

Trade Law Update

JANUARY 2025



HIGHLIGHTS FROM JANUARY

[CBP Proposes Changes to the De Minimis Entry](#)

[Process](#)

CBP issued a Notice of Proposed Rulemaking on January 13, 2025, regarding an update to the rules governing de minimis shipments. The public can make comments on the proposed rule until March 17, 2025.

[Petition Summary: Temporary Steel Fencing from the People's Republic of China](#)

On January 15, 2025, ZND US Inc a petition for the imposition of AD and CVD duties on U.S. imports of temporary steel fencing from the People's Republic of China.

[100 Days of Trade](#)

In the few weeks since President Trump began his second term, the administration has issued dozens of executive orders and other actions that are reshaping trade policies across various sectors. To help you stay informed, Husch Blackwell's International Trade & Supply Chain team has launched a dedicated series tracking these new actions and their implications for your business.

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 - 100 Days of Trade
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U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Certain Glass Wine Bottles From Mexico: On January 2, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances.
- Certain Glass Wine Bottles From the People’s Republic of China: On January 2, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the Socialist Republic of Vietnam: On January 2, 2025, Commerce issued its Amended Preliminary [Determination](#) of Less-Than-Fair-Value Investigation.
- Certain Superabsorbent Polymers From the Republic of Korea: On January 3, 2025, Commerce issued its Notice of Court Decision Not in Harmony With the Final [Determination](#) of AD Investigation; Notice of Amended Final Determination; Notice of Amended AD Order.
- Forged Steel Fluid End Blocks From Germany: On January 3, 2025, Commerce issued its Notice of Court Decision Not in Harmony With the Final [Determination](#) of CVD Investigation; Notice of Amended Final Determination and Amended CVD Order.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Malaysia: On January 6, 2024, Commerce issued its Amended Preliminary [Determination](#) of Less- Than-Fair-Value Investigation.
- Float Glass Products From the People’s Republic of China and Malaysia: On January 8, 2025, Commerce issued its [Initiation](#) of CVD Investigations.
- Float Glass Products From the People’s Republic of China and Malaysia: On January 8, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair- Value Investigations.
- Erythritol From the People’s Republic of China: On January 10, 2025, Commerce issued its [Initiation](#) of CVD Investigation.
- Erythritol From the People’s Republic of China: On January 10, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair- Value Investigation.
- Sol Gel Alumina-Based Ceramic Abrasive Grains From the People’s Republic of China: On January 14, 2025, Commerce issued its [Initiation](#) of CVD Investigation.
- Standard Steel Welded Wire Mesh From Mexico: On January 14, 2025, Commerce issued its [Initiation](#) of Circumvention Inquiry on the AD and CVD Orders.
- Sol Gel Alumina-Based Ceramic Abrasive Grains From the People’s Republic of China: On January 15, 2025, Commerce issued its [Initiation](#) of Less- Than-Fair-Value Investigation.
- Active Anode Material From the People’s Republic of China: On January 15, 2025, Commerce issued its [Initiation](#) of CVD Investigation.
- Active Anode Material From the People’s Republic of China: On January 15, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigation.
- Vanillin From the People’s Republic of China: On January 16, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures.
- Certain Paper Plates From the People’s Republic of China: On January 28, 2025, Commerce issued its Final Affirmative CVD [Determination](#) and Final Affirmative Determination of Critical Circumstances, in Part.
- Certain Paper Plates From the Socialist Republic of Vietnam: On January 28, 2025, Commerce issued its Final Affirmative CVD [Determination](#) and Final Affirmative Determination of Critical Circumstances, in Part.
- Slag Pots From the People’s Republic of China: On January 28, 2025, Commerce issued its [Initiation](#) of CVD Investigation.
- Vanillin From the People’s Republic of China: On January 28, 2025, Commerce issued its Preliminary Affirmative CVD [Determination](#) and Alignment of Final Determination With Final AD Determination; Correction.
- Certain Paper Plates From Thailand: On January 28, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Certain Paper Plates From the People’s Republic of China: On January 28, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Certain Paper Plates From the Socialist Republic of Vietnam: On January 28, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Slag Pots From the People’s Republic of China: On January 28, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair- Value Investigation.

