

United States Court of International Trade (US) (RKC Guidelines General Annex 10)

- Long before becoming a contracting party to the Original or the Revised Kyoto Convention, the United States had an established appeal process that allowed persons adversely affected by Customs' final administrative decisions to seek review of such decisions, initially from the Board of General Appraisers, and then the United States Customs Court, and thereafter, its successor, the United States Court of International Trade (USCIT).
- The Customs Courts Act of 1980 created the USCIT as a replacement for the 90-year-old system begun in 1890 with the Board of General Appraisers and continued in 1926 with the United States Customs Court. The USCIT hears cases involving international trade matters, including challenges to actions of various U.S. agencies, including challenges to protests filed with U.S. Customs and Border Protection (CBP). The Customs Courts Act of 1980 came about due to the growing scope and complexity of litigation involving customs and international trade and was aimed at improving the efficiency of the federal court system with regard to international trade litigation.
- The USCIT is part of the judicial branch of the United States government, which is completely independent of the executive branch under which CBP and other law enforcement agencies reside. Depending on the nature of the case appellate action must commence within a specified period of time as provided by statute. See for example, 28 U.S.C. 2636 for the time to seek judicial review of protests.
- The United States Court of Appeals for the Federal Circuit has exclusive jurisdiction over appeals from the USCIT, with subsequent appeals being heard on a discretionary basis by the Supreme Court, the ultimate and final United States court.