

TRADE LAW UPDATE



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June 2023

HIGHLIGHTS FROM JUNE

[Biden Issues Second Suspension of Section 232 Duties on Ukrainian Steel](#)

On May 31, 2023, the President of the United States issued [Proclamation 10588](#), announcing a one-year suspension of duties on Ukrainian steel and its derivatives under Section 232 of the Trade Expansion Act of 1962, as amended. The action extended a previous one-year suspension of Section 232 duties on Ukrainian steel that was issued by the President in [Proclamation 10403](#) and scheduled to expire on June 1, 2023.

[Federal Judge Issues Order on Use of Artificial Intelligence and Implications for Inadvertent Release of Proprietary Information](#)

Judge Stephen Alexander Vaden of the Court of International Trade (“CIT”) issued an [order](#) on June 8, 2023 to address increasing concerns related to the use of generative artificial intelligence platforms in drafting documents that are publicly filed in the litigation process. The order reflects a growing awareness of the novel risks associated with using artificial intelligence to draft court documents, including, as Judge Vaden notes, with respect to the inadvertent disclosure of business proprietary information.

[DHS Adds More Companies to the UFLPA Entity List](#)

On June 9, 2023, the Forced Labor Enforcement Task Force (FLETF), led by the Department of Homeland Security (DHS), added two companies based in the People Republic of China (PRC) to the Uyghur Forced Labor Prevention Act (UFLPA) Entity List. The additions included Xinjiang Zhongtai Chemical Co., Ltd., Ninestar Corporation, and eight of its Zhuhai-based subsidiaries. Effective June 12, 2023, the companies will be restricted from entering the United States. DHS stated in its [notice](#) that the companies worked with the government of Xinjiang to “recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of Xinjiang.”

[Leveling the Playing Field 2.0 Act of 2023](#)

On June 7, 2023, Senators Sherrod Brown and Todd Young introduced the Leveling the Playing Field 2.0 Act, which would amend that Tariff Act of 1930 to give the U.S. Department of Commerce (“Commerce”) and Customs and Border Protection (“CBP”) broader power to address unfair trade practices. A substantially similar companion bill was introduced in the House by Representative Terri Sewell. The Senate bill has been referred to the Finance Committee and currently has a total of 15 cosponsors. The House bill has been referred to the Ways and Means Committee and has 9 cosponsors.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Non-Refillable Steel Cylinders From the People’s Republic of China: On June 1, 2023, Commerce issued its [initiation](#) of circumvention inquiry of the antidumping and countervailing duty orders; Water Capacity Between 100 and 299 Cubic Inches.
- Gas Powered Pressure Washers From the People’s Republic of China: On June 5, 2023. Commerce issued its preliminary affirmative countervailing duty [determination](#), preliminary affirmative critical circumstances determination, in part, and alignment of final determination with final antidumping duty determination.
- Truck and Bus Tires From the People’s Republic of China: On June 6, 2023, Commerce issued its notice of court decision not in harmony with the final [determination](#) of antidumping duty investigation; notice of amended order.
- Truck and Bus Tires From the People’s Republic of China: On June 14, 2023, Commerce issued its notice of court decision not in harmony with the final [determination](#) of antidumping duty investigation; notice of amended order; correction.
- Gas Powered Pressure Washers From the Socialist Republic of Vietnam: On June 15, 2023, Commerce issued its preliminary affirmative [determination](#) of sales at less than fair value and preliminary determination of critical circumstances.
- Paper File Folders From the Socialist Republic of Vietnam: On June 20, 2023, Commerce issued its amended preliminary [determination](#) of less-than-fair-value investigation.
- Certain Paper Shopping Bags From India and the People’s Republic of China: On June 26, 2023, Commerce issued its [initiation](#) of countervailing duty investigations.
- Tin Mill Products From the People’s Republic of China: On June 26, 2023, Commerce issued its preliminary affirmative countervailing duty [determination](#), and alignment of final determination with final antidumping duty determination.
- Certain Paper Shopping Bags From Cambodia, the People’s Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: On June 27, 2023, Commerce issued its [initiation](#) of less-than-fair value investigations.

