

What Chinese Exporters Should Know About New U.S. Customs Enforcement Strategies Targeting Chinese Imports

对于美国海关针对中国进口货物实施的新策略，中国出口商应了解的内容

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Agenda议程

- Import Safety Environment in U.S. 美国的进口安全环境
- U.S. Government Response 美国政府的回应
- Why Chinese Exporters Should Care 为什么中国出口商应该给与重视
- Seizures 扣押
- Example: Consumer Product Safety 案例：消费品安全

Introduction to Mayer Brown 美亚博简介

- Global law firm with more than 1,800 lawyers operating in key business centers across the Americas, Asia and Europe

Mayer Brown是一所全球性律师事务所，拥有1800多名律师，在遍及美洲、亚洲及欧洲的主要商业中心执业

- Clients include many of the world's largest companies and a significant portion of the Fortune 100 客户包括众多世界上最大的公司及相当多的财富100强公司
- Our lawyers have been involved in negotiating almost every major trade agreement over the past 25 years 在过去的25年中，我们的律师几乎参与了所有重大贸易协议的谈判
- “A formidable global team in the trade arena...” – *Chambers Global* 2009, top six International Trade firms globally “贸易领域中一个强大的全球性团队...” – 2009年*Chambers Global*，全球国际贸易律师事务所六强

Perception of Imports as Unsafe 不安全进口货物的认定

- Media blitz 媒体攻势
- Daily revelations 日常报道
 - “Toymaker penalized after magnetic toy death” (Associated Press; April 14, 2009) “磁性玩具致人死亡，玩具商受处罚”（美联社；2009年4月14日）
 - “Child Safety: Pacifiers and Cribs Recalled” (Injuryboard.com; April 14, 2009) “儿童安全：橡皮奶嘴和婴儿床被召回”（Injuryboard网站；2009年4月14日）
 - “200,000 pairs of Wal-Mart women's and children's shoes recalled” (Los Angeles Times; April 9, 2009) “沃尔玛20万双女鞋和儿童鞋被召回”（洛杉矶时报；2009年4月9日）
 - “Tainted Chinese Drywall Contaminating U.S. Homes” (Epoch Times, April 14, 2009) “恶臭中国石膏板污染美国家庭”（大纪元新闻网，2009年4月14日）
- Fear among general U.S. population 美国民众中的恐惧

Perception of Imports as Unsafe 不安全进口货物的认定

- Adulterated foods and medicines 掺假食物和药品
- Pet Foods 宠物食品
- Tainted Seafood 受污染的海产品
- Toothpaste 牙膏
- Toys 玩具
- Appliances 器具

U.S. Government Response (Executive Branch)

美国政府的回应（行政部门）

- Interagency Working Group Established (July 2007) 建立跨部门工作组（2007年7月）
- Interagency Roadmap (November 2007) 部门间路标（2007年11月）
- Recommendations 建议
 - Focus on Prevention – Rejects Old Model that Focused only on Intervention at Border 重在预防—摒弃仅注重在边境进行干预的旧模式
 - Verify Compliance of Foreign Producers 核查外国生产商的合规情况
 - Increased Collaboration Among Agencies of Government 加强政府机构间的合作
 - Links IPR to Product Safety 将知识产权与产品安全联系起来
 - Increased Attention of Importer Practices 加强关注进口商的操作

U.S. Government Response (Executive Branch)

美国政府的回应（行政部门）

- Interagency Roadmap Action Items 部门间路标行动项目
 - Establish 3d Party Certification 建立第三方证明
 - Increase Bond Amounts 增加担保金额
 - Increase Penalties 增加罚款
 - Establish Multiagency Presence at Ports 建立多部门港口合作

U.S. Government Response (Executive Branch)

美国政府的回应（行政部门）

- Guidance To Importers Published January 2009 – Authored my Interagency Group 2009年1月出版的进口商指南—由我方跨部门工作组编辑
 - Directive to “know if the manufacturers and products are compliant with U.S. law; “如果制造商和产品均遵守美国法律”，则应了解的指令
 - “investigate a firm’s reputation” “调查某公司的信誉”
 - “determine whether a firm is a subsidiary of a larger company, and whether the importer has recourse against the parent” if the manufacturer fails to comply 如果制造商未能遵守美国法律，则“确定某公司是否为一家更大公司的子公司，以及进口商是否对母公司拥有追索权”，
 - “be alert to counterfeiting” “警惕伪造”

