

Protest/Petition Processing Handbook

Office of International Trade
Trade Policy and Programs
HB 3500-08A

December 2007



U.S. Customs and
Border Protection

This handbook replaces and updates U.S. Customs and Border Protection (CBP) Protest Handbook 3500-08 dated June 2002. Protest Handbook 3500-08 provided national policies and procedures for processing protests and petitions covered under Title 19, United States Code (19 USC), Sections 1514 and 1520(c)(1), respectively (514 protests and 520(c)(1) petitions). In particular, the revision reflects statutory changes created by the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108-429) (The Act), which was signed into law on December 3, 2004.

Most notable is the elimination of 520(c)(1) petitions and the time extension for section 514 protests. Section 2105 of The Act eliminates 520(c)(1). For entries filed on or after December 18, 2004, no 520(c) petitions may be filed. 19 USC 1514 (Protest) provides the legal vehicle for importers and interested parties to administratively contest CBP decisions related to imported merchandise. Section 2103 of The Act amends 19 U.S.C. 1514 (514 protests) and extends the time frame for which a protest may be filed from 90 days to 180 days after the date of liquidation or reliquidation or the date of the decision being protested.

The Act also reflects changes made by the provisions of the North American Free Trade Agreement Implementation Act (NAFTA), and the Chilean Free Trade Agreement (CFTA), including claims provided for under 19 USC 1520(d) (520(d) claims) and interventions under Title 19, Code of Federal Regulations (19 CFR), section 181.115 (181.115 interventions). 19 USC 1520(d) gives interested parties the right to make claims for preferential tariff treatment under the NAFTA or CFTA. 19 CFR 181.115 allows an exporter or producer of merchandise to intervene in the importer's 514 protest covering an adverse marking decision.

Throughout this handbook, the term "protest" will be used when referring to 514 protests and 181.115 interventions. Protestors hereinafter will be referred to as protestants. A person other than the protestant who prepares and files the protest on behalf of the protestant (e.g., a Customs broker or attorney) will be referred to as a filer. The term "entry unit" will be used when referring to the Port Entry Unit, Protest Unit, or Business Service Center. The term "review team" will be used when referring to the reviewing officer responsible for deciding the protest.

Any document received, that can be construed to contest a protestable decision (19 CFR 174.11) and is signed by a party at interest (19 CFR 174.12), should be treated as a protest. There is no statutory requirement that a protest be filed on a CBP Form 19. Once a document is determined to be a protest, CBP should accept it. There should be no "rejection" of protests based on format of the submission (missing a CBP Form 19). A CBP Form 19 may be requested if additional information is needed. All protests

should be processed according to the procedures found in this handbook. Protests are legal documents that require expertise and accuracy in processing and should be treated as a priority.

Any questions about the contents of this handbook or suggestions for improvement should be directed to CBP Headquarters, Office of International Trade, Trade Policy and Programs, Summary and Account Management.

(b)(6),(b)(7)(C)

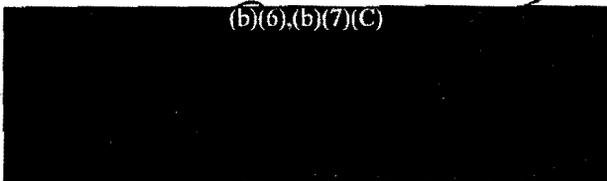


TABLE OF CONTENTS

PART I INITIAL ACTION	6
A. ENTRY UNIT	6
(1) PROTEST DATE.....	6
(a) HAND DELIVERED.....	6
(b) MAIL.....	6
(c) FACSIMILE.....	6
(d) ELECTRONIC.....	6
(e) MISCELLANEOUS LETTERS.....	6
(2) INPUT INTO THE AUTOMATED COMMERCIAL SYSTEM (ACS).....	7
(3) MASTER COPIES.....	8
(4) TIMELINESS.....	8
(5) INCOMPLETE PROTESTS (19 CFR 174.13).....	10
(6) ENTRY SUMMARY RETRIEVAL.....	11
(7) FORWARDING FOR REVIEW AT THE PORT.....	12
(8) PROTESTS FILED ON DRAWBACK.....	12
(9) PROTESTS ON VESSEL REPAIR.....	13
(10) ACCELERATED DISPOSITION OF 514 PROTESTS (19 CFR 174.22).....	13
(11) PROTESTS ON EXCLUSION OF MERCHANDISE / DEMANDS FOR REDELIVERY (19 CFR 174.21(b)/19 CFR 151.16).....	14
 PART II PROTEST REVIEW PROCESSING	16
(1) PROCESSING.....	16
(2) CONTROLS.....	17
(3) SUPERVISORY REVIEW.....	17
 PART III PROTEST REVIEW PROCESSING OF AD/CVD ISSUES	19
(1) PROCESSING.....	19
 PART IV REVIEW PROCESSING OF APPLICATIONS FOR FURTHER REVIEW	22
(1) PROCESSING.....	22
(2) AFR REVIEW/PROCESSING BY THE OFFICE OF REGULATIONS AND RULINGS (OR&R).....	24
(3) CONTROLS.....	25
 PART V SUSPENSIONS	26
 PART VI PROTEST DECISIONS	27
(1) PROCESSING.....	27

CONTENTS

PART VII SUMMONS FILED IN THE COURT OF INTERNATIONAL TRADE (CIT).....	29
(1) TRANSMITTAL OF OFFICIAL RECORD TO THE CIT	29
(2) TRANSMITTAL OF SUMMONS PACKAGE TO THE ASSISTANT CHIEF COUNSEL, INTERNATIONAL TRADE LITIGATION.....	30
PART VIII PROCESSING OF REQUESTS FOR RECONSIDERATION OF DENIAL OF FURTHER REVIEW AND REQUESTS TO VOID PROTEST DENIAL.....	31
(1) PROCESSING REQUESTS FOR RECONSIDERATION AFR DENIAL	31
(2) PROCESSING REQUESTS TO RECONSIDER PROTEST DENIAL.....	32
PART IX CONTROLS.....	34
PART X RESPONSIBILITIES.....	36
PART XI REFERENCE MATERIAL	37
PART XII SUPERSEDED MATERIAL	38
Appendix A: Protest Process Status Codes	39
Appendix B: ACS Protest Management Reports.....	40
Appendix C: AD/CVD PROTEST.....	41
Appendix D: Memorandum: Change in CIT Case Numbering.....	42

PART I INITIAL ACTION

All ports will adhere to the following procedures in the processing of 514 protests, 520(d) claims and 181.115 interventions.

A. ENTRY UNIT**(1) PROTEST DATE****(a) HAND DELIVERED**

Hand-delivered protests should be self-receipted. A date/time stamp should be available to the public for this purpose. Both the original and the deliverer's receipt copy should be stamped. The port accepting the protest should ensure that the date stamped on the protest is the same date the filer presents the protest to CBP.

(b) MAIL

Protests received by close of business via mail, including registered mail, should be date-stamped with the date of receipt. Protests received after the close of business should be date-stamped with the date of the following business day. CBP will recognize receipt by any means (e.g., overnight, registered or regular mail and courier services).

(c) FACSIMILE

Protests received by facsimile should be accepted and date-stamped by close of business on the date of receipt. Those received after the close of business should be date-stamped with the date of the following business day.

(d) ELECTRONIC

Protests received through CBP accepted electronic transmission should have a system generated receipt date and time.

(e) MISCELLANEOUS LETTERS

"Miscellaneous letters," when reviewed and found to be protests, should be given the date of receipt at the port office of the Port Director whose decision is being protested. (See 19 CFR 174.12 (d) and 174.12 (f).) If the protest is filed at an incorrect port, the document should be returned immediately to the filer stating such. If received untimely at the correct port, the protest should be denied as untimely. The officer first

determining the letter to be a protest should make every effort to identify the date of receipt. If unsure of this date, the reviewing officer should use the date stamped on the envelope, giving the benefit of any doubt to the protestant. The reviewing officer should establish the receipt date before forwarding the letter to the review team.