Administrative Reviews

- Certain New Pneumatic Off-the-Road Tires From the People’s Republic of China: On June 2, 2023, Commerce issued its notice of court [decision](#) not in harmony with the results of 2014– 2015 antidumping administrative review; notice of amended final results.
- Aluminum Extrusions From the People’s Republic of China: On June 6, 2023, Commerce issued its final [results](#) of countervailing duty administrative review (2021).
- Chlorinated Isocyanurates From the People’s Republic of China: On June 9, 2023, Commerce issued its final [results](#) of countervailing duty administrative review (2020).
- Circular Welded Carbon Steel Pipes and Tubes From Thailand: On June 9, 2023, Commerce issued its final [results](#) of antidumping duty administrative review (2021–2022).
- Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: On June 9, 2023. Commerce issued its final [results](#) of antidumping duty administrative review and final determination of no shipments (2020– 2021).
- Steel Concrete Reinforcing Bar From Mexico: On June 9, 2023, Commerce issued its final [results](#) of antidumping duty administrative review (2020– 2021).
- Welded Stainless Pressure Pipe From India: On June 9, 2023, Commerce issued its final [results](#) of antidumping duty administrative review (2020– 2021).
- Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman: On June 15, 2023, Commerce issued its final [results](#) of antidumping duty administrative reviews (Deferred 2019–2020 period and concurrent 2020–2021 period).
- Certain Steel Racks and Parts Thereof From the People’s Republic of China: On June 23, 2023, Commerce issued its amended final [results](#) of antidumping duty administrative review (2020–2021).
- Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: On June 26, 2023, Commerce issued its final [results](#) of antidumping duty administrative reviews of Goodluck India Limited (2017–2019 and 2019– 2020).

- Multilayered Wood Flooring From the People’s Republic of China: On June 26, 2023, Commerce issued its notice of court decision not in harmony with the [results](#) of 2015–2016 antidumping duty administrative review; notice of amended final results
- Multilayered Wood Flooring From the People’s Republic of China: On June 30, 2023, Commerce issued its final [results](#) of antidumping duty administrative review, final determination of no shipments, and final successor-in-interest determination (2020–2021).
- Welded Line Pipe From the Republic of Korea: On June 30, 2023, Commerce issued its final [results](#) of antidumping duty administrative review (2020– 2021).

Changed Circumstances Reviews

- Certain Quartz Surface Products From the People’s Republic of China: On June 26, 2023, Commerce issued its [initiation](#) of antidumping and countervailing duty changed circumstances reviews (AM Stone).
- Certain Quartz Surface Products From the People’s Republic of China: On June 26, 2023, Commerce issued its [initiation](#) of antidumping and countervailing duty changed circumstances reviews (Global Stone).

Sunset Reviews

- Fine Denier Polyester Staple Fiber From the People’s Republic of China: On June 2, 2023, Commerce issued its final [results](#) of the expedited first sunset review of the countervailing duty order.
- Certain Cut-to-Length Carbon-Quality Steel Plate From India, Indonesia, and the Republic of Korea: On June 5, 2023, Commerce issued its final [results](#) of the expedited fourth sunset reviews of the antidumping duty orders.
- Certain Lined Paper Products From India: On June 5, 2023, Commerce issued its final [results](#) of the expedited sunset review of the countervailing duty order.
- Pure Magnesium in Granular Form From the People’s Republic of China: On June 6, 2023, Commerce issued its final [results](#) of expedited fourth sunset review of the antidumping duty order.
- Honey From the People’s Republic of China: On June 7, 2023, Commerce issued its final [results](#) of the expedited fourth sunset review of the antidumping duty order.
- Fine Denier Polyester Staple Fiber From India: On June 8, 2023, Commerce issued its final [results](#) of the expedited first sunset review of the countervailing duty order.
- Fine Denier Polyester Staple Fiber From the People’s Republic of China, India, the Republic of South Korea, and Taiwan: On June 8, 2023, Commerce issued its final [results](#) of expedited first sunset reviews of the antidumping duty orders.
- Certain Cut-to-Length Carbon-Quality Steel Plate From India, Indonesia, and the Republic of Korea: On June 9, 2023, Commerce issued its final [results](#) of expedited fourth sunset reviews of countervailing duty orders.
- Certain Polyester Staple Fiber From the People’s Republic of China: On June 9, 2023, Commerce issued its final [results](#) of the expedited third sunset review of the antidumping duty order.
- Carton-Closing Staples From China: On June 22, 2023, Commerce issued its final [results](#) of sunset review and revocation of order.
- Certain Aluminum Foil From the People’s Republic of China: On June 28, 2023. Commerce issued its final [results](#) of the expedited first sunset review of the countervailing duty order.
- Certain Aluminum Foil From the People’s Republic of China: On June 30, 2023, Commerce issued its final [results](#) of the expedited first sunset review of the antidumping duty order.

