

# Free Trade Agreements and CBP Requirements

**ACI Import Compliance & Enforcement**

*Washington, D.C.*

June 12, 2013

**Peter Quinter**

**Shareholder in Charge of Customs and  
International Trade Law Group**

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Do you have questions about importing/exporting?

<http://www.grcustomslaw.com>

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Customs & International Trade Law Blog**

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TUESDAY, JUNE 12, 2012

### New CBP Regulation for Suspected Counterfeit Merchandise



Peter Quinter

Finally, after years of debate, on April 24, 2012, CBP amended its regulations regarding the detention and seizure of suspected imported counterfeit merchandise. In my opinion, it provides a good balance between the rights of legitimate importers, and the need for CBP to examine, detain, and seize merchandise that violates the trademark rights of companies that have registered their trademarks with the U.S. Patent and Trademark Office and then recorded those trademarks with CBP. The interim rule is entitled "Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border," and amends 19 CFR Parts 133 and 151.

[In summary, here are the important changes:](#)

1. Merchandise may be detained by CBP for up to 30 days from the date the merchandise is presented for examination to CBP.
2. The U.S. importer will receive written notification from CBP within 5 days of the detention of the merchandise by CBP.
3. The U.S. importer then has 7 days to establish to CBP's satisfaction that the detained merchandise is not counterfeit.
4. CBP may provide to the trademark owner, at any time, written notice of the date

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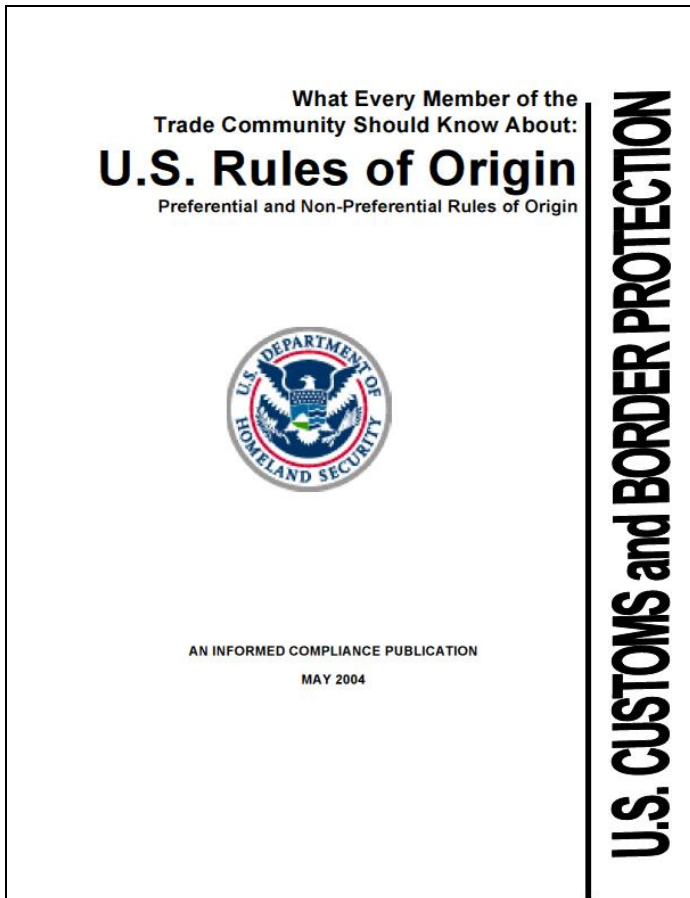
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# Topics Covered

- Documentation to Justify FTA Eligibility
- Recordkeeping Mistakes
- CBP 28's, 29's and Protests
- NAFTA Verification Questionnaire

# Importer/Supplier Documentation to Justify FTA Eligibility



- FREE RESOURCE
- This informed compliance publication is issued by CBP and available at [www.cbp.gov](http://www.cbp.gov)

# North American Free Trade Agreement (NAFTA)



- United States
- Mexico
- Canada

# NAFTA Certificate of Origin

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB No. 1651-0098  
Exp. 08-31-2014

