

EAPA investigations begin after **interested parties file an allegation** using the Trade Violation Reporting (TVR) website (previously called the e-Allegations Portal). After reviewing the allegation for sufficiency, including counseling the allogger as necessary, U.S. Customs Border Protection (CBP) will officially “receive” the allegation and then will have 15 business days to determine whether to initiate an EAPA investigation.

### Days 0-15: Receipt of Allegation

- CBP notifies the Allogger that it is in receipt of an allegation that meets the requirements (Refer to 19 C.F.R 165).
- If CBP determines that it will not proceed with an investigation, the Allogger will be notified within five business days of that determination.
- CBP will not have contact with the Allogger until the Notice of Initiation unless the Allogger wishes to withdraw the allegation.
- CBP has the discretion to consolidate multiple allegations based on the relationship between the importers, similarity of the covered merchandise, and/or AD/CVD orders and overlap in the investigation timeline. If consolidation occurs, parties will be notified no later than the 95<sup>th</sup> calendar day after the date of the initiation of the investigation. Consolidation can occur at any stage of the investigation.



**Note:** If CBP consolidates allegations into a single investigation, the date on which CBP receives the first of such allegations will start the time for the deadline to initiate the investigation.

**Note:** Refer to the U.S. CBP TVR website for information on properly filing an allegation [TVR-Home \(cbp.gov\)](https://www.cbp.gov/tvr-home).

## PURPOSE

This Quick Reference Card describes the Enforce and Protect Act (EAPA) investigation timeline when an allegation reasonably suggests that there is evidence of Anti-dumping/Countervailing Duty (AD/CVD) evasion.

## PART 1: DEADLINES FOR INVESTIGATIONS

1. **Day 0: When an Investigation is Initiated:** An allegation has demonstrated:
  - a. Evidence to **reasonably suggest** evasion.
  - b. There is an initiation of the investigation. International Trade Analysts from the Trade Remedy Law Enforcement Directorate will lead the investigation.
  - c. EAPA team is formed from multiple CBP components.



**Important:** Timeline “due by” dates are aligned with the initiation date, not the receipt of the allegation.

- d. CBP cannot determine whether the entered merchandise described in the allegation is properly within the scope of an antidumping or countervailing duty order. CBP will promptly notify the parties to the investigation of the date of the referral.
- e. The time required for any referral and determination by Commerce will not be counted toward CBP’s deadlines. CBP will notify the parties to the investigation of Commerce’s decision. Deadlines and notice requirements listed apply only to parties to the investigation.





**Note:** CBP may submit a referral to the Department of Commerce (Commerce) if at any point after the receipt of the allegation:

- 2. 90 Days: Determination of Reasonable Suspicion of Evasion and Issuance of Interim Measures**
  - a. CBP must determine whether there is a reasonable suspicion of evasion within 90 calendar days after initiation of an investigation, as per § 165.24.
  - b. Team verifies the accuracy of the allegation and gathers evidence of potential AD/CVD evasion.
  - c. During the first 90 days, the importer is not aware it is under investigation.
  - d. Importers are informed of the EAPA investigation on Day 90.
- 3. Fifth Business Day after Day 90: Notice of Decision to Initiate an Investigation and Whether Interim Measures Were Taken.**
  - a. Notice of Initiation of Investigation is issued and, if reasonable suspicion is found, Interim Measures are taken. The notice will provide justification for continuing the investigation if there is not reasonable suspicion of evasion. If there is reasonable suspicion of evasion, the notice will provide CBP's reasoning for its determination that reasonable suspicion exists that the importer entered covered merchandise into the customs territory of the United States through evasion and notify the importer of interim measures.
  - b. If CBP determines that interim measures are warranted, then CBP will take the following actions:
    - i. Extend liquidation of unliquidated entries that entered before the date of initiation.
    - ii. Suspend liquidation of unliquidated entries entered on or after the date of initiation.
    - iii. Additional measures may be taken to ensure the protection of revenue.
  - c. CBP will release the record for parties to the investigation via the Case Management System (CMS). Only parties to the investigation may access the record.
- 4. Day 200: Deadline to Voluntarily Submit Factual Information.**
  - a. Parties to the investigation can voluntarily submit new factual information for the EAPA record until day 200.
  - b. Voluntary submissions made after the 200th calendar day after initiation of the investigation will be rejected from the record and not be considered in the final determination.
- 5. Day 230: Deadline to Submit Written Arguments.**
  - a. All written arguments must be submitted to CBP no later than 230 calendar days after the investigation was initiated, unless CBP extends the deadline.
- 6. Day 245: Deadline to Submit Responses to the Written Argument.**
  - a. A response to a written argument must be submitted to CBP no later than 15 calendar days after the written argument was filed with CBP.



**7. Day 300: Determination as to Evasion/ Day 360: Determination as to Evasion if the Investigation is Extended for Being Extraordinarily Complicated.**

- a. Upon conclusion of the investigation, TRLED must determine whether there is substantial evidence of evasion within 300 calendar days after initiation of an investigation or,
- b. 360 calendar days if the investigation is extraordinarily complicated.

**8. Five Business Days after Day 300 or Day 360 Notice of CBP's Determination as to Evasion.**

- a. TRLED issues notice of determination to parties to the investigation.



**Note:** A 60-day extension may be requested when an investigation is extraordinarily complicated. This extension may apply to Notices of Determination as to evasion.

**PART 2: DEADLINES FOR ADMINISTRATIVE REVIEW**

**1. 30 Business Days after the Notice of Determination as to Evasion: Initiation of the Administrative Review and Transmission of the Case Tracking Number.**

- a. **Administrative Review:** A party to the investigation can challenge the CBP EAPA determination by requesting an administrative review of the determination within 30 business days after the issuance of the initial determination.

**2. 60 Business days: Completion of the Administrative Review**

- a. After receipt of the administrative reviewers' request, Office of Regulations and Rulings has 60 business days to conduct a *De Novo* Standard Review of the determination of AD/CVD evasion.

**PART 3: DEADLINES FOR JUDICIAL REVIEW**

**1. 30 Business Days After Administrative Review Decision is Issued: Initiation of the Judicial Review**

- a. **Judicial Review:** A judicial review can be requested within 30 business days of the administrative review decision. If an administrative review is not requested, parties to the investigation cannot request a judicial review.