Scope Ruling

- None

Circumvention

- Fresh Garlic From the People’s Republic of China: On June 8, 2023, Commerce issued its initiation of [circumvention](#) inquiry on the antidumping duty order

U.S. INTERNATIONAL TRADE COMMISSION Section 701/731 Proceedings

Investigations

- Paper Shopping Bags From Cambodia, China, Colombia, India, Malaysia, Portugal, Taiwan, Turkey, and Vietnam; On June 6, 2023, the ITC issued its [institution](#) of anti-dumping and countervailing duty investigations and scheduling of preliminary phase investigations.
- Frozen Warmwater Shrimp From China, India, Thailand, and Vietnam; On June 26, 2023, the ITC issued its [determination](#).



U.S. CUSTOMS & BORDER PROTECTION

[EAPA Case 7811 – Aluminum Extrusions](#)

On June 27, 2023, CBP commenced a formal investigation against Suzhou Quality Import and Export Co. (“Suzhou Quality”). CBP is investigating whether Suzhou Quality evaded antidumping duty and countervailing duty orders on aluminum extrusions from China. Specifically the allegation suggested that Suzhou Quality imported China-origin aluminum extrusions into the United States but declared them as non-subject merchandise and failed to pay the required AD/CVD cash deposits.

[EAPA Case 7722 – Vanguard Trading Company LLC \(Notice of Determination as to Evasion\)](#)

On June 14, 2023, CBP issued a determination stating that there is substantial evidence that Vanguard Trading Company LLC (the Importer) entered merchandise covered by antidumping duty and countervailing duty orders on quartz surface products (QSP) from the People’s Republic of China into the customs territory of the United States through evasion. Specifically, CBP determined that there is substantial evidence that the Importer misclassified the subject Chinese-origin QSP by describing the merchandise as “artificial marble and/or artificial stone” when that merchandise should properly be described as QSP.

COURT OF INTERNATIONAL TRADE Summary of Decisions

[Slip Op. 23-84 Jiangsu Zhongji Lamination Materials Co. \(HK\) Ltd. et al v. United States](#)

The Court sustained Commerce’s use of three surrogate values, its denial of a double remedies adjustment, and its decision not to amend standard liquidation instructions as issued to CBP. In this first administrative review of aluminum foil from China, the Chinese respondent Jiangsu Zhongji provided HTS schedules to value two of its inputs and one by-product, and also provided shipping data to value commercial shipping rates. The Court found that Commerce’s decision to decline using the Jiangsu Zhongji suggested surrogate value sources was a technical one that was reasonable and thus supported by substantial evidence. With respect to Jiangsu Zhongji’s reported subsidies it received in China, Commerce concluded that Jiangsu Zhongji did not demonstrate that these subsidies decreased either its input costs or cost of manufacturing. Again, the Court concluded that Commerce properly determined that Jiangsu Zhongji did not demonstrate double remedies adjustment eligibility, and that its decision was supported by substantial record evidence. Finally, Jiangsu Zhongji reported that some U.S. customers re-invoiced sales to third parties before importation. Accordingly, Jiangsu Zhongji requested that Commerce

amend its liquidation instructions to reflect this reality, so that these sales did not liquidate at the China-wide rate instead of the company's specific rate. The Court found that Commerce's decision not to amend its instructions, and to continue adhering to its standard instructions, was based on substantial evidence.