(2) INPUT INTO THE AUTOMATED COMMERCIAL SYSTEM (ACS)

(a) All protests must be entered into the ACS protest module. Failure to do so will interfere with protest processing, collection procedures and other vital processes.

(b)(7)(E)

Requests processed under 19 USC 1520(a) and Post Entry Amendments (PEAs) should not be tracked in the protest module. In addition, the ACS protest module should not be used for disputes concerning informal entries not filed on CBP Form 7501s, entry types 11 and 12 or baggage declarations filed on CBP Form 368s.

(b)(7)(E)

The outlying ports should accept and date-stamp the protest and immediately forward it to the processing port in order for the entry unit to meet its 5-day deadline. If the outlying ports are able to number protests, they should do so. Multiple entries associated with a protest shall be input (PMBA) within the 5-day deadline.

(c)(7)(E)

The first four digits of the number will be comprised of the port code for the port of entry. The fifth and sixth digits will designate the calendar year of the receipt of protest. The seventh digit will designate the type: "1" for protests, "3" for 520(d) claims, and "4" for 181.115 interventions. For electronic protests, the 8th digit will be "5" and the last 4 digits will be assigned consecutively. On all other protests, the last 5 digits will be assigned consecutively by calendar year.

Protests should be numbered using the processing port code. Entry units will sign into ACS using the sub-port sign-on when the protests are being processed by the sub ports.

For electronic protests, ACS will return an Automated Broker Interface (ABI) message with the protest number. For all others, a numbered and date-stamped copy of the protest should be promptly returned to the protestant or filer.

(d) Entry Units handling protests are designated by using their team code. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(e) (b)(7)(E)

(f) (b)(7)(E)

(3) MASTER COPIES

(a) It is mandatory that a master file be maintained in the entry unit, to include 514 protests and 520(d) claims.

The file should be continuous and in one location, *i.e.*, not broken into segments when protest processing is decentralized and placed on the entry unit. The file should contain copies of all protests and claims, without regard to status. The copies should be filed in numerical order. (b)(7)(E)

(b) When the protest is resolved and the decision input into ACS, the master copy must be replaced with a "decision copy."

(c) For an electronic protest, it is not necessary to create a master or decision copy since the information is resident in the system and updated electronically.

(d) (b)(7)(E)

If the number is voided from the system, a notation should be placed in the master file that the number was voided and the reason it was voided. (b)(7)(E)

Electronic protest filers can withdraw any protest via ABI. (b)(7)(E)

(4) TIMELINESS

(a) For merchandise entered or withdrawn from warehouse on or after December 18, 2004, section 514 protests should be filed within 180 days of liquidation, reliquidation, or when liquidation or reliquidation does not apply, 180 days from the date of the decision being protested. For merchandise entered or withdrawn from warehouse before December 18, 2004, a section 514 protest is subject to the 90-day protest period and may be the subject of a petition for re-liquidation under section 1520(c)(1).

Section 520(c) claims cannot be filed for merchandise entered or withdrawn from warehouse on or after December 18, 2004.

Section 520(d) claims must be filed within one year of importation. (See CD 3550-070A, "Filing and Processing Claims Under the North American Free Trade Agreement

(NAFTA)" and memorandum from the Executive Director, Trade Compliance and Facilitation, Office of Field Operations dated January 29, 2004 "U.S.-Chile Free Trade Agreement (US-CFTA) Implementation Information.") If a NAFTA claim is denied, a protest shall be filed within 180 days from the date of refusal to reliquidate or from the date of written notice of the denial.

A claim under section 181.115 may be filed at any time after the importer's protest has been filed and until final decision of the protest. Section 181.115 allows an exporter or producer who certifies NAFTA origin to join an importer's protest.

(b) In most cases, the ACS protest module can identify untimely protests by comparing the protest receipt date with the date of liquidation/reliquidation. However, reviewers should be alert for protests involving off-line manual liquidations and reliquidations. Dates for these liquidations are not in ACS and the timeliness will have to be manually calculated.

The protest module cannot distinguish timeliness for surety protests, protests for the exclusion of merchandise, or 514 or 520(d) denials. Timeliness for these types of protests is determined by calculating whether the protest is filed within 180 calendar days (or 90 days, if the underlying entry was made before December 18, 2004) of the first formal demand on the surety, the date of the written notice of exclusion, or denial of the 514 or 520(d) claim, and not by calculating the number of days from the date of liquidation. The surety notice date should be ascertained by calling the Revenue Division at (317) 614-4503. The date of exclusion or the date of a 514 or 520(d) denial should be evident from the exclusion notice or the 514 or 520(d) decision. Care must be taken to identify protests that are the subject of exclusion of merchandise from entry or delivery, or demand for redelivery, as the protest will generally reference an unliquidated entry summary (See section A (10)).

The 180-day protest period includes holidays and weekends. If the 180th day falls on a holiday or weekend, the filer has until the next working day to file the protest. For a 520(d) claim, the period is exactly one year from the date of importation.

(c) The entry unit will deny untimely protests. If local management elects to have untimely protests reviewed by Import Specialists for informational purposes, such review should be done after the protest has been denied as untimely by the entry unit, e.g., the protest has been dated and mailed.

When the decision on timeliness is complex (see issues covered under section A (4)(d)) and/or when the nature of the commodity may have a bearing on timeliness due to specific legislation, prior consultation with the Import Specialist is encouraged.

Untimely protests should be forwarded to the review team when the protest raises an issue regarding the validity of the notice of liquidation/reliquidation, and meets Application for Further Review (AFR) criteria (19 CFR 174.25).

(d) Protests filed prematurely (prior to the actual posting date of the bulletin notice of liquidation of the protested entry summaries) should be denied as not timely based on their premature presentation. The protest along with all the associated entry summaries must be entered into the protest module.

If one or more of the entry summaries listed on the protest are liquidated, the protest shall be forwarded for review. When the final decision is made, the protest shall be partly denied with respect to those entry summaries that were not yet liquidated when the protest was filed.

(5) INCOMPLETE PROTESTS (19 CFR 174.13)

(a) (b)(7)(E)

Vital information is information that is necessary and substantive in order for the review team to decide the protest, for example, a missing or incorrect entry number (See 19 CFR 174.13). The protestant should be notified within five working days of discovery of the missing vital information. The notice to the protestant should include the protest number and advise the protestant of what information or corrections are needed to process the protest.

Signatures are vital information and acceptable types of signatures are handwritten in ink, facsimiled, typed, stamped or electronically certified in CBP approved electronic transmissions.

See 19 CFR 174.13 for a complete list of vital information elements.

(b) (b)(7)(E)

(c) If the protestant fails to provide a response within 30 days, or the end of the protest period, whichever is longer, the protest should be processed based on the information provided. If the information needed was vital (such as the entry number), this may result in denial of the protest.

If the incomplete protest contains at least one valid entry number, it should be sent to the review team for action. The review team should not attempt to identify any incorrect entry numbers. Even if part of the protest is to be approved, the protest should be partly denied with respect to any incorrect entry numbers or other missing information.

(d) Protests for entries filed on or after December 18, 2004, an amendment may be filed at any time prior to the disposition unless accelerated disposition is requested. The amendment may assert additional claims pertaining to the decision that is the subject of the protest, an AFR, or to challenge an additional decision made on the same category

of merchandise that is the subject of the protest, e.g., appraisalment in addition to classification of the merchandise.

(e) Requests for accelerated disposition of protests, for those entries filed on or after December 18, 2004, can be made when the protest is filed and at any time after the filing of the protest.

(6) ENTRY SUMMARY RETRIEVAL

All entry summaries shall be retrieved by the entry unit for each protest using one of the following options.

(a) (b)(7)(E) [REDACTED] When

retrieving protested entry summaries from the batched files, a batch "Filing System Charge-out Card" (CBP Form 348) should be inserted in place of the entry summary.