**NORTH AMERICAN FREE TRADE AGREEMENT  
CERTIFICATE OF ORIGIN**  
19 CFR 181.11, 181.22

1. EXPORTER NAME AND ADDRESS		2. BLANKET PERIOD				
		FROM				
		TO				
TAX IDENTIFICATION NUMBER: 3. PRODUCER NAME AND ADDRESS		4. IMPORTER NAME AND ADDRESS				
TAX IDENTIFICATION NUMBER:		TAX IDENTIFICATION NUMBER:				
	5.	6.	7.	8.	9.	10.
DESCRIPTION OF GOOD(S)	HS TARIFF CLASSIFICATION NUMBER	PREFERENCE CRITERION	PRODUCER	NET COST	COUNTRY OF ORIGIN	

I CERTIFY THAT:

- THE INFORMATION ON THIS DOCUMENT IS TRUE AND ACCURATE AND I ASSUME THE RESPONSIBILITY FOR PROVING SUCH REPRESENTATIONS. I UNDERSTAND THAT I AM LIABLE FOR ANY FALSE STATEMENTS OR MATERIAL OMISSIONS MADE ON OR IN CONNECTION WITH THIS DOCUMENT.
- I AGREE TO MAINTAIN AND PRESENT UPON REQUEST, DOCUMENTATION NECESSARY TO SUPPORT THIS CERTIFICATE, AND TO INFORM, IN WRITING, ALL PERSONS TO WHOM THE CERTIFICATE WAS GIVEN OF ANY CHANGES THAT COULD AFFECT THE ACCURACY OR VALIDITY OF THIS CERTIFICATE.
- THE GOODS ORIGINATED IN THE TERRITORY OF ONE OR MORE OF THE PARTIES, AND COMPLY WITH THE ORIGIN REQUIREMENTS SPECIFIED FOR THOSE GOODS IN THE NORTH AMERICAN FREE TRADE AGREEMENT AND UNLESS SPECIFICALLY EXEMPTED IN ARTICLE 411 OR ANNEX 401, THERE HAS BEEN NO FURTHER PRODUCTION OR ANY OTHER OPERATION OUTSIDE THE TERRITORIES OF THE PARTIES; AND
- THIS CERTIFICATE CONSISTS OF  PAGES, INCLUDING ALL ATTACHMENTS.

11a. AUTHORIZED SIGNATURE		11b. COMPANY	
11c. NAME		11d. TITLE	
11e. DATE		11f. TELEPHONE NUMBERS	(Voice) (Facsimile)

CBP Form 434 (04/11)

- NAFTA Certificate of Origin
- Available at [www.cbp.gov](http://www.cbp.gov)

# Claim for Preferential Tariff Treatment Under DR-CAFTA



The importer may make a claim for preferential tariff treatment based on either a written or electronic certification by the importer, exporter, or producer.

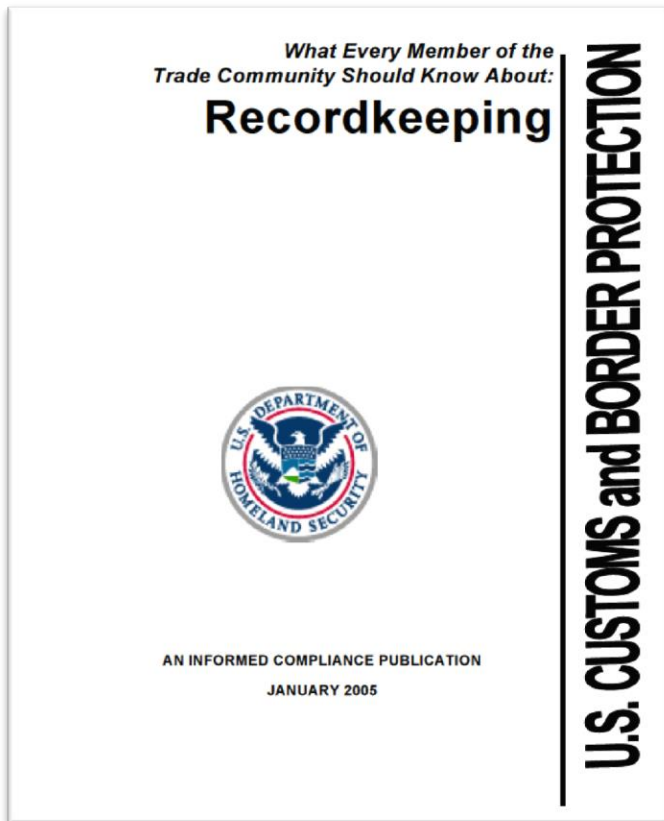


# NAFTA: Recordkeeping

**19 C.F.R. § 181.21(a). Filing of claim for preferential tariff treatment upon importation.**

. . . [D]eclaration must be based on a complete and properly executed original **Certificate of Origin**, or copy thereof, which **is in the possession of the importer** and which **covers the good being imported**.