[Slip-Op. 23-85 NEXCO S.A. v. United States](#)

The Court sustained Commerce's use of comparing normal value to U.S. price on a monthly basis. However, the Court also remanded, for further explanation/reconsideration, Commerce's determination to use a resellers' acquisition costs rather than the actual cost of production (COP), as well as Commerce's determination to compare U.S. and third country sales prices on a monthly basis. In the underlying antidumping investigation of raw honey from Argentina, Nexco, a non-producing reseller of honey, was selected as a mandatory respondent. Although two of Nexco's beekeeping suppliers responded to Commerce normal requests for information, Commerce determined to disregard the beekeepers' COP, as it determined that the beekeepers were not selling to Nexco below cost, and that it was therefore reasonable to use Nexco's cost as a "proxy." The Court held that Commerce's explanation, *e.g.*, that beekeepers' operations were small and unsophisticated, did not adequately explain why it departed from its practice of using raw goods COP, even when the respondent is not a producer. Next, the Court also ruled that Commerce did not adequately explain its use of monthly sales, rather than sales based on a quarterly basis as it normally does in comparing normal value. Commerce will depart from using a quarterly basis in order to address differences in high inflation, but the Court found that Commerce did not demonstrate that there were significant price changes over the period of the investigation. However, the Court did sustain Commerce's use of monthly cost averaging in its sales-below-cost as here, Commerce did provide a sufficient explanation for its decision, *e.g.*, noting that cost changes were significant during the period of investigation.

[Slip-Op. 23-86 Pirelli Tyre Co. v. United States](#)

In the third administrative review of the antidumping order of certain passenger vehicle and light truck tires from China, the Court sustained Commerce's determination that Pirelli Tyre S.p.A. ("Pirelli") was not eligible for a separate rate as the company, with minority shareholding by the Chinese government, did not rebut the presumption of government *de facto* control over making decisions regarding the selection of management. Pirelli argued that because it was only minority owned by the government, the burden of proving independence was lower than if it were majority owned by the government. The Court disagreed, ruling that Commerce's analysis was supported by substantial evidence, *e.g.*, by analyzing the company's corporate structure and annual report. Separately, Pirelli argued that Commerce refused to consider portions of Italian law that require directors be independent of shareholders. However, as the Court noted, Pirelli did not place the law on the record and therefore, did not exhaust this argument at the administrative level.

Separately, plaintiff-intervenor Shandong New Continent Tire Co., Ltd. was assigned a dumping rate of zero. However, Commerce requested a remand following reports by CBP that the company was undervaluing its import prices by approximately \$2.6 million. Upon re-examining the company in the remand, Commerce determined that the company was not undervaluing its pricing and that there was no evidence that the company was affiliated with a second company who was responsible for the false reporting to CBP.

[Slip-Op. 23-87 Hyundai Steel Co. v. United States](#)

The Court remanded in part and sustained in part Commerce's antidumping administrative review of oil country tubular goods ("OCTG") from Korea. First, the Court upheld Commerce's use of plaintiff-intervenor's business proprietary information to calculate plaintiff's dumping margin, on the basis that plaintiff was not prevented from presenting arguments at the administrative level, because its counsel had access to the protected information under an administrative protective order. The Court also upheld Commerce's general and administrative expense ratio adjustment for plaintiff's affiliate Hyundai Steel USA to account for the cost of rejected pipes sold to unaffiliated customers. The Court found that Commerce's determinations that the rejected pipe was sold only as scrap, not as non-subject merchandise, and that the cost associated with the rejected pipe was covered generally by Hyundai Steel USA, were reasonable and supported by substantial evidence. The Court also

upheld Commerce’s adjustment to plaintiff’s reported further manufacturing yield loss, as well as Commerce’s use of neutral facts available, given the gaps in the record concerning the further processing of the pipes into scrap, the related fees and the value of pipe lost during this processing.

Plaintiff also challenged Commerce’s use of defendant-intervenor’s third-country market sales data of OCTG to Kuwait to calculate plaintiff’s constructed value profit, selling expenses and constructed export price profits, as well as the “facts available” profit cap. In response to a request from Commerce, the Court remanded the calculations of constructed value, constructed value profit cap, and constructed export price to allow Commerce an opportunity to reconsider the issues and reexamine the administrative record. The Court also remanded the separate rate calculation for further consideration “if needed, depending on Commerce’s determination regarding Plaintiff’s weighted-average dumping margin calculation on remand.”