Alternative options include (DOCS) daily, utilizing ACS Report D26-Weekly "Request for Records of Importation" or A38-Monthly "Report of Entries not Forwarded".

(b) Paperless entries lacking supporting documents must be requested via the Port Activity Tracking System (PATS) "Request for Reconstructed Entry" from the filer within 30 days, or before the end of the protest period, whichever is longer. Copies of the CBP Form 7501 and/or CBP Form 3461 should not be requested from the filer, unless the original protest states that additional information was indicated on the CBP Form 7501 and/or CBP Form 3461. The entry unit should screen print copies of the CBP Form 7501 and/or CBP Form 3461 data from the ACS system and assemble the entry package when the supporting documents are received from the filer.

If the filer fails to provide a response within 30 days, or the end of the protest period, whichever is longer, the protest should be processed as is. If the information that is available from ACS for the entry is determined to be inadequate to resolve the protest, the protest should be denied. The basis for denial should be stated clearly on the protest "protest denied based on insufficient evidence."

(c) For Electronic Invoice Program (EIP)/Remote Location Filing (RLF) paperless entries, the entry unit will not request copies of the entry summary or invoice from the filer if it is already on file. (b)(7)(E) [REDACTED]

If the electronic invoice on the entry summary went paperless/bypass and no invoice is on file, follow the steps in 6(b) for requesting reconstruction.

(d) (b)(7)(E) [REDACTED]

(b)(7)(E) [REDACTED] For Non-EIP paperless entry summaries, the date of receipt would be the date the supporting documents are received from the filer. (b)(2)

(b)(7)(E) [REDACTED]

(e) Requested entry summaries that have not been received within 60 days will be located immediately. If the entries cannot be located, a request for reconstructed entries should promptly be sent to the filer by the entry unit. (b)(7)(E)

[REDACTED] If the requested reconstructed entry summary is not received by the 180th day, the protest should be denied or partly denied based on insufficient evidence in respect to the entry/entries that cannot be reconstructed. (b)(7)(E)

(b)(7)(E) [REDACTED]

(7) FORWARDING FOR REVIEW AT THE PORT

(a) When all entry summaries have been retrieved, and no vital information is missing, the protest should immediately be forwarded to the review team for action. This will normally be done within 30 days of receipt of the protest (the only exceptions should be where vital information, supporting documentation or a reconstructed entry summary must be requested from the filer). This will give the review team time to seek additional information from the filer, if required, or to correct other errors under 19 USC 1501.

(b) (b)(7)(E) [REDACTED]

(c) (b)(7)(E) [REDACTED]

(8) PROTESTS FILED ON DRAWBACK

Protests relating to drawback claims must be filed in the port where the drawback claim was worked. For protests relating to drawback, the entry unit at the location of the drawback office should adhere to the above procedures and forward protests to the review team, e.g., the drawback office.

(a) Protests filed on all drawback entries will be sent to the drawback office.

(b) The drawback office shall review AFRs relating to drawback. If the drawback office determines they meet AFR criteria, they should forward the protest to the Regulations

and Rulings Division (OR&R). The procedures in Part IV of this Handbook should be followed.

(c) (b)(7)(E) [REDACTED]

(d) (b)(7)(E) [REDACTED] The CBP Form 19 must be completed indicating approval of the AFR only and a copy returned to the filer. However, electronic protest filers are notified via the further review decision field update.

(e) (b)(7)(E) [REDACTED] The CBP Form 19 must be completed indicating denial of the AFR only and a copy returned to the filer. However, electronic protest filers are notified via the further review decision field update.

(f) (b)(7)(E) [REDACTED]

(9) PROTESTS ON VESSEL REPAIR

(a) Only the New Orleans Vessel Repair Office reviews protests on vessel repair. The entry unit should forward the protests to the Vessel Repair Unit in New Orleans to the attention of the Assistant Port Director for Trade, New Orleans. After review, the Vessel Repair Officer may forward the protest file to the Cargo Security, Carriers and Immigration Branch in OR&R for a ruling.

(b) (b)(7)(E) [REDACTED]

(10) ACCELERATED DISPOSITION OF 514 PROTESTS (19 CFR 174.22)

(a) For merchandise entered on or after December 18, 2004, a protestant may request accelerated disposition of a 514 protest concurrently with the filing of the protest or at any time up until disposition of the protest by filing an electronic or written request.

For electronic protests the filer must complete the accelerated disposition request electronically. The written request should be flagged for the entry unit so it is apparent that accelerated disposition is being requested.

(b) (b)(7)(E)

The original accelerated request letter and mailing envelope should be attached to the top of the protest file. A photocopy of the letter and mailing envelope should be retained with the master file in the entry unit should this information be necessary for summons purposes.

(c) If the protest has already been forwarded to the review team, the entry unit should alert the review team in possession of the protest by presenting the original accelerated request letter and mailing envelope to the review team. The team should act on the protest and return it to the entry unit within the 30-day period specified in (d) below (19 CFR 174.22(c)).

(d) If the notice of decision allowing or denying the protest is not dated and mailed on or before the close of the 30th day after the date of the mailing of the request, the protest has been deemed denied as per 19 CFR 174.22(d). For example, if a protestant mails a certified letter requesting accelerated disposition on March 4th, and notice of the decision is not dated and mailed by the entry unit on or before close of business, April 3rd, then the protest is deemed denied on April 3rd.

(e) (b)(7)(E)

Since denial occurs by operation of law rather than mailing the CBP Form 19 decision, no action should be taken on the CBP Form 19. Evidence of deemed denial will take the form of the request letter and envelope affixed to the file, and the ACS record.

(11) PROTESTS ON EXCLUSION OF MERCHANDISE / DEMANDS FOR REDELIVERY (19 CFR 174.21(b)/19 CFR 151.16)

(a) When a protest is filed for exclusion of merchandise from entry or delivery or for a demand for redelivery, the protest shall be acted on within 30 days from the date the protest was filed, unless the protestant requests an additional delay for the purpose of presenting additional evidence or argument. The protest should clearly state that it is for the exclusion of merchandise from entry or delivery or demand for redelivery.

(b) (b)(7)(E)

The entry unit should flag the protest to alert

(b)(7)(E)

the review team that the protest should be acted upon within 30 days and immediately forward it to the review team.

(c) The quota on excluded merchandise should not be deleted until the protest has been decided or until final disposition of the merchandise has been determined.

PART II PROTEST REVIEW PROCESSING

(1) PROCESSING

(a) The review team will be expected to complete the protest review within 60 days of the date the protest is assigned to them unless supervisory approval is granted for an additional period of 45 to 60 days.

(b) When the protest is made available for review within 90 days of the date of liquidation/reliquidation, the review team should be alert for other corrections that may be appropriate under voluntary reliquidation, Section 501 of the Tariff Act of 1930, as amended (19 USC 1501). This section allows for the correction of errors adverse to the Government, as well as to the importer, provided that the correction and reliquidation are accomplished within the 90-day period.

(c) If there are errors that are correctable under section 501, the entry summary should be reliquidated. For merchandise entered or withdrawn from warehouse on or after December 18, 2004, a voluntary reliquidation under section 501 can take place on an entry summary against which a protest has been filed without affecting the 180-day amendment period for the protest. If this should happen, notice of a voluntary reliquidation shall be given in accordance with the requirements for giving notice of the original liquidation.

The amendment period of the protest would begin from the date of the original liquidation.

(d) The protest reviewer should make a recommendation with supporting information. Dating of the decision (CBP Form 19) should be done by the entry unit. The reviewer should also provide a brief explanation justifying the decision. (b)(7)(E)

(e) The review team should complete the protest review process, including reliquidations and/or calculations, when pertinent, before the protest is forwarded to the appropriate supervisor (e.g. Supervisory Import Specialist (SIS), Supervisory Entry Specialist/Officer (SES/SEO) or Assistant Port Director, Trade (APD/Trade)).