U.S. Government Response (Regulations/Laws) 美国政府的回应（法规/法律）

- Consumer Product Safety Improvement Act (effective Nov. 2008) – establishes that importers must certify that products comply with Consumer Product Safety Commission rules. 消费品安全改善法案（2008年11月生效）规定进口商必须证明产品遵守美国消费品安全委员会规则
- Food and Drug Administration (effective May 2009) – new rule requiring prior notice to FDA of food imported into the United States. 美国食品和药物管理局（2009年5月生效）—新规则要求提前通知美国食品和药物管理局有关进口到美国的食物
- National Highway Traffic Safety Administration (effective February 2009) – NHTSA publishes best-practices for importers of motor vehicles and related equipment. 美国全国公路交通安全管理局（2009年2月生效）—美国全国公路交通安全管理局出版的机动车及相关设备进口商最佳范例
- Lacey Act (Wood Products) (effective April 2009) – requires importers of virtually all products containing wood to declare the genus, species, and country of origin of the wood used in the product. 野生动植物保护法（木制品）（2009年4月生效）—要求所有实际上含有木材的产品的进口商申报产品中所使用的木材种类、品种及原产地
- 2008 Farm Bill (Country of Origin Labeling) (March 2009) -- requires country of origin labeling for beef, pork, lamb, goat, and chicken; wild and farm-raised fish and shellfish; fresh and frozen fruits and vegetables; peanuts, pecans, macadamia nuts, and ginseng. 2008年农业法案（原产地标示）（2009年3月）—要求对牛肉、猪肉、羔羊肉、山羊肉及鸡肉；野生及养殖的鱼类与贝类；新鲜及冷冻的水果与蔬菜；花生、美洲山核桃、澳大利亚坚果及人参进行原产地标示

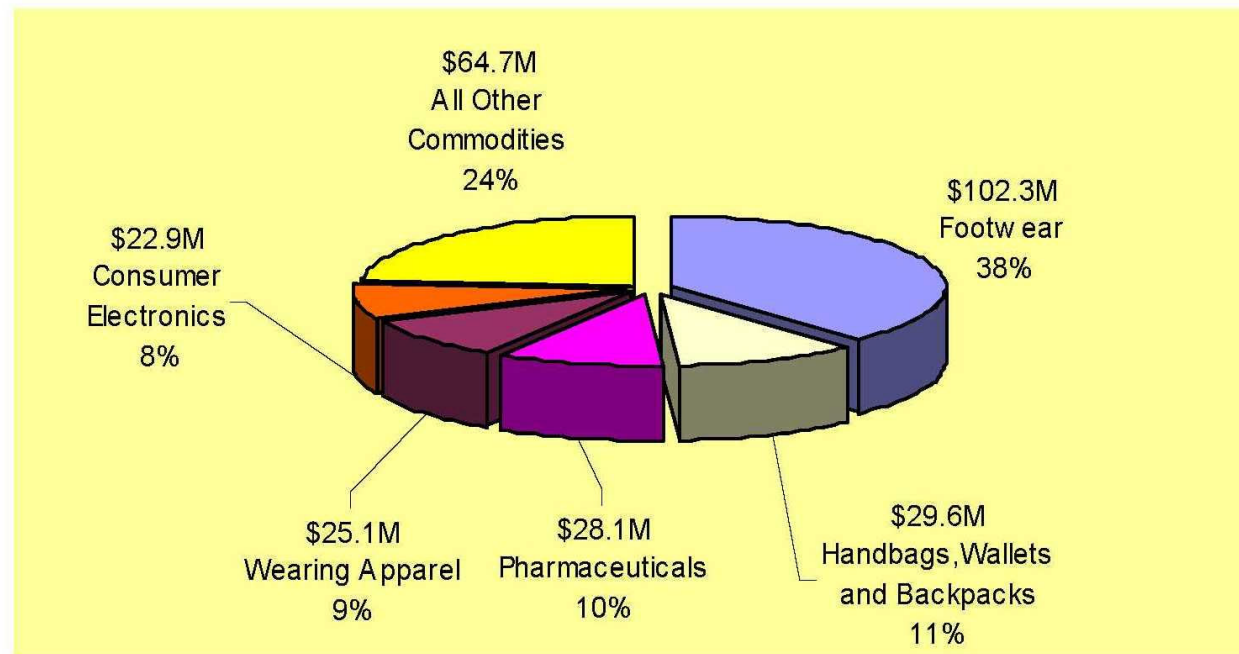
Why Chinese Exporters Should Care 为什么中国出口商应给予重视

- Many Chinese Exporters Have Affiliated U.S. importers 许多中国出口商有相关联的美国进口商
- All U.S. Importers Under Tremendous Pressure to Comply 所有美国进口商均面临遵守法律的巨大压力
 - Responsible for ensuring foreign producer compliance 负责保证外国制造商合规
 - Must ensure adequate testing 必须保证充分的检测
 - Will put greater pressure on exporters 将向出口商施加更大的压力
- Policymakers Linking IPR to Import Safety 决策者将知识产权与进口安全联系起来
- China is a Target of These Laws/Regulations 该等法律/法规针对的是中国