[Slip-Op. 23-88 Ikadan System USA, Inc. v. United States](#)

The Court sustained CBP’s affirmative determination that plaintiffs, importers of pig farrowing crates and pig farrowing flooring systems, of which steel tribar floors are a component, were evading antidumping and countervailing duty orders on certain steel grating from China (“AD/CVD steel orders”). Specifically, CBP found the tribar floors portion of the imported farrowing crate systems was covered by the AD/CVD steel orders, resulting in an affirmative evasion determination under the Enforce and Protect Act (“EAPA”). Concurrently, Commerce initiated a scope review, finding that “the decking of the tribar truss flooring” was covered by the AD/CVD steel orders. The Court had previously remanded to CBP to consider Commerce’s scope ruling, which it considered as additional evidence without changing its affirmative evasion determination.

The Court’s decision first addressed whether EAPA is a strict liability statute. The question is not resolved under Chevron step one, the Court found, because EAPA’s plain language does not establish a culpability requirement. Under Chevron step two, the Court found that CBP’s strict liability interpretation of the definition of evasion is based on a permissible construction of the statute, thereby obviating plaintiff’s arguments about its “good faith disagreement” with CBP regarding the scope of the AD/CVD steel orders. The Court also found that CBP’s covered merchandise determination was not arbitrary and capricious, given the broad language of the AD/CVD steel orders, the record evidence describing the subject merchandise, and Commerce’s scope ruling. Finally, the Court held that challenges to CBP’s suspension of liquidation and assignment of cash deposits are beyond the scope of EAPA’s judicial review, and that the proper recourse is filing a protest.

[Slip-Op. 23-89 Ctr. for Biological Diversity v. United States](#)

The Court declared this case dismissed by operation of the parties’ voluntary dismissal. At issue was the critically endangered vaquita, the world’s smallest porpoise, which only inhabits the Upper Gulf of California in Northeast Mexico. The vaquita population decline is attributed to gillnets, which are a type of fishing gear that captures large quantities of totoaba fish in the Upper Gulf and incidentally entraps and drowns marine mammals and other wildlife. Plaintiffs Natural Resources Defense Council, Inc., the Center for Biological Diversity and the Animal Welfare Institute brought the action against the U.S. Department of the Interior and Secretary of the Interior, seeking action against Mexico. Following settlement negotiations, the Secretary of the Interior certified to the President that “nationals of Mexico are engaging in taking and trade of the totoaba fish . . . and the related incidental take of vaquita . . . that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.” The parties then filed a joint stipulation of dismissal with prejudice.

[Slip-Op. 23-90 Maple Leaf Mktg., Inc. v. United States](#)

The CIT granted Plaintiff, Maple Leaf's motion to designate the defendant, United States' counterclaim as a defense in an ongoing dispute on the classification of boronized steel tubing. The Court found that there is no provision under any section of the law that allows the United States to assert a counterclaim in a dispute challenging CBP's classification. This is the third in a series of cases where the Court has consistently found that the government cannot assert a substantive action in the form of a counterclaim in appeals involving liquidated protests. The Court's conversion of the claim into a defense means that it can still argue the position it has asserted but will not be able to recover any money from the plaintiff should the government prevail.

[Slip-Op. 23-91 Skyview Cabinet USA, Inc. v. United States](#)

The CIT upheld CBP's finding that plaintiff, Skyview, evaded the antidumping and countervailing duty orders on wooden cabinets and vanities from China. The Court found that there was sufficient information on the record to demonstrate that Skyview's submissions were inconsistent and contained contradictions and omissions that supported a finding that the information was not credible. CBP resorted to adverse facts available in making its determination of evasion based upon the fact that it found Skyview to be uncooperative. The Court also stated that there was no requirement that CBP verify the errors and inconsistencies in the respondent's submissions and that CBP's failure to verify in this instance was not an abuse of agency discretion.

In evaluating Skyview's argument that CBP violated its due process rights by not providing it access to business confidential information, the Court found that the plaintiff did not adequately demonstrate that the agency's action inhibited or compromised the company's case to present its own case or respond to the evidence, as it had access to CBP's public summaries.