(f) (b)(7)(E)

(g) (b)(7)(E)

(b)(7)(E) [REDACTED] At locations with no SIS, the APD, Trade or Port Director should perform the SIS role.

(h) If upon review, it is determined that the merchandise is subject to a Tariff Preference Level restraint or a quota, then those changes will be updated in ACS as soon as possible. All quota input issues should follow previously established quota processing procedures.

(2) CONTROLS

(a) All protests assigned to the review team should be kept together where they can be easily found.

(b) (b)(7)(E) [REDACTED] Open and suspended protests should be accounted for. Open protests assigned to the team over two months should be found or reconstructed, and processed immediately. In addition, protest process status codes must be verified and updated if needed.

(c) Protest management should be accomplished through review of the ACS Protest Reports (See Appendix B).

(3) SUPERVISORY REVIEW

(a) The supervisor should review the protest within 30 days of the date the protest was assigned to the supervisor.

(b) Disagreements between the supervisor and review team should be resolved within the supervisor's 30-day time period.

(c) The supervisor should sign the protest to indicate approval of the decision and that all legal principles were adhered to when making the decision. (b)(7)(E) [REDACTED]

(b)(7)(E) [REDACTED]

(d) (b)(7)(E) [REDACTED]

(e) Either an SIS or a SES/SEO can approve and sign a protest for their respective employees. If neither an SIS nor an SES/SEO are located at the port, then the APD/Trade or the Port Director should complete the review.

(f) (b)(7)(E)

Indiscriminate denials of "lost protests" are not acceptable. Under certain circumstances, if the court finds that CBP's position was not substantially justified, CBP can be held liable for attorney's fees, as well as redress of the original complaint. At a minimum, suspended protests should be reviewed every six months to ensure that the suspended protests should still be held in suspended status. Supervisors should review the team's audit of suspended protests.

(b)(7)(E)

PART III PROTEST REVIEW PROCESSING OF AD/CVD ISSUES

(1) PROCESSING

(a) Protests of AD/CVD issues may require review by Headquarters Office of Trade, AD/CVD Branch, and/or the Department of Commerce (DOC), International Trade Administration (ITA).

(b) A protest involving AD/CVD issues should first be reviewed for timeliness. If untimely filed, it should be denied (See Part I (4)). If timely filed, it should be forwarded to the appropriate review team. If the review team determines that the protest will be denied and that a recommendation from Headquarters or the ITA may be required, copies of the protest and accompanying entry summaries should be forwarded to the AD/CVD Branch, with a cover sheet reflecting the information in Appendix C. Supervisory approval is required prior to any AD/CVD issue being forwarded to Headquarters.

ONLY COPIES OF PROTESTS AND THE ASSOCIATED ENTRY SUMMARIES SHOULD BE FORWARDED TO THE AD/CVD BRANCH. THE ORIGINAL DOCUMENTS MUST REMAIN IN THE PORT.

The review team should review the protest to determine if the issue is protestable under 19 USC 1514. Protests filed against ITA calculations or findings are NOT protestable under 1514. Section 1514 allows only for decisions made by Customs and Border Protection to be protested. A protest filed against ITA calculations or findings shall be protestable under 19 USC 1516a. The administering authority under 19 USC 1516a can only review ITA calculation determinations. These protests need not be forwarded to the AD/CVD Branch and should be denied at the protest port.

(c) If a protest is filed against CBP application of liquidation instructions and the review team agrees that the instructions were applied incorrectly, the protest can be processed at the port level without referral to the AD/CVD Branch.

(d) If a protest involves multiple entry summaries with identical issues, copies of a representative sample of entry summaries should be forwarded to the AD/CVD Branch. The review team should designate which entry summaries are to be sent to the AD/CVD Branch.

(e) (b)(7)(E)

Only a copy of the "lead" protest should be forwarded to the AD/CVD Branch.

(b)(7)(E)

The protest should be held at the port until liquidation instructions are received from the ITA. Written notification should be given to the protestant notifying them that the protest will be acted on when the ITA issues liquidation instructions. At such time, the protest should be approved, with respect to premature liquidation, and the entry summary reliquidated in accordance with the AD/CVD liquidation instructions.

(f) The protest module must be updated to indicate the new team assignment and the current processing status. (b)(7)(E)

(g) Copies of protests requiring an ITA review should be mailed to:

U.S. Customs & Border Protection
Office of Trade
AD/CVD Branch
1400 L Street
Washington, DC 20229

(h) (b)(7)(E)

(i) Protest packages to be reviewed by the AD/CVD Team should be mailed and the system updated within 30 days. The AD/CVD Team will review the protests and, if necessary, forward them to ITA for review. (b)(7)(E)

If the issue has already been presented to ITA for review, then the protest will be returned to the port with instructions to suspend citing the lead protest.

(j) When ITA has issued a decision, the package will be forwarded to the AD/CVD Team at Headquarters. The AD/CVD Team will forward ITA's decision to the APD, Trade. (b)(7)(E)

(b)(7)(E)

(k) If the protest has an Application for Further Review (AFR) relating to AD/CVD issues that have not been addressed by the ITA, then that protest will first be forwarded to the ITA according to this section via the AD/CVD Branch. After ITA has addressed the

(b)(7)(E)

AD/CVD issue, a decision will be forwarded to the port. If the protest still needs further review and meets the AFR criteria, then the protest, copies of the files, and the ITA response, shall be forwarded directly to OR&R according to Part IV of this handbook. The review team will update the protest module accordingly.

(l) (b)(7)(E)

[REDACTED] This includes questions on the status of protests forwarded to ITA.

PART IV REVIEW PROCESSING OF APPLICATIONS FOR FURTHER REVIEW

As prescribed in 19 CFR 174.23, a protestant may seek further review of a protest, in lieu of review by the Port Director where the protest was filed, by filing an Application For Further Review (AFR).

(1) PROCESSING

(a) An AFR is requested by checking the appropriate block and answering the related questions on the CBP Form 19 on which the protest is filed or by filing an amendment on a separate CBP Form 19. A similar form clearly labeled "Protest" or "Amendment to Protest" containing the same information may also be used to file an AFR. For merchandise entered on or after December 18, 2004, an amendment requesting AFR must be filed within the 180-day protest period and prior to the decision being made.

Upon receipt of CBP Form 19 or amendment, the ACS protest record should be updated. (b)(7)(E)

(b)(7)(E) If the AFR amendment is not filed within the 180-day period and prior to the decision being made, the AFR should be denied as untimely and the protest processed at the port level. (b)(7)(E)

(b)(7)(E)

(b) Before considering the AFR, the protest should be reviewed by the review team to determine if the protest is going to be approved or denied. If the protest is going to be approved in full, the protest should be processed in the normal manner without regard to the AFR. If the review team determines the protest should be denied in full or in part, the protest package along with the AFR should be forwarded to the person designated in paragraph (d) to review AFRs.

(c) If the review team determines that the AFR should be approved, then the team will prepare a CBP Protest and Summons Information Report (CBP Form 6445). The report must state that the facts on the representative entry summaries are identical to the entries that have been protested but not included. The AFR reviewer must designate the "representative" entry summaries (covering every protested issue) that are to be included with the protest package and forward to OR&R.

(d) Port Directors should designate appropriate port personnel to review AFR criteria (e.g., AFR reviewer). Only parties not involved with the original protest decision should review AFRs to determine if they meet the criteria.

(e) Designated port personnel must take care to ensure they carefully apply the AFR criteria as stated in the regulations. AFRs not meeting any one of the criteria set forth in 19 CFR 174.24 should be denied at the port level. If the criteria are met, the AFR should be granted. Any AFRs or protests which port personnel believe involve "gray" areas or are questionable, even in the absence of an application for further review, should be forwarded to OR&R or the National Commodity Specialist Division as an internal advice request pursuant to 19 CFR 177.11.

(f) An approved AFR sent to OR&R for review is designated as the "lead" protest.

(b)(7)(E)

These subsequent protests are then placed in the suspense file pending approval or denial of the AFR.