Biggest Threat – Seizure 最大的威胁—扣押

Top Commodities Seized

Top Five Commodities Seized in FY 2008



Source: CBP

Biggest Threat – Seizure 最大的威胁—扣押

Top Commodities Seized

Percentage Change by Value – FY 2008 vs. FY 2007

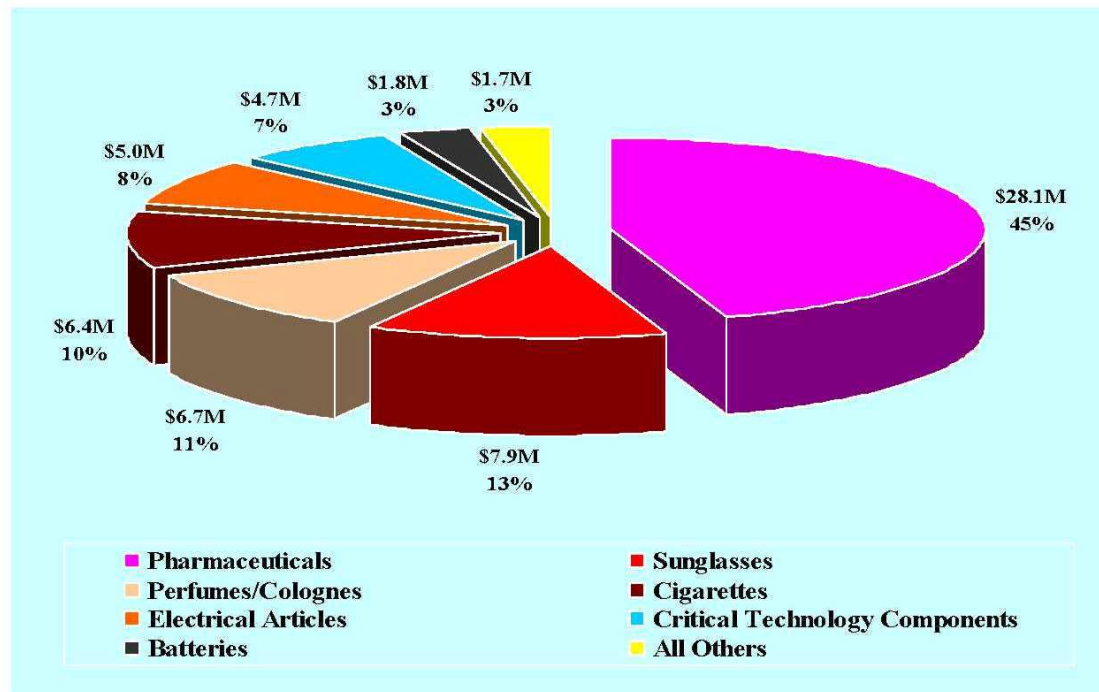
FY 2008 Commodity	FY 2008 Domestic Value	% of Total Value	FY 2007 Domestic Value	Difference FY 08 vs. FY 07	% Increase or Decrease
Footwear	\$ 102,316,577	38%	\$ 77,781,415	\$ 24,535,162	31%
Handbags/Wallets/Backpacks	\$ 29,609,053	11%	\$ 14,214,304	\$ 15,394,749	108%
Pharmaceuticals	\$ 28,106,578	10%	\$ 11,137,578	\$ 16,969,000	152%
Wearing Apparel	\$ 25,119,580	9%	\$ 27,005,914	\$ (1,886,334)	-7%
Consumer Electronics/Electrical Articles	\$ 22,997,685	8%	\$ 16,041,694	\$ 6,955,991	43%
Sunglasses/Parts	\$ 7,919,385	3%	\$ 3,951,758	\$ 3,967,627	100%
Computers/Technology Components	\$ 7,589,534	3%	\$ 9,336,893	\$ (1,747,359)	-18%
Perfumes/Colognes	\$ 6,716,735	2%	\$ 1,201,193	\$ 5,515,542	459%
Cigarettes	\$ 6,444,649	2%	\$ 583,349	\$ 5,861,300	1004%
Media	\$ 5,967,332	2%	\$ 7,884,152	\$ (1,916,820)	-24%
All Other Commodities	\$ 29,941,771	11%	\$ 27,616,127	\$ 2,325,644	8%
Total Domestic Value of All IPR Seizures	\$ 272,728,879		\$ 196,754,377	\$ 75,974,502	38%
Total Number of Seizures	14,992		13,657	1,335	9%

Source: CBP

Biggest Threat – Seizure 最大的威胁—扣押

Top Safety and Security Commodities

Top Commodities Seized for IPR Violations that May Present Safety or Security Risks