# CBP Recordkeeping Handbook



- FREE RESOURCE
- This informed compliance publication is issued by CBP and available at [www.cbp.gov](http://www.cbp.gov)

# Recordkeeping Mistakes

5

- Not having the documentation when you make the claim for preferential treatment
- As a general rule records must be kept for **5 years from the date of entry.**

## But 5 Years is a Long Time . . .



CBP allows common alternative recordkeeping methods such as: machine readable data, CD-ROM, and microfiche.

# 19 C.F.R. Part 171— Fines, Penalties and Forfeitures

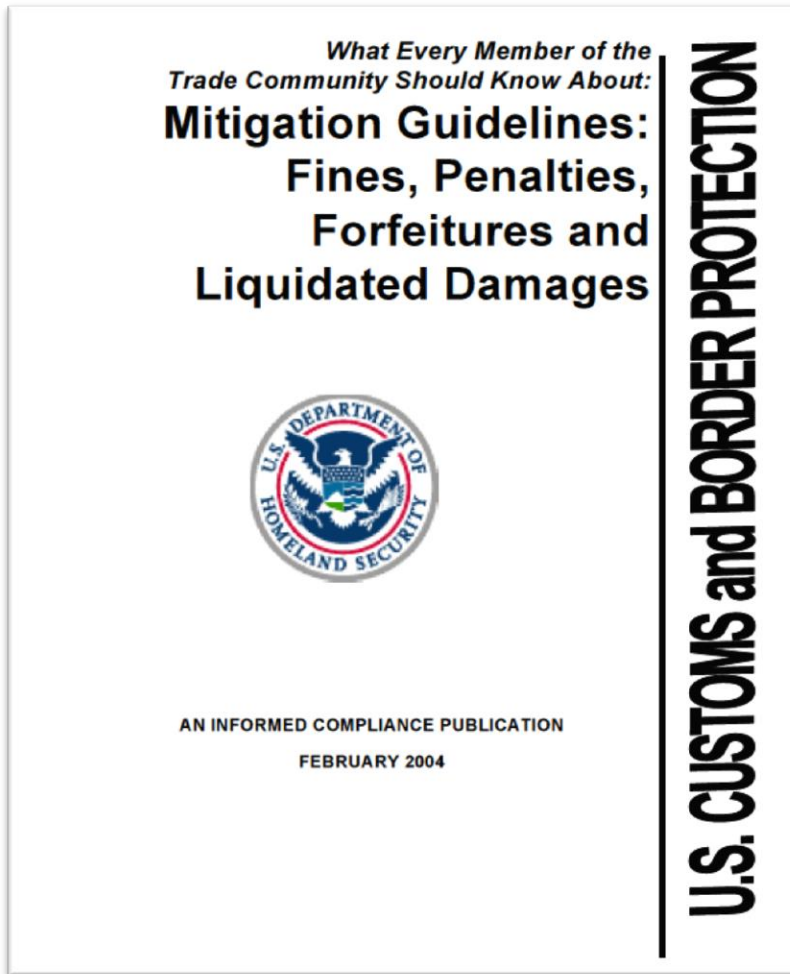
- Seizures
- Penalties
- Petition Process

# Recordkeeping Penalty

- 19 U.S.C. 1509
- 19 C.F.R. Part 163
- CBP issues a penalty notice to the importer