(g) If the review team determines that the protest and AFR will be denied, then the protest will be forwarded to the supervisor without the CBP Form 6445.

(h) (b)(7)(E)

For a "lead" AFR, the entry unit should make copies of the protest, the CBP Form 6445, and "representative" entry summaries.

UNDER NO CIRCUMSTANCES SHOULD THE PORT ENTRY UNITS SEND ORIGINAL PROTESTS OR ENTRY SUMMARY DOCUMENTS TO THE OFFICE OF REGULATIONS AND RULINGS.

The AFR package and any samples should be forwarded directly to the following address:

U.S. Customs and Border Protection
Office of Regulations and Rulings
1300 Pennsylvania Avenue, NW
Washington, D.C. 20229

(i) Every port should establish procedures for forwarding the information to OR&R and provide a contact name or office and telephone number in the event further information or documentation is required by OR&R. If available, the telephone number of the protesting party should also be included.

(j) (b)(7)(E)

(b)(7)(E)

(b)(7)(E) [REDACTED] A copy of the CBP Form 19 indicating that the AFR has been approved should be returned to the filer. Electronic protest filers are notified via the AFR decision indicator field update.

(k) The entry unit should forward the AFR package to OR&R, and update the protest module within 15 business days from the date the AFR was approved and returned to the entry unit. Suspended protests should be held at the port.

(l) (b)(7)(E) [REDACTED]
[REDACTED] The appropriate sections of the CBP Form 19 should be completed to indicate that only the AFR has been denied. A copy of the decision should be mailed to the filer. Electronic protest filers are notified via the AFR decision indicator field update. The protest should then be processed without regard to the AFR.

(m) (b)(7)(E) [REDACTED]
[REDACTED] The protest should be held at the port together with any other suspended same issue protests.

The cited "lead" protest may have been filed at another port and must already be on the PMA file in ACS and approved for AFR.

(2) AFR REVIEW/PROCESSING BY THE OFFICE OF REGULATIONS AND RULINGS (OR&R)

(a) (b)(7)(E) [REDACTED]
[REDACTED]

(b) OR&R should make a decision on AFRs within 90 days of receipt. Exceptions to this time frame include: when the Departments of Homeland Security, Treasury or Justice request a delay in the AFR decision; when an opinion from another agency is needed to act on the AFR; or when meetings with the requesting party, further submissions, or laboratory analysis of samples is necessary.

(c) (b)(7)(E) [REDACTED]
[REDACTED]

(b)(7)(E)

If no ruling is received from OR&R within 30 days, the review team should contact OR&R at (202) 572-8770 and secure a copy of the decision.

(d) Upon receipt of the ruling from OR&R, the review team should take immediate action on the protest. (b)(7)(E)

(e) (b)(7)(E)

(3) CONTROLS

Further Review management should be accomplished through review of the ACS Protest Reports (See Appendix B and Part IX - Controls).

(b)(7)(E)

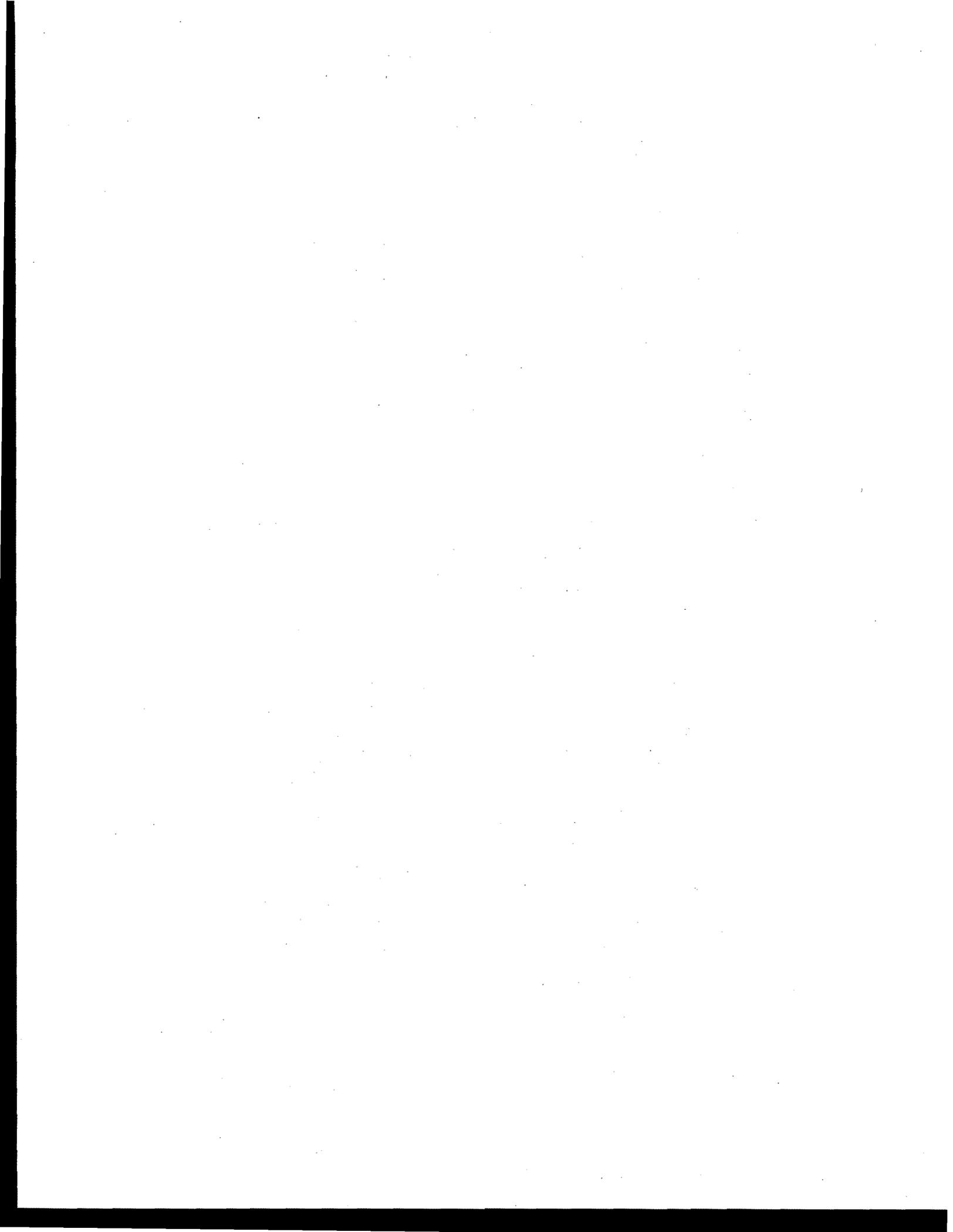
PART V SUSPENSIONS

Lead protests and associated protests should only be suspended if there is a test case before the Court of International Trade (CIT), an AFR has been granted, an internal advice request is before Headquarters, or a lead case is pending before ITA on the identical issue.

If there is a test case pending before the court, it is the burden of the protestant to prove that the issue at protest is the same issue before the court. If further information is needed on a test case, contact the Office of the Assistant Chief Counsel, International Trade Litigation, 26 Federal Plaza, Room 258, New York, NY 10278-0022, telephone (212) 264-9271, facsimile (212) 264-1326. The Office of the Assistant Chief Counsel may also be contacted to obtain or verify the status of any case before the CIT or Court of Appeals for the Federal Circuit.

(b)(7)(E)

(Reference: Memorandum from Executive Director, Trade Programs, Office of Field Operations, dated February 12, 2001, "Change in Court of International Trade Case Numbering" (See Appendix A)).



PART VI PROTEST DECISIONS

(1) PROCESSING

(a) The entry unit should immediately proceed to take whatever action is necessary to implement the protest decision, such as entering reliquidation data in ACS, requesting bill cancellations, etc. (b)(7)(E)

Particular attention must be given to the party indicated on the CBP Form 19, who is to receive any refund.