- Certain Brake Drums From the People’s Republic of China: On January 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Less-Than-Fair- Value Investigation.
- Certain Brake Drums From the Republic of Turkey: On January 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value investigation.
- Large Top Mount Combination Refrigerator-Freezers From Thailand: On January 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value investigation.
- Certain Low Speed Personal Transportation Vehicles From the People’s Republic of China: On January 30, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sale at Less-Than-Fair-Value Investigation and Preliminary Affirmative Determination of Critical Circumstances.

Administrative Reviews

- Finished Carbon Steel Flanges From India: On January 2, 2025, Commerce issued its Final [Results](#) of AD Administrative Review; 2022–2023.
- Certain Cold-Rolled Steel Flat Products From the Republic of Korea: On January 15, 2025, Commerce issued its Final [Results](#) of AD Administrative Review; 2022–2023.
- Carbazole Violet Pigment 23 From India: On January 17, 2025, Commerce issued its Final [Results](#) of AD Administrative Review; 2022–2023.
- Pure Magnesium From the People’s Republic of China: On January 21, 2025, Commerce issued its Amended Final [Results](#) of AD Administrative Review; 2022–2023.
- Narrow Woven Ribbons With Woven Selvedge From Taiwan: On January 22, 2025, Commerce issued its Final [Results](#) of AD Administrative Review; 2022–2023.
- Common Alloy Aluminum Sheet From the Republic of Turkey: On January 30, 2025, Commerce issued its Amended Final [Results](#) of AD Administrative Review; 2022–2023.

Changed Circumstances Reviews

- None.

Sunset Reviews

- Certain Circular Welded Carbon- Quality Steel Line Pipe From the People’s Republic of China: On January 3, 2025, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the AD Order.
- Welded Large Diameter Line Pipe From Japan: On January 2, 2025, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the AD Order.
- Diffusion-Annealed, Nickel-Plated Flat- Rolled Steel Products From Japan: On January 7, 2025, Commerce issued its Final [Results](#) of Expedited Second Sunset Review of AD Order.
- Uncovered Innerspring Units From the People’s Republic of China, the Socialist Republic of Vietnam, and South Africa: On January 7, 2025, Commerce issued its Final [Results](#) of the Expedited Third Sunset Reviews of the AD Orders.
- Strontium Chromate From Austria and France: On January 27, 2025, Commerce issued its Final [Results](#) of the First Expedited Sunset Reviews of the AD Orders.

Scope Ruling

- None.

Circumvention

- Aluminum Wire and Cable From the People’s Republic of China: On January 27, 2025, Commerce issued its Final Negative Scope Ruling and Final Affirmative [Determination](#) of Circumvention With Respect to the Socialist Republic of Vietnam.
- Aluminum Wire and Cable From the People’s Republic of China: On January 27, 2025, Commerce issued its Final Negative Scope Ruling and Final Affirmative [Determination](#) of Circumvention With Respect to the Republic of Korea

U.S. INTERNATIONAL TRADE COMMISSION

Section 701/731 Proceedings

Investigations

- Truck and Bus Tires From Thailand; On December 6, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Paper File Folders From Cambodia and Sri Lanka; On December 10, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Silicomanganese From India, Kazakhstan, and Venezuela Determinations (Fourth Review); On December 10, 2024, the ITC issued its [determination](#) to continue the CVD and AD orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Hard Empty Capsules From Brazil, China, India, and Vietnam; On December 13, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Steel Concrete Reinforcing Bar (Rebar) From Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine (Fifth Review); On December 13, 2024, the ITC issued its [determination](#) to continue the AD orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Circular Welded Carbon-Quality Steel Pipe From China; On December 17, 2024, the ITC issued its [determination](#) to continue the CVD and AD orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Frozen Warmwater Shrimp From Ecuador, India, Indonesia, and Vietnam (Final); on December 17, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Overhead Door Counterbalance Torsion Springs From China and India (Preliminary); On December 19, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Raw Flexible Magnets From China and Taiwan (Third Review); On December 27, 2024, the ITC issued its [determination](#) to continue the CVD and AD orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.

