

G·TEC 2016
AUGUST 8-9 · ATLANTA, GA

**Handling a CBP Form 28
Request:
Is it Too Late for a Prior
Disclosure?**

by Peter Quinter

NEI  **NCBFAA**
EDUCATIONAL
INSTITUTE



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

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

OMB No. 1651-0098
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"/> EXPORTER 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.	<input type="checkbox"/> PRODUCER OF GOOD 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.
<input type="checkbox"/> EXPORTER/PRODUCER 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.	<input type="checkbox"/> PRODUCER OF MATERIAL 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.

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

Questions??



19 USC § 1592. Penalties for fraud, gross negligence, and negligence

(a) Prohibition

(1) General rule

Without regard to whether the United States is or may be deprived of all or a portion of any lawful

duty, tax, or fee thereby, no person, by fraud, gross negligence, or negligence—

(A) may enter, introduce, or attempt to enter or introduce any merchandise into the commerce of the United States by means of—

(i) any document or electronically transmitted data or information, written or oral statement, or act which is material and false, or

(ii) any omission which is material, or

(B) may aid or abet any other person to violate subparagraph (A).

19 USC 1592

(b) Procedures

(1) Pre-penalty notice

(A) In general

If the Customs Service has reasonable cause to believe that there has been a violation of subsection (a) of this section and determines that further proceedings are warranted, it shall issue to the person concerned a written notice of its intention to issue a claim for a monetary penalty. Such notice shall—

- (i) describe the merchandise;
- (ii) set forth the details of the entry or introduction, the attempted entry or introduction, or the aiding or procuring of the entry or introduction;
- (iii) specify all laws and regulations allegedly violated;
- (iv) disclose all the material facts which establish the alleged violation;
- (v) state whether the alleged violation occurred as a result of fraud, gross negligence, or negligence;
- (vi) state the estimated loss of lawful duties, taxes, and fees, if any, and, taking into account all circumstances, the amount of the proposed monetary penalty; and
- (vii) inform such person that he shall have a reasonable opportunity to make representations, both oral and written, as to why a claim for a monetary penalty should not be issued in the amount stated.

19 USC 1592

(c) Maximum penalties

...

(4) Prior disclosure

If the person concerned discloses the circumstances of a violation of subsection (a) of this section before, or without knowledge of, the commencement of a formal investigation of such violation, with respect to such violation, merchandise shall not be seized and any monetary penalty to be assessed under subsection (c) of this section shall not exceed—