DEPARTMENT OF HOMELAND SECURITY U.S. CUSTOMS AND BORDER PROTECTION		CASE NUMBER 2013 [REDACTED] F02	
NOTICE OF PENALTY OR LIQUIDATED DAMAGES INCURRED AND DEMAND FOR PAYMENT		PORT CODE AND NAME 5201 MIAMI SEAPORT	
19 USC 1618, 19 USC 1623		INVESTIGATION FILE NO. ID: [REDACTED]	
<p>DEMAND IS HEREBY MADE FOR PAYMENT OF \$14,216.20, REPRESENTING PENALTIES ASSESSED AGAINST YOU FOR VIOLATION OF LAW OR REGULATION, OR BREACH OF BOND, AS SET FORTH BELOW:</p> <p>[REDACTED] ENTERED SHIPMENTS OF WEARING APPAREL UNDER VARIOUS ENTRIES FROM 2010 TO 2011. GARMENTS WERE ENTERED DUTY FREE PURSUANT TO ATPDEA REVIEW OF ENTRIES REVEALED THAT CERTIFICATIONS INCLUDED WITH ENTRY DOCUMENTS WERE INVALID. REQUESTS FOR INFORMATION WERE ISSUED TO [REDACTED] TO PROVIDE ATPDEA DOCUMENTS CERTIFICATE OF ORIGIN AND AFFIDAVITS OF ORIGIN &amp; AFFIDAVITS OF ORIGIN FROM PRODUCERS OF YARN AND FABRIC USED IN MANUFACTURE. NOTICES OF ACTION PROPOSING TO DENY ATPDEA CLAIMS WERE ISSUED TO [REDACTED] THE CBP FORM 29 ADVISED [REDACTED] TO SUBMIT REQUESTED DOCUMENTS. [REDACTED] FAILED TO RESPOND AND THE ATPDEA CLAIMS WERE DENIED. ISSUE 1509 RECORDKEEPING PENALTY FOR \$14,216.20, PURSUANT TO 19 U.S.C. 1509(0)(2)(B). DEGREE OF CULPABILITY IS NEGLIGENCE. OTHER PENALTY VIOLATION</p>			
LAW OR REGULATION VIOLATED OTHERPEN 19USC1509 19CFR163.6		BOND BREACHED BOND TYPE: BOND#:	
DESCRIPTION OF BOND:	FORM NUMBER:	AMOUNT:	DATE:
NAME AND ADDRESS OF PRINCIPAL ON BOND			
NAME AND ADDRESS OF SURETY ON BOND			SURETY NO.
<p>IF YOU FEEL THERE ARE EXTENUATING CIRCUMSTANCES, YOU HAVE THE RIGHT TO OBJECT TO THE ABOVE ACTION. YOUR PETITION SHOULD EXPLAIN WHY YOU SHOULD NOT BE PENALIZED FOR THE CITED VIOLATION. WRITE THE PETITION AS A LETTER OR IN LEGAL FORM, SUBMIT IN (DUPLICATE) ADDRESSED TO THE COMMISSIONER OF CUSTOMS AND BORDER PROTECTION, AND FORWARD TO THE FP&amp;F OFFICER AT: U.S. CBP FP&amp;F OFFICE, P.O. BOX 52-2207, MIAMI, FL 33152</p> <p>UNLESS THE AMOUNT HEREIN DEMANDED IS PAID OR A PETITION FOR RELIEF IS FILED WITH THE FP&amp;F OFFICER WITHIN THE INDICATED TIME LIMIT, FURTHER ACTION WILL BE TAKEN IN CONNECTION WITH BOND OR MATTER WILL BE REFERRED TO US ATTORNEY.</p> <p>TIME LIMIT FOR PAYMENT OR FILING PETITION: 60 DAYS FROM DATE OF THIS NOTICE.</p>			
SIGNATURE [Signature]	TITLE FP&F OFFICER	DATE 03/05/2013	
BY ROBERT M. DEWYD		(03/05/2013)	

# Petition for Mitigation of Penalty




- CBP publishes its mitigation guidelines
- This is a FREE RESOURCE
- This informed compliance publication is issued by CBP and available at [www.cbp.gov](http://www.cbp.gov)

# Customs rules on your Petition

- Sample CBP decision letter

PO Box 52-2207  
Miami, FL 33152-2207

 U.S. Customs and  
Border Protection

ENF-4-PD:A:FPF jj

MAR 05 2013

Mr. Peter A. Quinter, Esq.  
Gray Robinson, Attorneys at Law  
1221 Brickell Ave, Suite 1600  
Miami, FL 33131

RE: FP & F # 2013- [REDACTED]

Dear Mr. Quinter:

This is regarding your response dated February 1, 2013, filed on behalf of [REDACTED], seeking relief from a proposed monetary penalty under the provisions of *title 19, United States Code, section 1509*, in the amount of \$28,432.40.

In your pre-penalty response, you state that a language barrier existed; where the petitioner's primary language is Spanish, impairing communications with Customs and Border Protection (CBP). You further state that the petitioner substantially complied with the CBP-28's issued by CBP and that the petitioner, through his Customs broker filed a successful protest, in which CBP agreed that the merchandise qualified for Andean Trade Promotion and Drug Eradication Act (ATPDEA). You also state that immediate remedial action was taken to correct organizational or procedural defects to help prevent future incidents of non-compliance and request CBP to mitigate the penalty to \$14,186.00.