U.S. CUSTOMS AND BORDER PROTECTION

[EAPA Case No. 7902: Global Natural Ingredients](#)

On January 13, 2025, CBP issued the notice of determination as to evasion for EAPA case 7902 filed by CP Kelco U.S., Inc., against U.S. importer, Global Natural Ingredients, LLC (“Global Natural Ingredients”) for evasion of the applicable AD order A-570-985 on xanthan gum from the People’s Republic of China (“China”). Specifically, evidence on the record indicates Global Natural Ingredients imported Chinese-origin xanthan gum that was transshipped through India, and did not declare the merchandise as subject to the aforementioned order at the time of entry, resulting in the failure to pay the required AD cash deposits. CBP has determined that there is substantial evidence of evasion of AD/CVD duties by Global Natural Ingredients and, therefore, CBP issued a formal notice of determination as to evasion and has taken enforcement actions.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 25-01: Tube Forgings of Am., Inc.](#)

The Court remanded Commerce’s final scope decision in a covered merchandise referral. At issue was whether certain carbon steel butt-weld pipe fittings produced using fittings from China that underwent subsequent production in Vietnam were excluded from the scope of the antidumping order on carbon steel butt-weld pipe fittings from China. The Court first had to decide on whether it had jurisdiction to consider the case and found that it did as the underlying Enforce and Protect Act investigation had been finally adjudicated. The Court then remanded Commerce’s scope determination for further information and explanation, finding the scope determination’s language ambiguous. Commerce had originally found that “rough fitting” carbon steel butt-weld pipe fittings that undergo the first stage of production in China and the last two stages in Vietnam were not subject to the order but similar pipe fittings that undergo only the last stage of production in Vietnam were covered. The Court found that this modification was an abrupt deviation from Commerce’s past practice, as these “rough fitting” carbon steel pipe fittings finished in Vietnam were previously not subject to the order. The Court, therefore, found the deviation arbitrary and instructed Commerce to further explain its reasoning upon remand.

[Slip Op. 25-02: United States v. Rayson Glob., Inc.](#)

The Court denied the CBP’s motion for a judgment by default without prejudice. CBP brought the action to recoup lost revenue from Rayson Global allegedly mismarking uncovered mattress innersprings, as country of origin Thailand to avoid AD/CVD duties and Section 301 duties. The Court held that without any supporting facts, CBP’s valuation of the goods is not a well-pled fact. In dismissing the case, the Court did not address the merits of

the claim as the alleged domestic value of the merchandise was "the basis for the government's penalty claim." Accordingly, the Court dismissed CBP's motion for a judgment by default without prejudice.

[Slip Op. 25-03: Mosaic Co. v. United States](#)

The Court sustained in part, and remanded in part, Commerce's final remand redetermination in the CVD investigation of phosphate fertilizers from Morocco. Plaintiffs, The Mosaic Company ("Mosaic") and OCP S.A. ("OCP"), in a consolidated action, raised several objections to the redetermination. Specifically, Mosaic challenged Commerce's decision to reject its alternative method for allocating costs to the production of beneficiated phosphate rock on several grounds. While rejecting most of Mosaic's arguments, the Court ultimately sided with Mosaic on the grounds that while Commerce had solicited comments from both OCP and Mosaic on its proposed treatment of these costs, it failed to consider Mosaic's comments. Next, the Court addressed OCP's challenge to Commerce's calculation of a constructed profit rate. The Court ruled that OCP had waived this argument by not properly raising it through a Rule 56.2 motion, and therefore declined to address it. Finally, with regard to OCP's challenge concerning the de facto specificity of Morocco's tax fines and penalties reduction program, the Court found that Commerce had misinterpreted 19 U.S.C. § 1677(5A)(D)(iii)(III) and relied on an unsupported finding when concluding that OCP received "a disproportionately large amount of the subsidy." As a result, the Court remanded this issue to Commerce for reconsideration.

[Slip Op. 25-04: Kaptan Demir Celik Endustrisi ve Ticaret A.S.](#)

The Court upheld Commerce's date of sale determination, DIFMER analysis, and resulting AD rate in its final results of the administrative review of certain steel concrete reinforcing bars from the Republic of Turkey. Kaptan Demir Celik Endustrisi Ve Ticaret A.S. ("Kaptan") argued that Commerce incorrectly relied on invoice dates to determine the relevant dates of sale. However, the Court found Kaptan's contract terms to be ambiguous and noted that Kaptan provided no additional evidence to support its position. In light of this ambiguity, the Court concluded that Commerce's use of invoice dates was a reasonable approach. Kaptan further challenged Commerce's DIFMER analysis, claiming it was distorted due to the treatment of inflation using monthly indexes. The Court, however, pointed to the fact that Kaplan only noted that the calculation method caused a "large change" in the DIFMER but put forth no additional evidence that this change was a distortion. Moreover, the Court noted that in a high inflation context, Commerce instructs respondents to report monthly rather than annual costs. As a result, the Court upheld the Commerce's redetermination.