(b) The notice of decision allowing or denying the protest for which an Accelerated Disposition has been requested, should be dated and mailed to the filer *before* final reliquidation in ACS. Electronic protest filers are notified via the protest status field update.

(c) Final reliquidation without accelerated disposition should be completed in ACS prior to the dating and mailing of the decision letter (except as in (b) above). This will protect the statutory rights of the importer. (b)(7)(E)

The regulations provide that the date stamped on the CBP Form 19 is deemed to be the date of mailing. It is imperative to ensure that protests are mailed on the date stamped.

Electronic protest filers are notified via the protest status field update. Therefore, electronic protests should not be updated until after the final reliquidation has been completed.

(b)(7)(E) The reliquidation process and the mailing of the decision letter should be accomplished within 60 days from the date the protest is assigned back to the entry unit by the SIS, except for AFRs. For AFRs, the decision copy should be mailed no later than 60 days from the date the ruling letter was issued (See Part IV (2)(d)).

(d) If upon reliquidation a warning message appears identifying that a drawback claim is on file, then the reliquidation process stops. The protest package will be returned, in its entirety, to the review team for further processing. The review team will research the drawback claim to determine if it will impact reliquidation and make adjustments accordingly. (b)(7)(E)

(b)(7)(E) [REDACTED] The protest will then follow procedures in Part II of this handbook.

(e) Once a protest has been denied and the protestant notified, CBP has limited authority to change the denial. If the protest denial was issued contrary to proper instruction, the denial could be voided by CBP on its own initiative or upon written request by the protestant (19 U.S.C. 1515 (d)) within 90 days. The review will be based solely on the information before CBP at the time of the denial of the protest. Proper instructions are instructions issued by a CBP Officer who has authority to issue the instructions. An example of such an instruction would be the transmittal of instructions to re-liquidate a protested entry at a particular appraised value; the denial of a protest contrary to those instructions would be subject to being voided.

(f) When a decision approving a timely protest is issued in error, CBP may rescind the approval only if that entry summary has not yet been reliquidated and the CBP Form 19 has not been mailed. CBP must rescind a protest approval that was untimely, if the protest has been discovered by CBP prior to reliquidation.

(g) Denied, partly denied, and untimely denied protests should be processed as soon as possible and *not* held for the 180-day period. Any samples associated with these protests should be returned to the protestant.

(h) (b)(7)(E) [REDACTED] One of the remaining copies of the resolved protest should be attached to the entry summary. Resolved protests are approved protests or denials for which no summons was timely filed. No action to the master file is required on electronic protests since the information is stored and updated electronically.

(i) Samples shall be returned to the filer when the protest has been resolved.

PART VII SUMMONS FILED IN THE COURT OF INTERNATIONAL TRADE (CIT)

(1) TRANSMITTAL OF OFFICIAL RECORD TO THE CIT

(a) When a protestant files a summons in the CIT, the court sends a copy of the summons to each port involved accompanied by a "Notice to Transmit Official Record" form. It is the port's responsibility to transmit certain documents to the court.

(b) Upon receipt, the entry unit must immediately associate the summons with its protest and entry papers and consult the review team for any additional information.

(c) (b)(7)(E) [REDACTED] (Reference: Memorandum from Director, Office of Field Operations, dated February 12, 2001, "Change in the CIT's Case Numbering.")

(d) The following originals should then be forwarded to the CIT on a CBP Form 322 "Summons Documentation Transmittal:" entry and entry summary, invoices, copy of protest (including any letters, memoranda, supplements, and amendments relating to the protest) and denial in whole or in part, importer's exhibits, samples, laboratory reports, and a copy of any bond relating to the entry. The CBP Form 322 and related documents should be forwarded to the court within 30 days of receipt of the summons. Certain situations require documents to be forwarded sooner, if possible (e.g., protests of exclusions). All items forwarded must reference the court number on the summons and be forwarded by certified mail. Documents not sent which are known to exist (e.g., lost entries) should be indicated on the CBP Form 322, along with any discrepancies (e.g., entries listed on the summons not covered by the protest).

(e) Any questions regarding what documents to send to the court should be addressed to the Assistant Chief Counsel, International Trade Litigation, in New York, (212) 264-9271.

(f) The entry unit should retain a copy of the summons (which shows the date of filing on the back). An additional copy of the summons should be made for forwarding to the Assistant Chief Counsel, as discussed in Part VII (2). For summons filed electronically, the actual date of filing is contained on the court's website to which the ports do not have access. If this information is needed, the Assistant Chief Counsel, International Trade Litigation, should be contacted.

(g) Internal documents such as correspondence with the National Import Specialist (NIS), "Quality & Uniformity Information Control Systems" (QUICS) or Customs

Information Exchange (CIE) messages, CBP Form 6445s, investigative reports, and memoranda reflecting an exchange of views between CBP personnel should not be sent to the court. Such documents should only be included with the summons package sent to the Assistant Chief Counsel in New York, as described below.

(2) TRANSMITTAL OF SUMMONS PACKAGE TO THE ASSISTANT CHIEF COUNSEL, INTERNATIONAL TRADE LITIGATION

(a) Documents that entry units send to the Assistant Chief Counsel should consist of copies of the annotated summons as outlined below: copies of the denied protests, the CBP Form 322, and if necessary CBP Form 6445. These items should be sent via regular mail to the Assistant Chief Counsel, International Trade Litigation, U.S. Customs and Border Protection, 26 Federal Plaza, Room 258, New York, New York 10278.

(b) If a CBP Form 6445 was previously prepared for an AFR or other court action that concerned the same issues, and was furnished to the Assistant Chief Counsel, the previous summons number should be noted on the upper left hand corner of the summons copy for the Assistant Chief Counsel. If the port is aware of any CBP Form 6445s prepared by other ports related to the same issue, these may also be referenced.

(c) If a CBP Form 6445 addressing the issue was not previously sent, it should be prepared for forwarding to the Assistant Chief Counsel. References to rulings, correspondence with the NIS, audit reports, importer samples, lab reports, etc., should be included on the report and copies sent to the Assistant Chief Counsel.

(d) An action is subject to dismissal if all duties and interest were not deposited with Customs by the date the summons was filed. Deposits of estimated AD/CVD duties are considered to be duties. Therefore, any entry that was liquidated with increased duties must be checked by the entry unit to determine if all duties were paid prior to the filing date shown on the summons sent by the court. The entry unit will identify entries for which all duties were not timely paid and annotate the CBP Form 322 summons copy going to the Assistant Chief Counsel. Under the explanation, annotate "not paid in full".

(e) Information regarding protests filed by a surety where timeliness of the protest has been verified with the National Finance Center should be provided to the Assistant Chief Counsel.

PART VIII PROCESSING OF REQUESTS FOR RECONSIDERATION OF DENIAL OF FURTHER REVIEW AND REQUESTS TO VOID PROTEST DENIAL

(1) PROCESSING REQUESTS FOR RECONSIDERATION AFR DENIAL

If a protesting party believes that an application for further review was erroneously or improperly denied or was denied without authority for such action, it may file a written request to the protest port, attention Commissioner of U.S. Customs and Border Protection, that the denial of the application for further review be set aside. Such request must be filed no later than 60 days after the date of the notice of denial.

(a) (b)(7)(E) [REDACTED]

(b) Action must be taken to deny or approve the request within 60 days after the date of the request. If CBP fails to act within 60 days, the request shall be considered denied. All denials are effective from the date of original denial of the protest for purposes of 28 USC 2636. 28 USC 2636 states the timeframes in which a civil action must be made in order to contest the denial.

(c) If the request is received outside the 60-day timeframe, it should be denied. (b)(7)(E) [REDACTED] Notice of the decision should be dated and mailed to the filer. Electronic protest filers are notified via the AFR denial review decision indicator update.

