

An EAPA allegation is defined as “a filing with CBP under § 165.11 by an interested party that alleges an act of evasion by an importer of AD/CVD orders.” (See: 19 USC § 1517(b)(1); and 19 C.F.R. § 165.15(b)).

PURPOSE

This Quick Reference Card describes the best practices associated when reporting allegations of Enforce and Protect Act (EAPA) violations to U.S. Customs and Border Protection regarding importer Anti-dumping/Countervailing Duty (AD/CVD) evasion.

PART 1: BEST PRACTICES



STOP: Before filing an EAPA allegation, consider the following best practices:

1. Be Complete

- a. Identify the allegor (interested party as defined in 19 CFR 165.1) making the allegation. This may be an agent (lawyer) of the interested party. Include an email address for communication.
- b. An interested party may be any of the following:
 - i. Any importer of covered merchandise.
 - ii. A trade or business association where a majority of the members are producers, exporters, or importers of covered merchandise.
 - iii. A domestic manufacturer, producer, or wholesaler in the United States of a domestic like product.
 - iv. For covered agricultural products, a coalition or trade association of processors, processors and producers, or processors and growers.
 - v. A foreign manufacturer, producer, or exporter of covered merchandise.
 - vi. A certified union or recognized union or group of workers that is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product.
- c. An explanation/proof stating how the allegor qualifies as an interested party.
- d. The allegor should also provide information about the alleged violating importer, such as:
 - i. Name and address of the violating importer of the covered merchandise.
 - ii. Names of any domestic manufacturers and producers affiliated with the alleged violating importer.
- e. Provide applicable AD/CVD orders.
- f. Describe the [covered merchandise](#).
 - i. Use descriptive wording.
 - ii. Fully explain its use(s).
- g. Describe the alleged evasion scheme which may include but is not limited to:
 - i. Transshipment, misclassification, wrongly entering merchandise subject to an AD/CVD order as Type 01, using the wrong AD/CVD rate, undervaluation, or other avenues by which AD/CVD are avoided.
 - ii. Ideally in a narrative form
 - iii. Using information reasonably available to the interested party to support the allegation along with any supporting evidence (e.g., trade data, foreign customs data, first-hand accounts of the evasion scheme presented via signed affidavits, photographs, and/or videos, third-party market research, email messages between parties, etc.).



- h. The allegation must:
 - i. Provide evidence to show imports by that importer reasonably suggest evasion, based on information reasonably available to the allegor.
 - ii. Indicate the confidentiality status of documents provided by the interested party making the allegation.



Important: Allegers must provide evidence that reasonably suggests evasion of an AD/CVD order. They do not have to provide that the violator intended to evade AD/CVD fees, just evidence that they did.

PART 2: INCLUDE THE FOLLOWING: CURRENT INFORMATION.

1. Specific and detailed descriptions.
2. Details about the mechanisms by which a party is violating trade laws.
3. Precise description of the product.
4. Details about the violating party.
5. Include supporting documentation.
6. Be responsive.



TIP: Overall—the more information/details the better.

PART 3: TYPICAL DEFICIENCIES: REASONS FOR DENIAL


Ensuring that all allegations submitted to CBP contain the necessary information to initiate an investigation is essential. Any information gaps or deficiencies will result in the rejection of the allegation. If this happens, CBP will provide an explanation with the returned allegation stating why the allegation cannot be investigated. The good news is that there is no limit to the number of times the allegation can be refiled, so long as it stands on its merit.

Some deficiencies may include:

1. Did not name the actual importer of record, or when and if imports were made, and who made them.
2. Allegor does not qualify as an interested party.
3. Products are not covered by current AD/CVD order or if AD/CVD duties were paid.
4. First-hand accounts of the evasion scheme were not detailed enough.
5. Claimed evasion happened too far in the past.

PART 4: HOW TO FILE AN EAPA ALLEGATION

Allegations are submitted through the Trade Violation Reporting (TVR) application more commonly referred to as e-Allegations.

1. To file an EAPA allegation, you would use the following link <https://eallegations.cbp.gov/>
 - a. The “Report Enforce and Protect Act Violations” section contains the following:
 - i. A brief description of the section; read all before starting.
 - ii. A hotlink to <https://www.cbp.gov/trade/trade-enforcement/tftea/eapa/new-to-eapa> website containing allegation requirements, instructions, frequently asked questions, and the general process of completing the allegation.
 - iii. Also in the section is another link to EAPA where any attachments that are difficult to upload can be emailed to epaallegations@cbp.dhs.gov.
 - iv. To start the allegation process, select the red button at the bottom of the section labeled 



2. Create a login profile.
3. Fill out the required fields and submit any additional information.
4. Upload all supporting documents and information to the EAPA Case Management System (CMS).
5. All documents submitted in support of the record and case milestones are available via the CMS throughout the process.

