

## **International Trade, Corey Norton, Chair**

**From Jeffrey Snyder (United States):**

### **Antidumping Duty Evasion**

The Trade Facilitation and Trade Enforcement Act of 2015 creates new US law to address a variety of trade enforcement issues, including the establishment of formal duty evasion investigation and prevention programs; it establishes a Trade Law Remedy Enforcement Division charged with: (1) developing and administering policies to prevent and counter evasion (defined as bringing merchandise into U.S. customs territory by any means that is material and false or results in the reduction or elimination of applicable antidumping and countervailing (AD/CVD) duties); (2) directing enforcement and compliance assessment activities concerning evasion; and (3) developing and conducting risk assessment targeting of importers that present the risk of potentially evading imports. The Act provides procedures and timelines for CBP to investigate allegations of evasion of AD/CVD duties filed by interested parties—U.S. importers, producers or wholesalers; foreign producers or exporters; or unions and trade associations thereof. If CBP finds duty evasion, the remedy is focused on collecting the duties that importers failed to pay. This can be done by suspending liquidation for the duration of the evasion investigation pending the Commerce Department's determination of the applicable AD/CVD duties, requiring cash deposits or single entry bonds, or requesting the U.S. Immigration and Customs Enforcement (ICE) section of the U.S. Department of Homeland Security (DHS) to pursue a criminal or civil investigation.