(d) If the request is timely filed, the AFR package should be forwarded to OR&R in the same manner and following the same procedures as if the AFR had been approved (See Part IV). OR&R will issue a ruling based solely on the information before CBP at the time the application for further review was denied. (b)(7)(E) [REDACTED] Notice of the decision should be dated and mailed to the filer. However, electronic protest filers are notified via the AFR denial review decision indicator update. (b)(7)(E) [REDACTED]

(b)(7)(E) [REDACTED]

(e) If an action is commenced in the Court of International Trade that arises out of a protest decision whether or not subject to an AFR, all administrative action pertaining to such protest decision or AFR shall terminate and any administrative action taken

subsequent to the commencement of the action shall be null and void. (b)(7)(E) [Redacted]

(f) (b)(7)(E) [Redacted]
[Redacted] The review team should take immediate action on the protest.

(2) PROCESSING REQUESTS TO RECONSIDER PROTEST DENIAL

If a protesting party believes a protest, which was timely and properly filed, has been denied contrary to proper instructions, it may file with the appropriate Port Director, within 90 days of the date of the protest denial, a written request to void the denial of the protest. If the Port Director or other CBP officer believes the request is not substantively valid, the protest should be forwarded immediately, along with related documents, to CBP Headquarters, Regulations & Rulings, for review and decision.

A request for reconsideration of a denied protest may only be made by identifying factors contrary to CBP instructions, (*i.e.*, a ruling or transmittal of instructions to re-liquidate a protested entry at a particular appraised value, etc.) A request for reconsideration should not be granted for supplying additional information that should have been presented in the original protest.

(a) (b)(7)(E) [Redacted]

(b) (b)(7)(E) [Redacted]
[Redacted] Notice of the decision should be dated and mailed to the filer. Electronic protest filers are notified via the AFR denial review decision indicator update.

(c) (b)(7)(E) [Redacted]
[Redacted] The protest should remain in denied status during the review period.

(d) (b)(7)(E) [Redacted]

(b)(7)(E) [REDACTED] For all other protests, the original decision should be part of the master file.)

(e) (b)(7)(E) [REDACTED]

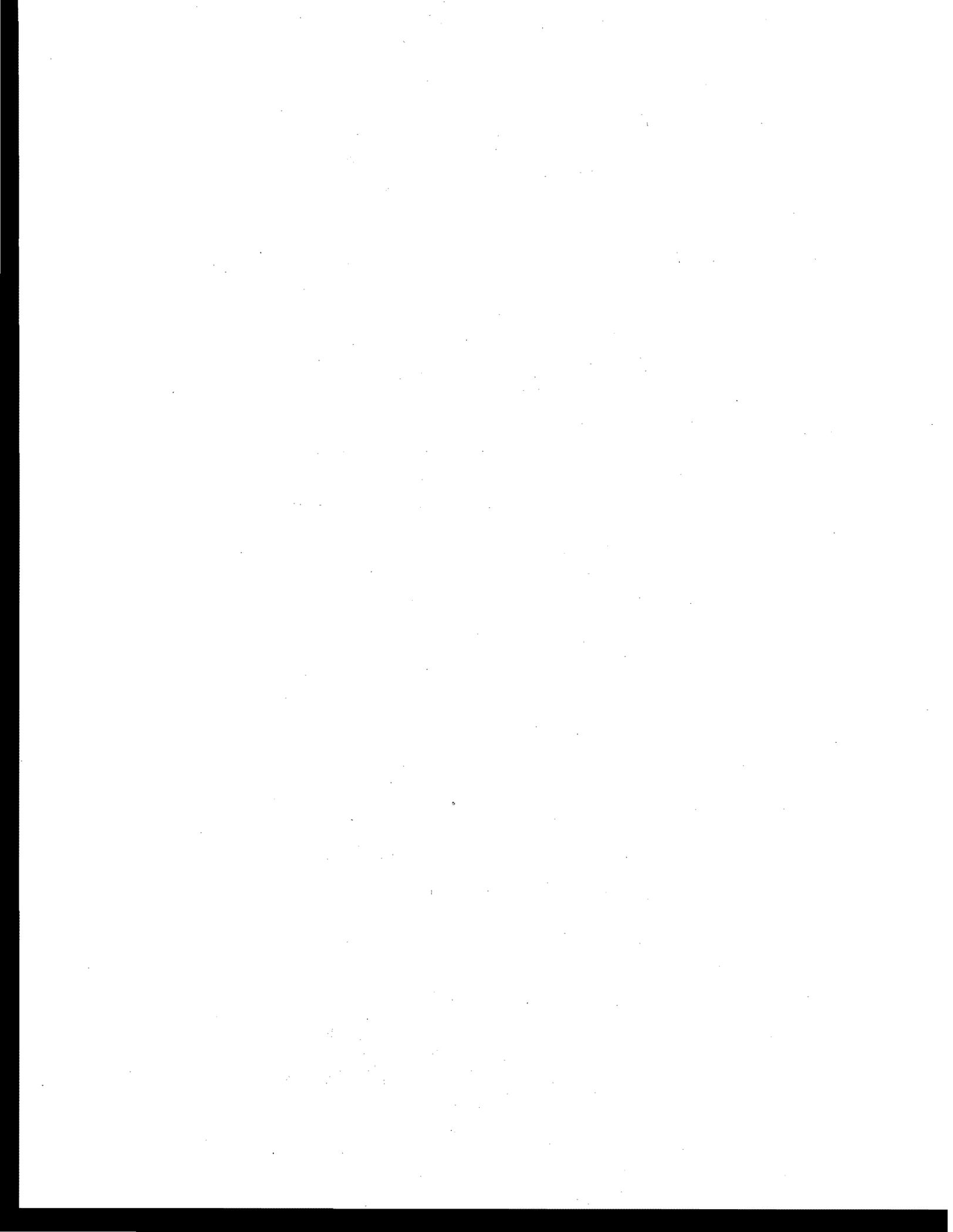
[REDACTED] (b)(7)(E)

Notice of the decision should be dated and mailed to the filer. Electronic protest filers are notified via the void decision indicator field update.

(b)(7)(E) [REDACTED] Particular attention must be given to the party, indicated on the CBP Form 19, who is to receive the refund.

(b)(7)(E) [REDACTED]

Notice of the Decision should be dated and mailed. Electronic protest filers are notified via the void request decision and protest status field updates.



PART IX CONTROLS

(a) Although the two-year decision period set by 19 USC 1515 and 19 CFR 174.21 does not provide for any consequences if the protest is not resolved within this two-year period, under the provisions of this Handbook, the vast majority of the protests should be resolved within one year, *i.e.*, review team processing should be completed, the entries should be reliquidated, and the decision should be entered into the protest module within 1 year. Only some AFRs, AD/CVD protests sent to Department of Commerce, or suspensions pending the outcome of court cases would be likely exceptions to the one-year processing requirement.

(b) (b)(7)(E) [redacted]
[redacted] Open protests over 2 months old and still assigned to the team should be found or reconstructed, and processed. During the monthly review, the review team will ensure that all protests contain the proper process status codes.

(c) (b)(7)(E) [redacted]
[redacted] The status of suspended protests assigned to a team should be verified and processed accordingly.

(d) Semi-annually, the appropriate supervisor should check for overdue protests. (b)(7)(E) [redacted]
[redacted] All protests over 120 days old should be found and reviewed. If suspended over one year, the suspension should be verified and the process status codes updated (See Appendix A). Lost files should be reconstructed and processed.

(e) Master files should be reviewed annually by the entry unit. All files over 1 year old and still "undecided" should be examined to ensure that the protest was entered into ACS and that the file is in fact still open in ACS. (b)(7)(E) [redacted]
[redacted]

(f) (b)(7)(E) [redacted]
[redacted]
[redacted]

(g) (b)(7)(E) [redacted]
[redacted] Unassigned protests should be located and assigned.

(h) Ports are responsible for conducting the protest self-inspection.

PART X RESPONSIBILITIES

Directors, Field Operations, Area and Port Directors will ensure that the procedures stated in this Handbook are implemented and that the time frames set forth are met.

