Rule (IFR) in the Federal Register, providing guidance for filing allegations of evasion of AD/CVD orders under the Trade Facilitation and Trade Enforcement Act of 2015. The IFR provides for a 60-day comment period to allow individuals to submit feedback, views or arguments on all aspects of the interim rule.

Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, commonly referred to as EAPA (Enforce and Protect Act), establishes a formal process for CBP to investigate allegations of evasion of AD/CVD orders. Specifically, it provides for a transparent administrative proceeding where parties can both participate in and learn the outcome of the investigation. It also provides an option for both administrative and judicial appeals of the investigation.

Currently, any EAPA-related allegations as described in the IFR may be submitted to CBP via the following email address: eapallegations@cbp.dhs.gov.

CBP is also developing a web-based portal through which individuals can submit EAPA-related allegations by the end of the calendar year, pending programming updates.

ACE AD/CVD Entries

As of July 23, 2016, trade parties are required to submit electronic entries and entry summaries for additional entry types to the Automated Commercial Environment (ACE). Electronic entries and entry summaries associated with the following entry types are now mandated in ACE: 02, 07, 12, 21, 22, 31, 32, 34, and 38. As a result of these additional requirements, all AD/CVD entry types are now required to be filed in ACE. For more details see: CSMS #16-000623.

If you have knowledge of a violation of U.S. trade laws, please report it by filing an e-Allegation at https://apps.cbp.gov/eallegations.