We have determined that a violation did occur and a penalty was appropriately issued. Our records indicate that [REDACTED] failed to exercise reasonable care in maintaining, storing and providing the records demanded to substantiate the ATPDEA claims for its imported merchandise by failing to produce, upon demand by issuance of CBP Form 28's, records enumerated in the Customs Regulations pursuant to 19 U.S.C. 1509(a)(1)(A), commonly known as the "(a)(1)(A) list".

A review of our record shows that [REDACTED] has no recent prior recordkeeping violations. Therefore, we find that a reduction in the proposed penalty amount is warranted. Accordingly, please find the enclosed Notice of Penalty in the amount of **\$14,216.20**.

Should you require additional information concerning this matter, please contact Jay Jagtiani, District Specialist of the Fine, Penalties and Forfeitures Office at (305) 860-2880



# 19 USC 1592 Penalties

- (1) **Fraud** A fraudulent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed the domestic value of the merchandise.
- (2) **Gross negligence** A grossly negligent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed—
- (A) the lesser of—
    - (i) the domestic value of the merchandise, or
    - (ii) four times the lawful duties, taxes, and fees of which the United States is or may be deprived, or
  - (B) if the violation did not affect the assessment of duties, 40 percent of the dutiable value of the merchandise.
- (3) **Negligence** A negligent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed—
- (A) the lesser of—
    - (i) the domestic value of the merchandise, or
    - (ii) two times the lawful duties, taxes, and fees of which the United States is or may be deprived, or
  - (B) if the violation did not affect the assessment of duties, 20 percent of the dutiable value of the merchandise.

# CBP Request for Information

- CBP Form 28
- 30 days to respond to Customs' Request for Information

DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection		OMB No. 1651-0023 Exp. 03-31-2014	
REQUEST FOR INFORMATION 19 CFR 151.11		1. Date of Request	
<i>Any text that scrolls will not print</i>		2. Date of Entry and Importation	
3. Manufacturer/Seller/Shipper	4. Carrier	5. Entry No.	
5a. Invoice Description of Merchandise		5b. Invoice No.	6. HTSUS Item No.
7. Country of Origin/Exportation		8. CBP Broker and Reference or File No.	
9. TO:		10. FROM:	
Production of Documents and/or Information Required by Law: If you have provided the information requested on this form to U.S. Customs and Border Protection at other ports, please indicate the port of entry to which it was supplied, and furnish a copy of your reply to this office, if possible.		11a. Port	11b. Date Information Furnished
General Information and Instructions on Reverse			
12. Please Answer Indicated Question(s)		13. Please Furnish Indicated Item(s)	
<input type="checkbox"/> A. Are you related (see reverse) in any way to the seller of this merchandise? If you are related, please describe the relationship, and explain how this relationship affects the price paid or payable for the merchandise.	<input type="checkbox"/> A. Copy of contract (or purchase order and seller's confirmation thereof) covering this transaction, and any revisions thereto.	<input type="checkbox"/> B. Descriptive or illustrative literature or information explaining what the merchandise is, where and how it is used, and exactly how it operates.	
<input type="checkbox"/> B. Identify and give details of any additional costs/expenses incurred in this transaction, such as: <input type="checkbox"/> (1) packing <input type="checkbox"/> (2) commissions <input type="checkbox"/> (3) proceeds that accrue to the seller <input type="checkbox"/> (4) assists <input type="checkbox"/> (5) royalties and/or license fees	<input type="checkbox"/> C. Breakdown of components, materials, or ingredients by weight and the actual cost of the components at the time of assembly into the finished article.	<input type="checkbox"/> D. Submit samples: Article number and description _____ from container _____ mark(s) and number _____ Samples consumed in analysis, and other samples whose return is not specifically requested, will not normally be returned.	
	<input type="checkbox"/> E. See item 14 below.		
14. CBP Officer Message			
15. Reply Message (Use additional sheets if more space is needed.)			
16. CERTIFICATION It is required that an appropriate corporate/company official execute this certificate and/or endorse all correspondence in response to the information requested. (NOTE: NOT REQUIRED IF FOREIGN FIRM COMPLETES THIS FORM.)			
I hereby certify that the information furnished herewith or upon this form in response to this inquiry is true and correct, and that any samples provided were taken from the shipment covered by this entry.		16a. Name and Title/Position of Signer (Owner, Importer, or Corporate/Company Official)	
		16b. Signature	
		16c. Telephone No.	16d. Date
17. CBP Officer		18. Team Designation	
		19. Telephone No.	