[Slip-Op. 23-92 Sea Shepherd New Zealand v. United States](#)

The Court denied defendants' partial motion to dismiss in a case about endangered Māui dolphins in New Zealand's West Coast North Island. Plaintiffs Sea Shepherd New Zealand Ltd. and Sea Shepherd Conservation Society had formally requested that the U.S. Government ban the import of all fish from New Zealand's North Island in accordance with the Marine Mammal Protection Act ("MMPA"), which mandates a ban when commercial fishing "results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards." At issue in this decision were "comparability findings" issued to New Zealand by the U.S. National Oceanic and Atmospheric Administration ("NOAA"), which NOAA issues when it has assessed a nation's fisheries and determined that they satisfy certain mandatory regulatory conditions. The Court found several of plaintiff's claims to be moot because the challenged findings had expired since the case was filed. The Court found, however, that plaintiffs' claim concerning the interpretation of NOAA's regulations, specifically whether they require historical rates of marine mammal population decline in awarding comparability findings, presented a live dispute. The Court therefore denied defendants' partial motion to dismiss and ordered the parties to submit a proposed briefing schedule.

[Slip-Op. 23-93 Am. Pac. Plywood, Inc., v. United States](#)

The Court upheld CBP's finding that plaintiffs evaded the antidumping and countervailing duties on hardwood plywood from China and stated that the agency did not misapply the substantial evidence standard. The Court stated that the Federal Circuit established in the context of EAPA cases that substantial evidence means providing evidence relevant to the investigation, such that a reasonable mind would accept it as adequate to support a conclusion. The Court again supported CBP's procedures related to the release of confidential information and found that lack of access to the confidential information was not a due process violation.

[Slip-Op. 23-94 AG de Dillinger Hüttenwerke v. United States](#)

The Court upheld Commerce’s remand redetermination supporting its use of the likely selling price as a proxy for the cost of production of non-prime merchandise in the antidumping duty investigation on cut to length steel plate from Germany. The Court agreed with Commerce’s rationale that the lack of evidence on the record on the actual cost of producing non-prime merchandise necessitated the use of the likely selling price as recorded in Dillinger’s books and records, as it was the best information available and reasonably reflects the cost of production of both prime and non-prime merchandise.

The Court also upheld Commerce’s use of partial adverse facts available for the exporter’s failure to report approximately 28,000 downstream sales. The Court found that Commerce acted reasonably in rejecting the alternative information suggested by the exporter, as it required the sales to calculate an accurate dumping margin. Finally, the Court remanded for further explanation on the proposed quality code for sour transport plate in the model-matching hierarchy, as this was rejected in a previous opinion.

[Slip-Op. 23-95 Prosperity Tieh Enter. Co. v. United States](#)

The CIT upheld Commerce’s decision not to collapse plaintiff Prosperity Tieh with the Yieh Phui in the antidumping duty investigation on corrosion resistant steel products from Taiwan. The Court agreed with Commerce that there was insufficient evidence on the record to show that there would be significant potential for the manipulation of price and/or production between the two entities even though there was common familial ownership, as the business operations were not intertwined. The Court, however, did not sustain Commerce’s statement in its remand redetermination that stated the agency has the authority to investigate the companies’ relationship and can find that merchandise produced by the collapsed entity could be subject to the order should Commerce find that circumstances have changed and that the entities are acting as a collapsed entity. The Court took objection to this statement on the grounds that it was speculative and was not among the issues that were before the Court.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT

[Fed Cir. #22-1486 Deacero S.A.P.I. DE C.V., Deacero USA, Inc. v. United States, Rebar Trade Action Coalition](#)

The Federal Circuit granted plaintiff’s consent motion to voluntarily dismiss this action. The Court had previously stayed the appeal pending the outcome of *Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Mannesmann Pipe U.S. Inc. v. United States*, Fed. Cir. Appeal No. 21-2097 (“Borusan”). Appellant had explained in its motion to stay that both cases involved the question of whether Commerce’s decision to deduct Section 232 duties from U.S. price in its antidumping duty margin calculations is supported by substantial evidence and in accordance with law, and that Borusan would likely impact the scope of its appeal. In March 2023, the Federal Circuit held in *Borusan* that Commerce can legally treat Section 232 duties as regular import duties when calculating U.S. export price to determine the final antidumping duty margin. As a result, appellant moved for voluntary dismissal of its appeal.

[Printing Textiles, LLC dba Berger Textiles v. United States](#)

The Federal Circuit dismissed Printing Textiles appeal for failure to file an opening brief. The appellant originally filed suit to contest CBP’s inaction with respect to Printing Textiles’ protests challenging the assessment of antidumping duties on artists canvas from China.