Source: CBP

Biggest Threat – Seizure 最大的威胁—扣押

Top Safety and Security Commodities

Percentage Change by Value – FY 2008 vs. FY 2007

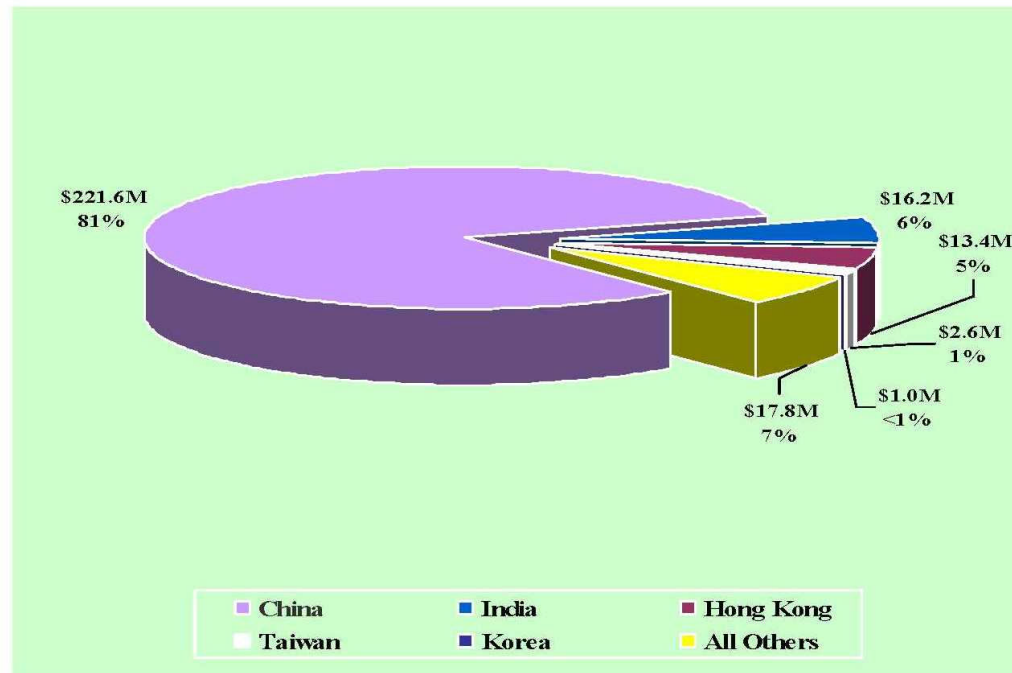
FY 2008 Commodity	FY 2008 Domestic Value	% of Total Value	FY 2007 Domestic Value	Difference FY 08 vs. FY 07	% Increase or Decrease
Pharmaceuticals	\$ 28,106,578	45%	\$ 11,137,578	\$ 16,969,000	152%
Sunglasses	\$ 7,919,375	13%	\$ 3,951,758	\$ 3,967,617	100%
Perfumes/Colognes	\$ 6,716,735	11%	\$ 1,201,193	\$ 5,515,542	459%
Cigarettes	\$ 6,444,649	10%	\$ 583,349	\$ 5,861,300	1005%
Electrical Articles	\$ 5,020,361	8%	\$ 4,087,060	\$ 933,301	23%
Critical Technology Components	\$ 4,742,175	8%	\$ 4,491,316	\$ 250,859	6%
Batteries	\$ 1,806,821	3%	\$ 913,428	\$ 893,393	98%
Transportation/Parts	\$ 621,242	1%	\$ 845,094	\$ (223,852)	-26%
All Others	\$ 1,157,536	2%	\$ 681,848	\$ 475,688	70%
Total Domestic Value	\$ 62,535,472		\$ 27,892,624	\$ 34,642,848	124%
Total Number of Seizures	1,950		1,295	655	51%

Source: CBP

Biggest Threat – Seizure 最大的威胁—扣押

Top Trading Partners

Top Five Countries by Value for IPR Seizures – FY 2008



Source: CBP

Biggest Threat – Seizure 最大的威胁—扣押

Top Trading Partners

Percentage Change by Value – FY 2008 vs. FY 2007

Trading Partners FY 2008	FY 2008 Domestic Value	Percent of Total Value	FY 2007 Domestic Value	Difference FY08 vs. FY 07	% Increase or Decrease
China	\$ 221,661,579	81%	\$ 158,082,597	\$ 63,578,982	40%
India	\$ 16,258,368	6%	\$ 855,231	\$ 15,403,137	1801%
Hong Kong	\$ 13,433,606	5%	\$ 12,729,121	\$ 704,485	5%
Taiwan	\$ 2,631,980	1%	\$ 3,454,048	\$ (822,068)	23%
Korea	\$ 1,028,348	<1%	\$ 902,904	\$ 125,444	13%
Dominican Republic	\$ 942,128	<1%	\$ 23,261	\$ 918,867	3950%
Pakistan	\$ 780,109	<1%	\$ 2,530,545	\$ 1,750,436	69%
Vietnam	\$ 747,567	<1%	\$ 483,821	\$ 263,746	54%
United Arab Emirates	\$ 658,626	<1%	\$ 372,932	\$ 285,694	76%
Indonesia	\$ 649,066	<1%	\$ 96,753	\$ 552,313	570%
All Others	\$ 13,937,502	5%	\$ 17,223,164	\$ (3,285,662)	-19%
Total Domestic Value of All IPR Seizures	\$ 272,728,879		\$ 196,754,377	\$ 75,974,502	38%
Total Number of Seizures	14,992		13,657	1,335	9%

Source: CBP

Consumer Product Safety Improvement Act: An Example of New Importer Requirements

消费品安全改善法案：
进口商新要求案例

What is CPSIA

- Creates new stricter requirements for import and distribution of products that fall under Consumer Product Safety Commission对属于消费品安全委员会职权范围内的进口和产品分销设立了更加严格的要求
- "Consumer Products" are: "消费品"为
 - articles or components that are for sale to consumers to use in a home, school, or for recreation消费者在家居, 学校或者娱乐中使用的产品或部件
- Exclusions -- tobacco, drugs, medical devices, cars/parts, food, aircraft 不包括-烟草, 药品, 医药器件, 汽车/部件, 飞机
- Regulates recordkeeping, disclosure to public, recalls, advertisements, etc. 法律管辖的范围包括档案纪录, 向公众公开信息, 产品召回, 广告等

New Prohibited Acts 新的被禁止行为

- CPSIA prohibits the sale, distribution, importation and exportation (unless permitted by the Sec. of Treasury) of any product regulated by the CPSC that: 消费品安全改善法案禁止销售、分销、进口及出口（除非经财政部长许可）由美国消费品安全委员会管理的任何以下产品：
 - Violates a consumer product safety standard or similar rule, regulation, standard or ban 违反消费品安全标准或类似规则、规定、标准或禁令
 - Is subject to a voluntary corrective action 受限于自愿补救行动
 - Is subject to a Sec. 12 or 15 order 受限于第12或15条法令
 - Bears an unauthorized registered safety mark 带有未经授权的已注册安全标志
- CPSIA makes it illegal to issue a false certificate or fail to furnish a certificate 消费品安全改善法案规定签发假证书或未能提供证书均是非法的