- (a) Field Offices should monitor their respective ports' ACS protest reports to ensure that time constraints are met.
- (b) Field Offices should monitor the results of the ports' self-inspection worksheets annually, and ensure that corrective measures are in place to address any issues discovered during the self-inspection process.
- (c) Headquarters will monitor all port activity on a quarterly basis. The review will cover the following factors:
 - Open protests assigned to any team for more than 60 days.
 - Open protests that are missing or have an improper Protest Process Status Code (See Appendix A).
 - Status of protests suspended over 1 year.
 - Verify ports are following the oversight guidelines set forth in the memorandum "Oversight of Critical Trade Programs" dated September 8, 2006.



PART XI REFERENCE MATERIAL

Title 19, United States Code (multiple sections cited throughout)

Title 28 USC 2636 (cited in VIII (1)(b))

Title 19, Code of Federal Regulations, Part 174

ACS Protest Handbook 5600-18 revised July 1996

Processing Procedures for Electronic Entries Handbook, updated August 1998

CBP Directive Number 3550-070A Filing and Processing Claims Under the North

American Free Trade Agreement (NAFTA), revised June 29, 1999

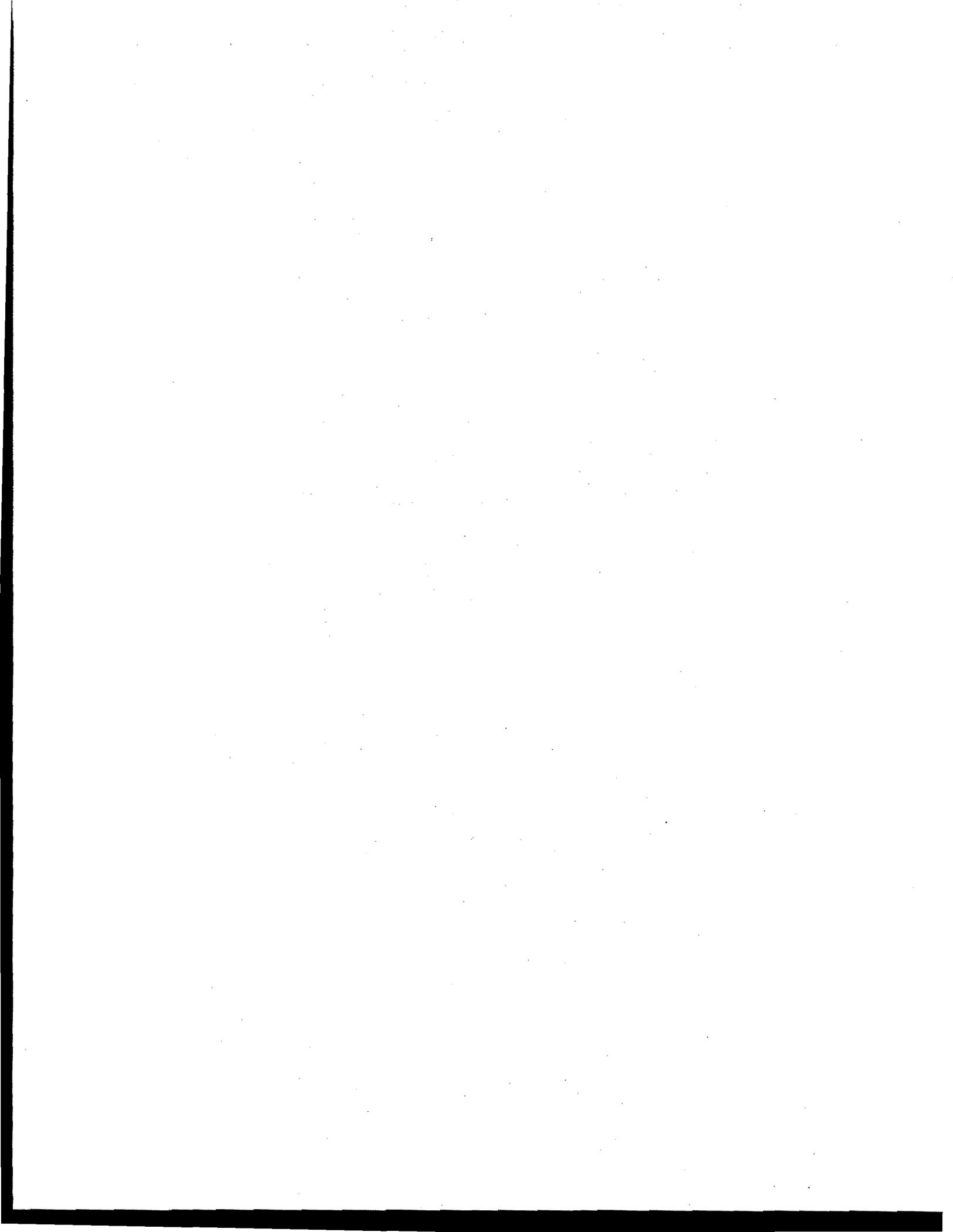
U.S. Customs and Border Protection Electronic Protest, Publication # 585

Memorandum TC Number TP-01-0345 "Change in Court of International Trade Case Numbering", dated February 12, 2001

Memorandum "U.S.-Chile Free Trade Agreement Implementation Information", dated January 29, 2004

ACS On-Line User Guide Chapter 368

"Protest" Computer Based Training (CBT) Course via Phoenix



PART XII SUPERSEDED MATERIAL

Protest/Petition Processing Handbook 3500-08 dated June 2002



Appendix B: ACS Protest Management Reports

(b)(7)(E)

A large, solid black rectangular redaction covers the majority of the page's content, obscuring all text and graphics beneath it. The redaction starts below the section header and extends nearly to the bottom of the page.

(b)(7)(E)

Appendix C: AD/CVD PROTEST

Date Forwarded to AD/CVD Team:

Case No.:

Protest No:

"Lead" Protest? Y / N

Port Name:

Main Contact Name, Phone Number and Email Address:

No. Entries Covered by Protest:

No. Entries Enclosed:

AD/CVD Message Number:

Protest Module Updated? Y / N

Email sent to "ADCVD-OGA"? Y / N

Narrative (provide a brief and concise description of the issue and Review Team Recommendations):

Supervisor Signature:

Supervisor Name and Phone Number:

NOTE: PLEASE RETAIN ORIGINAL DOCUMENTS FOR YOUR FILE.

Please mail copies of protests to:

U.S. Customs and Border Protection
Office of Trade
Special Enforcement – AD/CVD Branch
1300 Pennsylvania Avenue, N.W. 5.2C
Washington, DC 20229

Appendix D: Memorandum: Change in CIT Case Numbering



U.S. Customs Service

Memorandum

OFC:TP:CP:ED DY

FEB 12 2001

TO : Directors, Field Operations

FROM : Executive Director, Trade Programs
Office of Field Operations

PASS TO : Port Directors and Area Directors under your jurisdiction.

SUBJECT: Change in Court of International Trade Case Numbering

The Court of International Trade has changed the format for the Court Numbers assigned to each civil action for all cases pending or filed with the Court on or after January 1, 2001. TGS TP 01 - 0345

The former nine-digit format is no longer being used (YY-MM-NNNNN).

The new format consists of a seven-digit number (YY-NNNNN). The first two digits represent the year the case was filed, and the last five digits represent the sequential number of the case filed during the year. The middle two digits, which indicated the month, have been eliminated.

(b)(7)(E) [Redacted]

ANY AND ALL WRITTEN CORRESPONDENCE REGARDING A CIVIL ACTION MUST CONFORM TO THE COURT'S NEW NUMBERING SYSTEM.

Questions regarding the input of this data should be directed to the Entry and Drawback Management Branch, at (202) 927-0380. Operational and policy concerns should be directed to the Summary Management Branch, at (202) 927-0380.

TRANSMISSION

SERVICE

HOW:

(b)(6),(b)(7)(C) [Redacted]

cc: Executive Director, Field Operations