

Tim Brightbill Weighs In on Customs' New Duty Evasion Rules

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Timothy C. Brightbill, a partner in Wiley Rein's International Trade Practice, was quoted in articles published in *Bloomberg BNA's International Trade Reporter* and *Law360* regarding U.S. Customs and Border Protection's (CBP) new enforcement rules for challenging duty evasion. The rules were created to implement provisions of the recently enacted Trade Facilitation and Trade Enforcement Act of 2015, which established a framework for CBP to investigate allegations of evasion of dumping and anti-dumping duties. CBP is responsible for collecting final duties on imported goods that are unfairly subsidized; these "unfairly traded" goods and raw materials impact U.S. manufacturers in a variety of industries.

Mr. Brightbill told *Bloomberg BNA* that the new rules are a step in the right direction in creating a process that assists domestic firms. Evasion of these antidumping duties is a "bigger and bigger problem," which is starting earlier in the process, he observed.

"We think this is a good start. There are probably improvements that can be made between now and the final rules. We're looking forward to working with Customs on those," he said, adding that the rules were still being reviewed. CBP will now be required to issue notifications to the parties involved in investigations at specific times; Mr. Brightbill noted this will be valuable in "terms of knowing what's going on."

Mr. Brightbill told *Law360* that the regulations allow any "interested party" to bring an evasion claim; this could include an importer that is abiding by the rules and files a claim against another importer that it believes to be evading duties. "If some importers are properly

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reporting merchandise and paying those duties, and their competitors are claiming a false country of origin or saying it's a different good, I think there are some that will take advantage of this, which will be a good use of the system," he said.