Relevant Definitions 相关定义

- Consumer product safety rule – 消费品安全规则—
 - consumer product safety standard, or 消费品安全标准，或
 - rule declaring a consumer product a banned hazardous substance 声明消费品含有禁止的危险物质的规则
- Consumer product safety standard – 消费品安全标准—
 - promulgated by CPSC 由美国消费品安全委员会颁布
 - performance requirements and/or 履行要求和/或
 - warning or instruction labeling requirement 警告或指示标签要求
 - warning or instruction form requirement 警告或指示形式要求

CPSIA: Testing and Certification Requirements 消费品 安全改善法案：检测及证明要求

Who Must Certify 必须由谁证明

- CPSC final rule streamlined certification requirements: 美国消费品安全委员会最终规则简化证明要求:
 - For products manufactured abroad, only the importer must certify 对于在国外制造的产品，仅须进口商证明
 - For products manufactured domestically in the U.S., only the domestic manufacturer must certify 对于在美国国内制造的产品，仅须国内制造商证明

When is Certification Required 何时需要证明

- Products subject to a consumer product safety rule, or similar rule, ban, standard, or regulation in the US for sale in the US, require certification compliance with any applicable safety rule 产品受限于消费品安全规则、或类似的美国销售规则、禁令、标准或规定，证明须遵守任何适用的安全规则
 - Foreign manufactured products – importer must certify 外国制造的产品—须进口商证明
 - Domestically manufactured products – domestic manufacturer must certify 国内制造的产品—须国内制造商证明

Certificate Requirements 证书要求

- Certificates must be in English and: 证书必须以英语书写且:
 - Identify the manufacturer or importer issuing the certificate and any third party conformity assessment body on whose testing the certificate is based 确定签发证书的制造商或进口商以及根据其检测所签发的证书上的任何第三方合格评定团体
 - Include the date and place of manufacture, the date and place where the product was tested, each party's name, full mailing address, telephone number and contact information for the individual responsible for maintaining records of test results 包括制造日期及地点、产品检测日期及地点、各方名称、完整的通信地址、电话号码以及负责保留检测结果记录的个人的联系信息

Availability of Certificates 证书的有效性

- Certificates must “accompany” shipments of covered products at the point of importation 证书必须在进口点与所涵盖的产品“一起”运输
- Certificates must also be “furnished” to each distributor or retailer of covered products 证书还必须“提供”给所涵盖产品的每位经销商或零售商
- Electronic certificates in the form of a unique URL address on a website satisfies these requirements as well providing a CD or other electronic copy of the certificate 以网站上唯一URL地址形式的电子证书除须满足该等要求外，还应提供一张证书的CD或其它电子副本

“Reasonable Testing Program” “合理的检测程序”

- Test of samples of the product or samples that are identical in all material respects to the product being sold or distributed. 检测产品样品或在所有重要方面与销售或分销的产品相同的样品
- Don't have to test every product- just test “sufficient samples of the product, or samples that are identical in all material respects to the product.” (9/9/08 CPSC Staff Memo) 不必检测每项产品—仅检测“产品的足够样品，或在所有重要方面与产品相同的样品。”
(08年9月9日美国消费品安全委员会职员备忘录)

Third Party Testing 第三方检测

- Currently, testing by an accredited third party conformity assessment body is only required for: 目前，仅以下规则要求由获认可的第三方合格评定团体进行检测：
 - Lead paint rule, cribs, small parts, children's metal jewelry 铅涂料直尺、婴儿床、小零件、儿童金属珠宝
- An “accredited third party conformity assessment body” is: “获认可的第三方合格评定团体”是：
 - Not owned or managed by the manufacturer or importer of a product assessed by such body 不是由该团体所评定的产品的制造商或进口商所拥有或管理的
 - Meets the CPSC's published requirements for accreditation and is accepted by the CPSC 满足美国消费品安全委员会公布的评审要求且被其接受
- CPSIA also permits accreditation of certain firewalled conformity assessment bodies owned, managed or controlled by a manufacturer or importer 消费品安全改善法案还允许由制造商或进口商拥有、管理或控制的某些经筛选的合格评定团体进行评审

Testing and Certification Stay 检测及证明暂缓执行

- On Feb. 9, 2009, the CPSC stayed the general certification requirement until Feb. 10, 2010, subject to limited exceptions 2009年2月9日，美国消费品安全委员会暂缓执行一般证明要求直至2010年2月10日，受限于有限的例外
- Products must still comply with the underlying standards, rules, and regulations 产品仍必须符合基本标准、规则及规定

Importing and Exporting 进口与出口

- Imports 进口

- Provides for destruction of nonconforming products at the border (or exportation within 90 days with special permission from Secretary of Treasury) 规定在边境销毁不合格产品（或经财政部长特别许可，在90天内出口）
- Manufacturers of imported products required to comply with all inspection and recordkeeping requirements 进口产品的制造商须遵守所有检查及记录保存要求