(A) if the violation resulted from fraud—

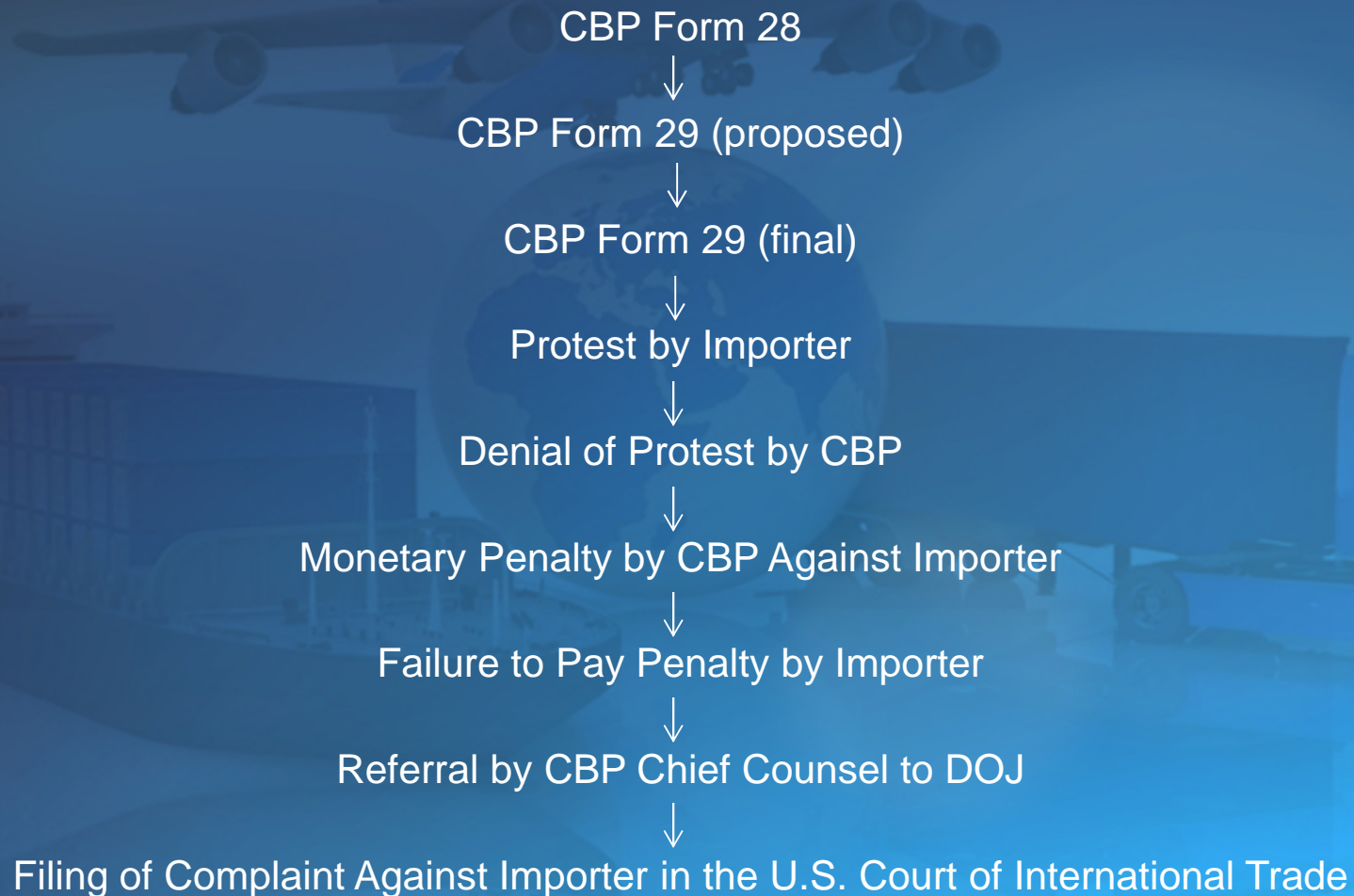
(i) an amount equal to 100 percent of the lawful duties, taxes, and fees of which the United States is or may be deprived, so long as such person tenders the unpaid amount of the lawful duties, taxes, and fees at the time of disclosure, or within 30 days (or such longer period as the Customs Service may provide) after notice by the Customs Service of its calculation of such unpaid amount, or

(ii) if such violation did not affect the assessment of duties, 10 percent of the dutiable value; or

(B) if such violation resulted from negligence or gross negligence, the interest (computed from the date of liquidation at the prevailing rate of interest applied under section 6621 of title 26) on the amount of lawful duties, taxes, and fees of which the United States is or may be deprived so long as such person tenders the unpaid amount of the lawful duties, taxes, and fees at the time of disclosure, or within 30 days (or such longer period as the Customs Service may provide) after notice by the Customs Service of its calculation of such unpaid amount.

The person asserting lack of knowledge of the commencement of a formal investigation has the burden of proof in establishing such lack of knowledge. For purposes of this section, a formal investigation of a violation is considered to be commenced with regard to the disclosing party and the disclosed information on the date recorded in writing by the Customs Service as the date on which facts and circumstances were discovered or information was received which caused the Customs Service to believe that a possibility of a violation of subsection (a) of this section existed

CBP Procedures



19 USC 1592

19 USC 1592

(c) Maximum penalties

...

(5) Prior disclosure regarding NAFTA claims

An importer shall not be subject to penalties under subsection (a) of this section for making an incorrect claim for preferential tariff treatment under section 3332 of this title if the importer—

(A) has reason to believe that the NAFTA Certificate of Origin (as defined in section 1508 (b)(1) of this title) on which the claim was based contains incorrect information; and

(B) in accordance with regulations issued by the Secretary, voluntarily and promptly makes a corrected declaration and pays any duties owing.

19 CFR §151.11

Request for samples or additional examination packages after release of merchandise.

If the port director requires samples or additional examination packages of merchandise which has been released from CBP custody, he shall send the importer a written request, on Customs Form 28, or its electronic equivalent, Request for Information, or other appropriate form, to submit the necessary samples or packages...

USE of CBP Form 28 (Request for Information) and CBP Form 29 (Notice of Action)

The CBP field offices are directed not to use the CBP Form 28 to advise an importer that a formal investigation has been commenced.

The commencement of a formal investigation is by correspondence on CBP letterhead or on the CBP Form 29.

DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection		CMB No. 1651-0023 Exp. 03-31-2014	
REQUEST FOR INFORMATION 19 CFR 151.11			
1. Date of Request		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. 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"/> 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"/> 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/island 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 hereon 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)

DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION		NOTICE OF ACTION		1. DATE OF THIS NOTICE
THIS IS NOT A NOTICE OF LIQUIDATION				
2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY	5. ENTRY NO.	
6. NAME/SELLER/SUPPLIER	7. COUNTRY	8. EXPORTING BROKER AND FILE NO.		
9. DESCRIPTION OF MERCHANDISE				
TO:		BY/FROM:		
10. 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)				
11. EXPLANATION (Refer to ACTION item and previous action)				
13. OFFICER OFFICE (Print or Type)		14. TEAM DESIGNATION	15. TELEPHONE	

CBP FORM 29

CBP Determination of a Verification

If the importer forwards the certification and all other records or documentation demonstrating that the goods qualify for preferential tariff treatment, CBP will notify the importer of the positive determination via a CBP Form 29, Notice of Action, stating that based on the information submitted the goods qualify as originating. The CBP Form 29 will include the HTS number, description of the good, and the relevant rule of origin applied to the good.

If the importer fails to submit a certification or any relevant information, CBP will issue a negative determination via a "Proposed" CBP Form 29. The notice shall specify why the goods do not qualify for preferential tariff treatment and notify the importer that they have 20 days from the date of the notice to provide the certification and all related documentation to CBP. The proposed CBP Form 29 will cite the appropriate legal authority and/or regulations and detail the rate and/or value advance where appropriate.

Determination of a Verification con't..

If the importer fails to comply with the proposed CBP Form 29 within 20 days of the date of the notice, or provides a certification and/or any other documentation, and CBP determines, based on the information submitted, that the goods do not qualify for preferential tariff treatment, a negative determination will be issued to the importer via the form of a CBP Form 29 "Action Taken." The notice will specify why the goods do not originate pursuant to the appropriate free trade agreement rules of origin, cite the appropriate legal authority and/or regulations and detail the rate and/or value advance where appropriate.

If claims were made for preferential tariff treatment based on a blanket certification against which a negative determination was established, CBP shall deny preferential tariff treatment to all importations of identical merchandise covered by that blanket certification for all entries that have not reached final liquidation.

Where CBP determines through verification that an importer has certified more than once, falsely or without substantiation, that a good qualifies as originating, CBP will suspend preferential tariff treatment to identical goods imported by such person until that person proves to CBP's satisfaction that the goods comply with the applicable rules and regulations and qualify for preferential treatment under the Agreement. Moreover, the case will be referred to FP&F to issue a penalty for violation of 19 USC 1592.

May 24, 2011

Memorandum for: Directors, Field Operations
From: Executive Director, Trade Policy and Programs Office of International Trade
Subject: Guidance: CBP Forms 28 and 29 Language

The purpose of this memorandum is to remind ports of U.S. Customs and Border Protection's (CBP) policy concerning the appropriate issuance of CBP Form 28, Request for Information and CBP Form 29, Notice of Action.

CBP should avoid using language on these forms such as "failure to provide information could lead to penalties under 19 USC 1592..." or "this office is investigating the classification of ..." if in fact an investigation is not already in process. Such language defeats the goals of informed compliance and may dissuade importers from filing valid prior disclosures.

Signed by Therese Randazzo for:
Brenda B. Smith

When You Get a CBP 28

Call CBP and talk to the Import Specialist about what might have triggered the inquiry. It is probably focused on value, tariff classification, antidumping duties, or country of origin of the imported product, or needed documentary support for a claimed free trade agreement program.

Ask for more time to respond.

ACE: Receiving and Responding to CBP Forms

The ACE Secure Data Portal allows authorized users to receive and respond to three commonly used U.S. Customs and Border Protection (CBP) forms:

- CBP Form 28: Request for Information
- CBP Form 29: Notice of Action
- CBP Form 4647: Notice to Mark/Notice to Re-Deliver

ACE: Receiving and Responding to CBP Forms Continued..

Viewing a Form

All authorized users with “*Full Access*” to forms and who have selected “*Portal*” as a mode of communication, will be able view and respond to CBP forms through their importer “*Account Type*.” Brokers responding to CBP forms 28, 29 and 4647 on behalf of their clients must do so through the importer’s portal account. Importers will need to grant brokers the appropriate access. Brokers can however respond to a post summary request for documents required through their ACE portal account.