CBP Form 28 (03/11)

# CBP Notice of Action (Proposed)

DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION		NOTICE OF ACTION <i>This is NOT a Notice of Liquidation</i>		1. Entry No.
2. HS Code	3. DUTY OF APPROPRIATION	4. DUTY OF ENTRY	5. Entry No.	
6. ADDRESS: ALIEN/SHIP	7. Country	8. Customs Batches and Entry No.		
9. Description of merchandise				
10. To		11. From		
12. THE FOLLOWING ACTION, WHICH WILL RESULT IN AN INCREASE IN DUTIES, —				
<input type="checkbox"/> <b>IS PROPOSED</b> IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.				
<input type="checkbox"/> <b>HAS BEEN TAKEN</b> THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.				
TYPE OF ACTION				
A. <input type="checkbox"/> RATE ADVANCE				
B. <input type="checkbox"/> VALUE ADVANCE				
C. <input type="checkbox"/> EXCESS <input type="checkbox"/> WEIGHT <input type="checkbox"/> QUANTITY				
D. <input type="checkbox"/> OTHER (See below)				
13. How Applicant prefers to address other designations above:				
14. Date of this Notice (Date of Type)				
15. Date of Revision				
16. For Official Use				

CBP FORM 29

- CBP Form 29
- This is issued if either:
  - (1) you don't respond to Request for Information; or
  - (2) Customs found the response inadequate to prove preferential treatment
- 20 days to respond to Customs' Proposed Notice of Action


# CBP Notice of Action (Taken)

DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION		NOTICE OF ACTION <i>This is NOT a Notice of Liquidation</i>		1. Entry No.
2. HS Code	3. DUTY OF LIQUIDATION	4. DUTY OF ENTRY	5. Entry No.	
6. ADDRESS: ALIEN/SAFE	7. Country	8. Customs Batches and Entry No.		
9. Description of merchandise				
10. No.		11. Action		
12. THE FOLLOWING ACTION, WHICH WILL RESULT IN AN INCREASE IN DUTIES, —				
<input type="checkbox"/> IS PROPOSED		IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.		
<input type="checkbox"/> HAS BEEN TAKEN		THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.		
TYPE OF ACTION				
A. <input type="checkbox"/> RATE ADVANCE				
B. <input type="checkbox"/> VALUE ADVANCE				
C. <input type="checkbox"/> EXCESS		<input type="checkbox"/> WEIGHT	<input type="checkbox"/> QUANTITY	
D. <input type="checkbox"/> OTHER (See below)				
13. Other Authority (Refer to Action when designating above)				
14. Date of Issuance (Date of Type)				
15. Agent Signature		16. Title		

CBP FORM 29

- CBP Form 29
- This is issued if either:
  - (1) you don't respond to the Proposed Notice of Action;
  - or
  - (2) Customs found the response inadequate to prove preferential treatment
- The entry liquidates after this notice is issued.

# Customs Issues a Bill to the Importer

 **U.S. Customs and Border Protection**  
8450 Telecor Drive, Suite 100  
Indianapolis, IN 46278

For Bill Inquiries Please Contact the Port at (305) 536-4758 or the Revenue Division at: (317) 614-4811

**BILL TO:** [Redacted]      Importer Number: [Redacted]  
[Redacted]      Bill Number: [Redacted]  
[Redacted]      Bill Date: 04-19-13  
Port of Service/Charge: 45201      MIAMI FL

Dear Sir or Madam:

This Bill is a notice of debt currently owed to U.S. Customs and Border Protection (CBP). CBP bills for supplemental duties (increased or additional duties, taxes, and fees assessed upon the liquidation or re-liquidation of an entry) together with interest, reimbursable services, and miscellaneous amounts. The Code of Federal Regulations (19 CFR § 24.1(a)(2)) requires your remittance to be payable in United States dollars and drawn on a United States bank.