Importing and Exporting 进口与出口

- Exports 出口

- CPSC previously had no control over exports 美国消费品安全委员会以前对出口无任何控制
- Product may not be exported if it is 如有下列情况，则产品不可出口
 - Not compliant with consumer product safety standard 不符合消费品安全标准
 - Subject to a CPSC Sec 12 or 15 order 受限于美国消费品安全委员会第12或15条法令
 - Subject to voluntary corrective action 受限于自愿补救行动
- CPSC *may* permit exportation of product not in conformity with consumer product safety rule *if* importing country voluntarily accepts 如果进口国自愿接受不符合消费品安全规则的产品，则美国消费品安全委员会可允许出口

Tracking Labels 追踪标签

- Requires distinguishing permanent mark on any consumer product primarily intended for children twelve and younger 要求在主要供12岁以下儿童使用的任何消费品上有作分辨用的永久标签
- Must contain certain basic information, including the source of the product, the date of manufacture and more detailed information on the manufacturing process such as a batch or run number 必须含有某些基本信息，包括产品来源、制造日期及更详细的制造程序信息，在过程，如批号或检验号码
- “to the extent practicable” “在可实行的范围内”
- Effective August 14, 2009 自2009年8月14日起生效
- Request for comments on proposed rule through April 27 可以提交拟定规则的评论意见(截至4月27日)

Children's Products 儿童产品

- Definition of “Children’s Product” – consumer product intended primarily for children ≤ 12 years of age. “儿童产品”的定义—主要供12岁以下儿童使用的消费品
- New provisions for Children’s Products 儿童产品的新规定
 - Lead 铅
 - Phthalates (toys & child care articles) 邻苯二甲酸盐(玩具及儿童护理用品)
 - Tracking Labels 追踪标签
 - Consumer Registration (durable nursery products) 消费者登记(耐用型育婴产品)
 - Third Party Testing & Certification 第三方检测及证明

Enforcement 实施内容

- U.S. Consumer Product Safety Commission – 美国消费品安全委员会
 - 500 employees (mostly in Washington, DC)
500名雇员（大部分在华盛顿特区）
 - Relies on finding big violators and making an example out of them 主要发现重大违反者并罚一儆百
- U.S. Customs and Border Protection 美国海关和边境保护署
 - Headquartered in Washington, D.C. with Operations at 327 Ports of Entry 总部在华盛顿，在327个进口港有分理处
 - ~ 50,000 Employees 50,000名雇员
- Highly Decentralized Structure 高度分散的结构
- Enforce Thousands of Laws 实施上千个法律

U.S. Customs & Border Protection Overview

美国海关和边境保护署简介

- CBP's mandate re CPSC CBP对CPSC的授权
 - “Muscle” at the border “加强”边境检查
 - Experts in border enforcement and audit 边境执行和审计中的专家
 - Creating synergies with CPSC for joint action
与CPSC配合共同行动
 - Integration into electronic filing system 合并电子备案系统
 - Coordination on audit function 协调审计功能
 - Certificates becoming “customs documents”
成为“海关单据”的证书
 - Subject to same scrutiny as traditional customs documents – GSP certificates, 7501s, etc. 受限于和传统海关单据一样的详细审查 -- GSP 证书, 7501等.
 - Same compliance requirements and penalty risks 同样的合规要求及惩罚风险

CBP Compliance & Enforcement

CBP合规及执行内容

- Practical Issues – 实际问题
 - What products fall under the Act 什么产品归法案管辖
 - What is a reasonable testing program 什么是合理的测试计划
- How can I – as importer: 作为进口商怎么能:
 - know the answer to these questions and 知道这些问题的答案及
 - what does CBP expect from me? CBP期待我们做什么?

Basics of CBP Compliance

CBP合规要素

- Fundamental Concept – Importers Must Demonstrate Reasonable Care

基本概念-- 进口商必须证明合理尽职

- Ultimate Responsibility on Importer

进口商的最终责任

- Policies and Procedures 政策及程序

- Importers must have written policies 进口商必须有书面政策

- Must explain application of procedures in practice 必须解释实践中适用的程序

Basics of CBP Compliance

CBP合规要素

- Recordkeeping 记录保存
- Know The Rules – “I Didn’t Know” is No Excuse
知道规则-- “我不知道”不是借口
- Seek Customs Clarification 寻求海关澄清
- Personnel Requirements 人员要求
- Related Party Suppliers Expected to Cooperate
相关方供应商应当合作

CBP Red Flags

CBP"红旗"

- Examples of Red Flags "红旗"范例
 - Insufficiently documented internal controls for adequately identifying products under Act 依据法案适当识别的产品内部控制文件备案不充分
 - No evidence of due diligence of foreign manufacturer
没有外国制造商尽职的证据
 - Company officials lack knowledge of Act certification requirements
公司官员缺少法案证明要求的知识
 - Failure to cooperate with CBP requests 未按CBP的要求合作
 - Numerous foreign suppliers that require certification
需要证明的许多国外供应商
 - Suppliers from suspect countries 来自可疑国家的供应商
 - High turnover among key company personnel
主要公司人员的频繁流动
 - No "system" 没有“系统”

CBP Red Flags

CBP"红旗"