[Slip Op. 25-05: Wheatland Tube v. United States](#)

The Court sustained Commerce's final remand redetermination in the administrative review of the antidumping order on circular welded non-alloy steel pipe from the Republic of Korea. Hyundai Steel Company and Husteel Co., the mandatory respondents, challenge the redetermination arguing that Commerce did not comply with all statutory requirements and that both respondents were still entitled to the CEP offset. The Court disagreed, stating that the respondents had not met their burden to qualify for a CEP offset and that Commerce was entitled to discretion from the courts as to their method of calculation when not specified by statute.

[Slip Op. 25-06: Hyundai Steel Co. v. United States / Dongkuk Steel Mill Co. v. United States](#)

The Court affirmed Commerce's remand redetermination in a CVD duty order on hotrolled steel. Previously, the Court had remanded the decision on the grounds that Commerce's original determination merely labeled a program related to South Korea's greenhouse gas regulatory system as de jure specific without offering a thorough explanation. On remand, despite the Plaintiff's objections, the Court concluded that Commerce adequately justified its decision, particularly by clarifying that the program's operational characteristics are not neutral eligibility standards and, therefore, de jure specific.

[Slip Op. 25-07: KG Dongbu Steel Co. v. United States](#)

The Court sustained Commerce's redetermination pursuant to prior Court remand in the CVD review of certain corrosion-resistant steel products from the Republic of Korea. The Defendant-Intervenor challenged the results on several grounds, primarily arguing that Commerce had failed to address evidence submitted on remand, which supported that the first through third debt-to-equity determinations provided a countervailable subsidy to KG Dongbu Steel Co., Ltd.. The Court rejected this argument, emphasizing that while Commerce is required to address significant arguments and evidence that substantially undermine its reasoning and conclusions, it is not obligated to address every argument or piece of evidence presented by a party. Regarding the pass-through benefit of the first through third debt-to-equity restructurings, the Court found the issue to be moot. Finally, the Court concluded that the uncreditworthy benchmark rate and the uncreditworthy discount rate had been properly calculated in accordance with its prior order. As a result, the Court sustained Commerce's remand redetermination.

[Slip Op. 25-08: Comm. Overseeing Cction for Lumber Int'l Trade Investigations or Negots. V. United States](#)

This decision is not publicly available. A summary will be provided once it is available.

[Slip Op. 25-09: Prysmian Cables & Sys. USA, LLC v. United States](#)

The Court granted Commerce's motion to dismiss the claims brought by Plaintiff Prysmian Cables and Systems USA, LLC ("Prysmian"), which alleged that Commerce violated the provisions of the Administrative Procedure Act by denying Prysmian's Section 232 exclusion requests for aluminum imports into the United States. Specifically, Prysmian contended that Commerce violated 5 U.S.C. § 706(1) by failing to take three necessary actions in denying its exclusion requests: (1) applying mandatory criteria to the facts presented, (2) preparing a required memorandum responsive to the exclusion request, and (3) notifying CBP of Prysmian's entitlement to an exclusion. The Court rejected these claims, finding that Commerce had, in fact, prepared a memorandum and applied the necessary criteria in its decision. The Court emphasized that Prysmian's real disagreement was with the outcome of the denial, not the process itself. Additionally, the Court noted that Commerce was not required to notify CBP, as notification is only required when an exclusion is granted, not when it is denied. Next, the Court dismissed the rest of Prysmian's claims because they were filed outside the applicable two-year statute of limitations period. Despite Prysmian's argument that there was a continued violation that tolled the statute of limitation, the Court held that each denial was considered a single, distinct event. Lastly, the Court rejected Prysmian's argument that the six-year statute of limitations under 28 U.S.C. § 2640(a) should apply, pointing out that § 2640(a) is applicable unless a more specific statute displaces it, as it did here.