Transaction Date	Transaction Identification (i.e., Entry No./Work Ticket No.)	Reference Name	Type of Charge	Amount
01-21-13	[Redacted]		DUTY	4194.42
			INTEREST	273.20
			FORMAL MPF	484.64
			INTEREST	3.16
Interest Accrued to Date				0.00
Full Amount Due Upon Receipt				42702.42
Amount Due After 05-18-13 (including interest)				42807.84

Note: Failure to make payment or provide legal justification of non-payment may result in suspension of immediate release privileges in accordance with 19 CFR § 142.26.

Sanction Status: \_\_\_\_\_ Surety Code 036  
Interest Rate Effective 10-01-11 3.00 %

For more information visit [www.cbp.gov/xp/cgov/trade/priority\\_trade/revenue/](http://www.cbp.gov/xp/cgov/trade/priority_trade/revenue/)      CBP Form 6084 (07/11)

-----  
**PAYER'S COPY**  
-----

Enclose this portion with remittance

Bill To: [Redacted]  
Bill Number: [Redacted]  
Amount Enclosed: \_\_\_\_\_

U.S. Customs and Border Protection  
P.O. Box 530071  
Atlanta, GA 30353-0071

012370404394464036550041933000004270242      CBP Form 6084 (07/11)

- The Bill Date is the date that CBP liquidated the entry

# Protest

- 180 days after the liquidation date to file a Protest
- If the Protest is approved by CBP, the Bill is canceled

Approved CMB No. 1051-0017  
Exp. 03/31/2016

**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Customs and Border Protection**

**PROTEST**

Pursuant to Sections 514 & 514(a), Tariff Act of 1930 as amended, 19 CFR Part 174 et. seq.

NOTE: If your protest is denied, in whole or in part, and you wish to CONTEST the denial, you may do so by bringing a civil action in the U.S. Court of International Trade within 180 days after the date of mailing of Notice of Denial. You may obtain further information concerning the institution of an action by writing the Clerk of U.S. Court of International Trade, One Federal Plaza, New York NY 10007 (212-564-2800).

1. PROTEST NO. (Supplied by CBP)

2. DATE RECEIVED (CBP Use Only)

**SECTION I - IMPORTER AND ENTRY IDENTIFICATION**

3. PORT

4. IMPORTER NO.

5. ENTRY DETAILS

PORT CODE	FILE CODE	ENTRY NO.	CHECK DIGIT	DATE OF ENTRY	DATE OF LIQUIDATION

6. NAME AND ADDRESS OF IMPORTER OR OTHER PROTESTING PARTY

7. Is Accommodated Disposition being requested (19 CFR 174.22)?  
 Yes  No

**SECTION II - DETAILED REASONS FOR PROTEST**

8. With respect to each category of merchandise, set forth, respectively, (1) each decision protested, (2) the claim of the protesting party, and (3) the factual material and legal arguments which are believed to support the protest. All such material and arguments should be specific. General statements of conclusions are not sufficient.

(Attach Additional Sheets if necessary.)

**SECTION III - REQUEST FOR DISPOSITION IN ACCORDANCE WITH ACTION ON PREVIOUSLY FILED PROTEST**

Protesting party may request disposition in accordance with the action taken on a previously filed protest that is the subject of a pending application for further review and is alleged to involve the same merchandise and the same issues. (See 19 CFR 174.13(a)(7)). To request such disposition, enter in Blocks 8 and 9 the protest number and date of receipt of such previously filed protest.

9. PROTEST NO. OF PREVIOUSLY FILED PROTEST

10. DATE OF RECEIPT

**SECTION IV - SIGNATURE AND MAILING INSTRUCTIONS**

11. NAME AND ADDRESS OF PERSON TO WHOM ANY NOTICE OF APPROVAL OR DENIAL SHOULD BE SENT

12. NAME, ADDRESS, AND CBP IDENTIFICATION NUMBER TO WHICH REFUND SHOULD BE SENT

13. IF FILING AS ATTORNEY OR AGENT, TYPE OR PRINT YOUR NAME, ADDRESS AND IMPORTER NUMBER, IF ANY SENT

14. SIGNATURE

DATE

(Optional) SECTION V - APPLICATION FOR FURTHER REVIEW (File in Item 1 above if this is a separate Application for Further Review)

15. MARK BOX CORRESPONDING TO YOUR ANSWER TO EACH OF THE FOLLOWING QUESTIONS

YES NO

(A) Have you made prior request of a port director for a further review of the same claim with respect to the same substantially similar merchandise?