- Indicators that an Importer Might be Under Investigation 表示进口商可能处于调查中
 - Direct Contact from Customs 海关直接联络
 - Official “Request for Information” 官方“要求信息”
 - Significant Importer or Increasing Rapidly 重要进口商或增长迅速
 - Other Red Flags Present 呈现的其他红旗
 - Programs/Related Party Suppliers 计划/相关方供应商

CBP Enforcement at Border

CBP在边境执行的内容

- Examination -- Can occur after release of merchandise
检查-- 可在放还商品后发生
- Seizure 扣押
- Demand for Return 要求返还
 - Can occur up to 30 days after release
可在放还商品后30天发生
 - Failure to comply – liquidated damages 未遵守--违约金
- Liquidated Damages for Failure to Return
因没有返还支付的违约金
 - Value of Merchandise 商品价值

CBP Post-Entry Enforcement CBP入境后执行的内容

- CF 28 CF 28
- Focused Assessment 集中评估
- Quick Audit 快速审计

CBP Post-Entry Enforcement – CF 28

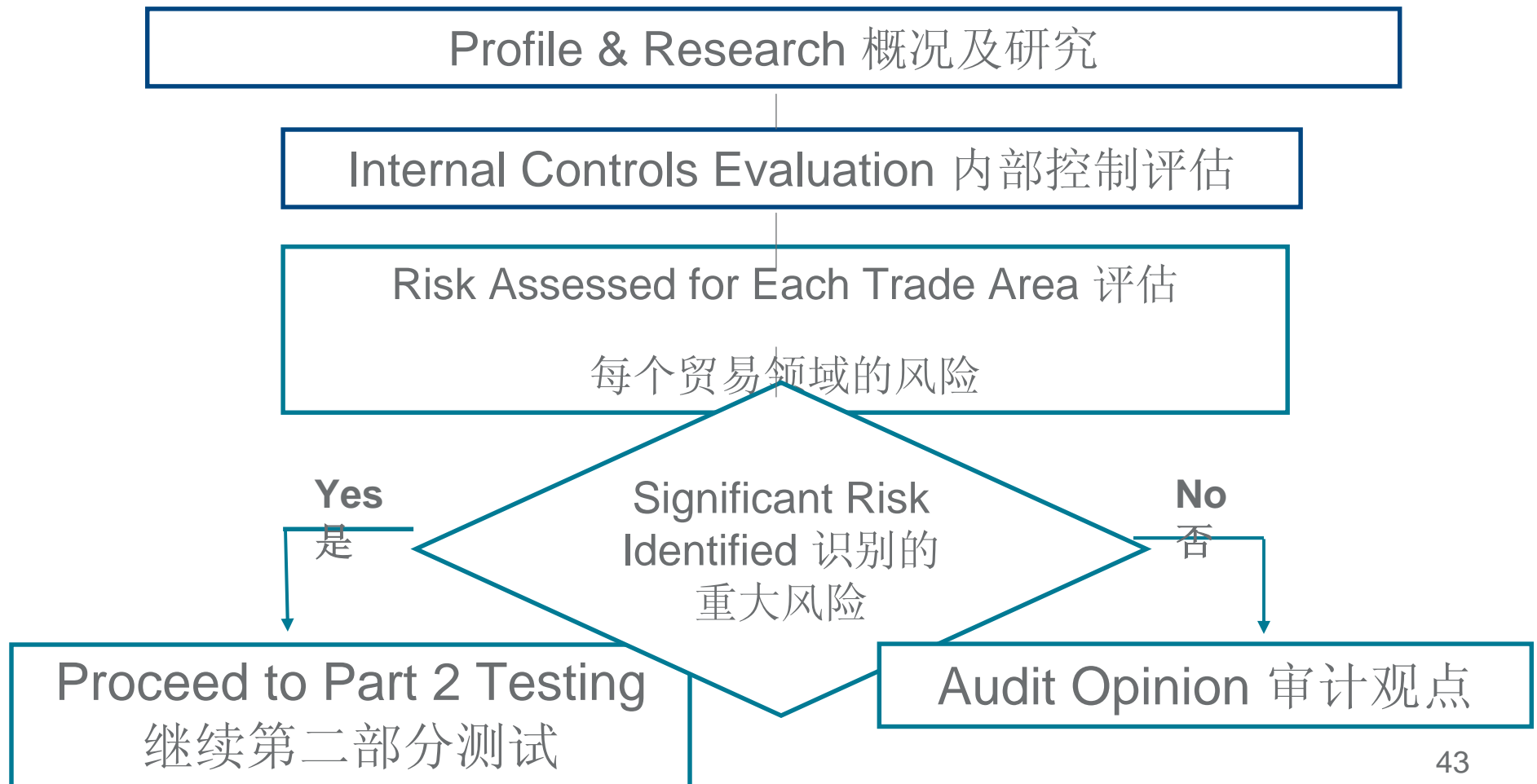
CBP入境后执行的内容 -- CF 28

- Information gathering 信息收集
- “What procedures are in place to handle safety requirements and recall?”