TAO and Proxy View of Forms

The screenshot shows a web application interface with a navigation bar (Home, Accounts, References, Tools) and a 'Task List' section. The 'Forms' tab is active, showing a list of 12 forms. The table below displays the first three rows of this list.

Action #	Form Type	Entry Summary #	IR #	Date	Status
00029850001	CBPF28	50000214004	321-09-8765	02/11/2009	Sent
00029850002	CBPF28	50000214004	321-09-8765	02/11/2009	Sent
00029850003	CBPF29	50000214004	321-09-8765	02/11/2009	Sent

19 CFR 181.72(a)

§ 181.72 Verification scope and method.

(a) General. Subject to paragraph (e) of this section, Customs may initiate a verification in order to determine whether a good imported into the United States qualifies as an originating good for purposes of preferential tariff treatment under the NAFTA as stated on the Certificate of Origin pertaining to the good.

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

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

OMB No. 1651-0098
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"/> EXPORTER 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.	<input type="checkbox"/> PRODUCER OF GOOD 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.
<input type="checkbox"/> EXPORTER/PRODUCER 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.	<input type="checkbox"/> PRODUCER OF MATERIAL 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.

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

19 CFR § 162.74

19 CFR § 162.74 Prior disclosure. (a) In general—

- (1) A prior disclosure is made if the person concerned discloses the circumstances of a violation of 19 U.S.C. 1592 or 19 U.S.C. 1593a, either orally or in writing to a Customs officer before, or without knowledge of, the commencement of a formal investigation of that violation, and makes a tender of any actual loss of duties, taxes and fees or actual loss of revenue in accordance with paragraph (c) of this section.

- (1) (2) A person shall be accorded the full benefits of prior disclosure treatment if that person provides information orally or in writing to Customs with respect to a violation of 19 U.S.C. 1592 or 19 U.S.C. 1593a if the concerned Fines, Penalties, and Forfeitures Officer is satisfied the information was provided before, or without knowledge of, the commencement of a formal investigation, and the information provided includes substantially the information specified in paragraph (b) of this section. In the case of an oral disclosure, the disclosing party shall confirm the oral disclosure by providing a written record of the information conveyed to Customs in the oral disclosure to the concerned Fines, Penalties, and Forfeitures Officer within 10 days of the date of the oral disclosure.

19 CFR 162.74

19 CFR 162.74

....

(b) Disclosure of the circumstances of a violation. The term “discloses the circumstances of a violation” means the act of providing to Customs a statement orally or in writing that:

- (1) Identifies the class or kind of merchandise involved in the violation;
- (2) Identifies the importation or drawback claim included in the disclosure by entry number, drawback claim number, or by indicating each concerned Customs port of entry and the approximate dates of entry or dates of drawback claims;
- (3) Specifies the material false statements, omissions or acts including an explanation as to how and when they occurred; and
- (4) Sets forth, to the best of the disclosing party's knowledge, the true and accurate information or data that should have been provided in the entry or drawback claim documents, and states that the disclosing party will provide any information or data unknown at the time of disclosure within 30 days of the initial disclosure date..

19 CFR 162.74

(c) Tender of actual loss of duties, taxes and fees or actual loss of revenue. A person who discloses the circumstances of the violation shall tender any actual loss of duties, taxes and fees or actual loss of revenue. The disclosing party may choose to make the tender either at the time of the claimed prior disclosure, or within 30 days after CBP notifies the person in writing of CBP calculation of the actual loss of duties, taxes and fees or actual loss of revenue.

The Fines, Penalties, and Forfeitures Officer may extend the 30-day period if there is good cause to do so....

Protest

Approved CMB No. 1661-0017
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 (212-264-2800).

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 Accelerated 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, separately, (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 174.15(a)(7).) To request such disposition, enter in Blocks 9 and 10 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

14. SIGNATURE **X**

DATE

(Optional) SECTION V - APPLICATION FOR FURTHER REVIEW (Fill 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	QUESTION
<input type="checkbox"/>	<input type="checkbox"/>	(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?
<input type="checkbox"/>	<input type="checkbox"/>	(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?
<input type="checkbox"/>	<input type="checkbox"/>	(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 Approved Denied for the reason checked: Untimely filed Does not meet criteria Other, namely

EXPLANATION:

*When further review only is approved the decision on the protest is suspended, pending issuance of a protest review decision.

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

EXPLANATION:

19. TITLE OF CBP OFFICER

20. SIGNATURE AND DATE

Previous Editions are Obsolete

CBP Form 19 (05/10)

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



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