(B) Have you received a final adverse decision from the U.S. Court of International Trade on the same claim with respect to the same category of merchandise or do you have action involving such a claim pending before the U.S. Court of International Trade?

(C) Have you previously received an adverse administrative decision from the Commissioner of CBP or his designee or have you presently pending an application for an administrative decision on the same claim with respect to the same category of merchandise?

16. JUSTIFICATION FOR FURTHER REVIEW UNDER THE CRITERIA IN 19 CFR 174.24 AND 174.25 (Include Applicable Rulings)

(Attach Additional Sheets if Necessary.)

**SECTION VI - DECISION (CBP USE ONLY)**

17. APPLICATION FOR FURTHER REVIEW EXPLANATION:  Approved  Denied for the reason checked:  Ultimately filed  Does not meet criteria  Other, namely:

18. PROTEST EXPLANATION:  Approved  Rejected as non-protestable  Denied in full for the reason checked:  Denied in part for the reason checked:  Ultimately filed  See attached protest review decision  Other, namely:

19. TITLE OF CBP OFFICER

20. SIGNATURE AND DATE

Previous Editions are Obsolete

CBP Form 19 (05/10)

# Foreign Customer Being Reviewed for FTA Compliance? – What to Do.

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB No. 1651-0058  
Exp. 08-31-2014  
See back of form for Paperwork Reduction Act Notice.

**NAFTA VERIFICATION OF ORIGIN QUESTIONNAIRE**  
19 CFR 181.72

This questionnaire is sent to you pursuant to 19 CFR 181.72. The questionnaire will be used in determining if the \_\_\_\_\_ described on the NAFTA Certificate of Origin (CO) dated \_\_\_\_\_ and signed by \_\_\_\_\_ originates under the NAFTA. If necessary, additional information may be requested at a later date.

<input type="checkbox"/> <b>EXPORTER</b> <small>If this box is checked, you are being sent this questionnaire as the exporter of the imported good. If you relied upon a Certificate of Origin or written representation from the Producer to prepare your Certificate of Origin, provide a copy of what it was that you relied upon, and then go directly to Section V and complete it. If you relied upon your knowledge of the good, complete the questionnaire.</small>	<input type="checkbox"/> <b>PRODUCER OF GOOD</b> <small>If this box is checked, you are being sent this questionnaire as the producer of the imported good. The good was exported by _____ Complete the questionnaire.</small>
<input type="checkbox"/> <b>EXPORTER/PRODUCER</b> <small>If this box is checked, you are being sent this questionnaire as the exporter and also the producer of the imported good. Complete the questionnaire.</small>	<input type="checkbox"/> <b>PRODUCER OF MATERIAL</b> <small>If this box is checked, you are being sent this questionnaire because _____ identified you as the producer of the material(s) used in the production of the good described above. Complete the questionnaire.</small>

You have until \_\_\_\_\_ to return the completed and signed questionnaire to the requesting CBP office. You may fax your response. If a reply cannot be made by this date, please contact the CBP office by mail, telephone, or fax. If additional space is needed for your response, attach additional pages as needed. When the verification is completed, the exporter/producer will receive a written determination of the findings. The producer of a verified material will also be notified of the results of the verification of the material. The confidential business information collected on the questionnaire may only be disclosed to those authorities responsible for the administration and enforcement of determinations of origin, and of customs and revenue matters. The questionnaire must be signed and dated by an individual who can certify as to the accuracy of the information provided in the questionnaire. Failure to complete and return this questionnaire may result in the denial of preferential treatment under the NAFTA.

**SECTION I ▶ PRODUCTION PROCESS**  
Provide a brief description of the production process for the good/material being verified.

---

**SECTION II ▶ NON-ORIGINATING/UNKNOWN MATERIALS OR COMPONENTS**  
Provide the following information for each non-originating material or component and for each material or component whose origin is unknown, used to produce the good being verified. If none were used, state "NONE".

Description of the material or component	HS#

HS#— Provide the six digit Harmonized System number or if the rule of origin of the good requires eight digits, supply eight.

CBP Form 446 (04/97)

- NAFTA Verification of Origin Questionnaire
- CBP can send this form to:
  - Exporter
  - Producer of Good
  - Exporter/Producer
  - Producer of Materials





# Free Trade Agreements and CBP Requirements

**ACI Import Compliance & Enforcement**

*Washington, D.C.*

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