“处理安全要求和召回需要什么程序？”

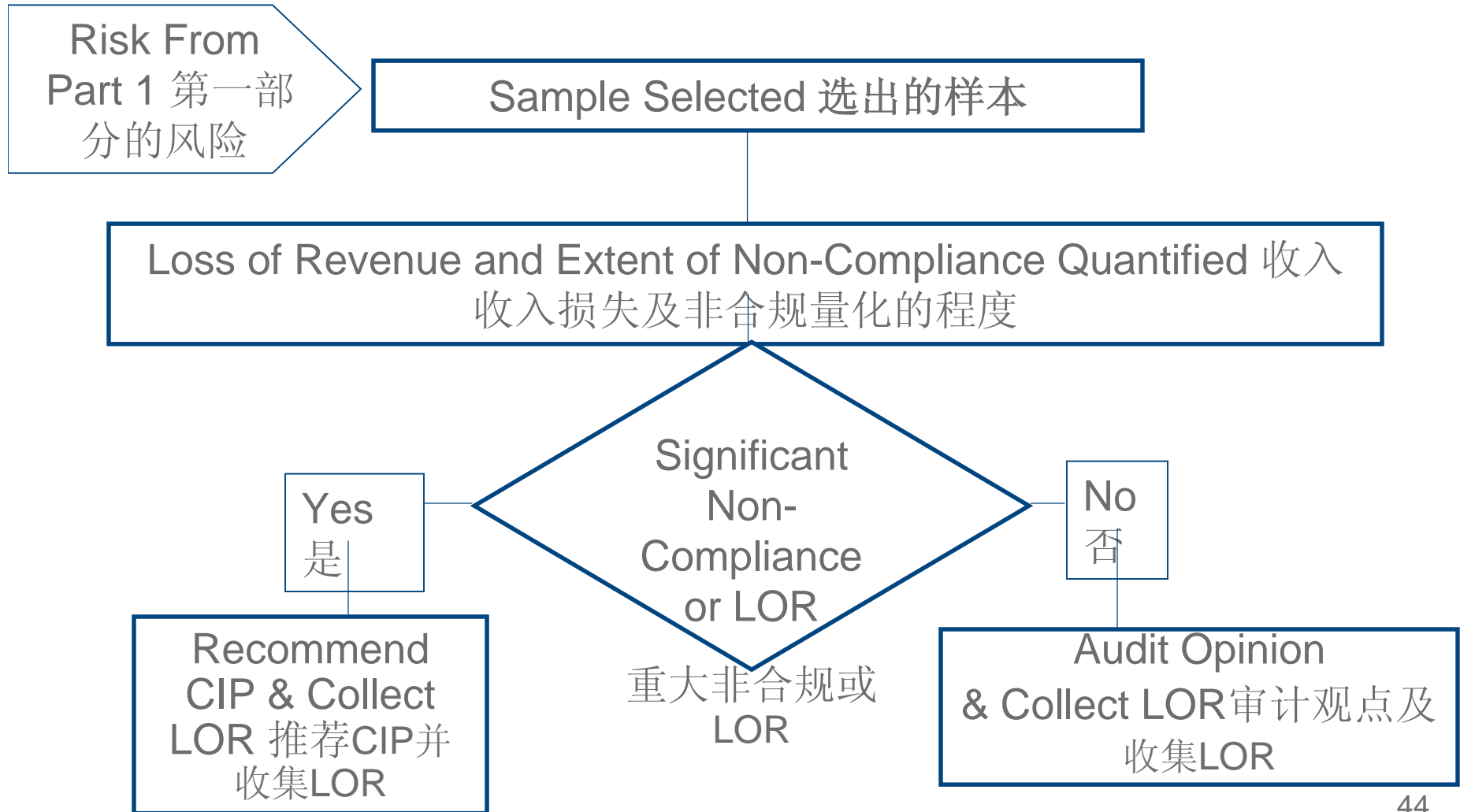
CBP Post-Entry Enforcement – Focused Assessment

CBP 入境后执行的内容 -- 集中评估



How Customs Audits Work – Focused Assessment

海关审计工作的方式 -- 集中评估



CBP Penalty Risk

CBP 惩罚风险

- Penalty Exposure – Can Result from Focused Assessment or Other Regulatory Audit or Investigation 惩罚披露 -- 能由集中评估或其他监管审计或调查中产生
 - Imposition Depends on Level of Reasonable Care Exhibited and Significance of Errors 惩罚取决于显示的合理注意程度及错误的严重性
 - Penalties for Negligence Range from 0.5 Times to 2 Times the Actual Loss of Duty (on Dutiable Items) 疏忽罚金为关税（应纳关税项目）实际损失的0.5 至 2倍
 - Penalties for Negligence Range from 5% to 20% of Dutiable Value When No Actual Duty Loss (0 Duty Tariffs) 没有实际关税损失（零关税）时，疏忽罚金为应纳关税价值的5% 至 20%
 - Customs Has Discretion on Ultimate Penalty Amount 海关对最终罚金金额有自主决定权

CBP Penalty Risk

CBP 惩罚风险

- Time and Distraction 时间和分散精力
 - Focused Assessment Can Take 1 Year or More 集中评估可花1年时间或更长
 - Requires Multiple Visits from Customs Staff 需要海关人员多次拜访
 - Stress on Internal Resources 强调内部资源
 - Audit Environment 审计环境
 - Expensive (Especially the Lawyers!) 费用昂贵（尤其是律师费）

CBP Risk Mitigation

CBP风险减小方法

- Importer Self-Assessment Program/ISA Product Safety Pilot

进口商的自我评估计划/ISA产品安全指南

- Self-Assessment 自我评估

Conclusion 结束

- Questions? 问题?

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