[Slip Op. 25-10: Apiário Diamante Comercial Exportadora Ltda. v. United States](#)

The Court upheld Commerce's remand determination to continue an antidumping duty investigation on imported raw honey from several countries. The Defendant-Intervenors, a coalition of American honey producers, raised five claims in opposition to the remand redetermination, all of which the Court rejected. The first two claims, arguing that the Court had previously applied the wrong standard and that Commerce's use of total AFA was supported by the investigation's record, were deemed improper attempts to relitigate issues already decided. The Court also rejected the third claim, which asserted that Commerce should have reinstated the decision to apply total AFA due to alleged deficiencies in plaintiff's questionnaire responses. The Court noted that the objections were unsupported and amounted to a general contention that Commerce should have conducted further verification. Additionally, the Court rejected the fourth claim, which contended that Plaintiff failed to support its tax credit offset, finding that Commerce had reviewed the record and based on substantial evidence, concluded that plaintiff qualified for the offset. Finally, the Court dismissed the fifth argument that Commerce failed to adequately explain its reasoning in the remand redetermination and address the Defendant-Intervenors' prior arguments, explaining that

while Commerce must explain its findings, it is not required to address every argument presented by interested parties.

[Slip Op. 25-11: Hoa Phat Steel Pipe Co. v. United States](#)

The Court partially remanded Commerce's final affirmative circumvention determinations of the AD and CVD orders on light-walled rectangular pipe and tube ("LWRPT") from Korea, Taiwan, and China. In the underlying administrative decision, Commerce applied adverse facts available (AFA) to Hoa Phat Steel Pipe Co., Ltd. (the plaintiff) due to its failure to submit information in the requested format and on time. The plaintiff argued that Commerce's decision to reject its responses as untimely and apply AFA was an abuse of discretion and arbitrary. The Court ruled in the plaintiff's favor, concluding that the record demonstrated the plaintiff had made timely extension requests and had communicated diligently with Commerce about the difficulties it encountered in meeting the deadline for its questionnaire responses across the three circumvention inquiries. Moreover, the Court highlighted that the plaintiff submitted the responses before 8:30 a.m. on the following business day, and this did not appear to hinder Commerce's ability to complete its inquiries. The Court determined that the penalty imposed was "grossly disproportionate" to the plaintiff's error. Consequently, the Court remanded Commerce's final determinations for further review.

[Slip Op. 25-12: Siemens Gamesa Renewable Energy v. United States](#)

The Court upheld Commerce's second remand redetermination, which revised the dumping margin for Siemens Gamesa Renewable Energy S.A. ("Siemens Gamesa") from 73.00% to 28.55% in an antidumping investigation of certain wind towers from Spain. The Wind Tower Coalition ("Coalition"), a group of domestic tower manufacturers, argued that Commerce incorrectly collapsed Siemens Gamesa, a non-producing holding company, with Windar and its five subsidiaries into a single entity, contending this was contrary to the law. However, the Court rejected this argument, finding that the uncontested facts — including Siemens Gamesa's 32% ownership of Windar, overlapping boards of directors, and Siemens Gamesa's involvement in the production of wind towers through providing designs, technical drawings, and specifications — justified the consolidation. Moreover, the Court also addressed the Coalition's challenge to Commerce's method for determining constructed export price, emphasizing that Commerce is afforded significant deference in complex, technical economic and accounting matters. The Court also noted that Commerce provided a reasoned and adequate explanation for its approach. As a result, the Court affirmed Commerce's second remand redetermination.

[Slip Op. 25-13: Honeywell Int'l, Inc. v. United States](#)

The Court granted Plaintiff's motion for summary judgment that certain radial, web, and chordal segments made from nonwoven polyacrylonitrile ("PAN") fiber fabric material that is cut to a specific shape and size ("subject

merchandise”) are correctly classified under HTSUS subheading 8803.20.00. CBP had argued that the subject merchandise should be classified under subheading 6307.90.98. The Court rejected CBP’s argument, finding that the subject merchandise forms part of an aircraft and is, therefore, appropriately classified under subheading 8803. Further, the Court dismissed CBP’s alternative argument that, even if the merchandise is correctly classified under heading 8803, it could still fall under heading 6307. CBP’s reasoning was based on vague references to “basket elements,” without any supporting citations to legal authority. The Court emphasized that when goods are potentially classifiable under multiple headings, they must be classified under the heading that provides the “most specific description” of the article, rather than under a more general heading. As a result, the subject merchandise is correctly classified under HTSUS subheading 8803.20.00.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Summary of Decisions

[Appeal No. 23-1661: Oman Fasteners, LLC v. United States](#)

On January 7, 2025, the Federal Circuit clarified the standard that the Department of Commerce needs to follow when it selects an AD rate based upon adverse inferences. The court rejected Commerce’s sparse one sentence justification articulated in the final results of review and specifically held that Commerce may not depart or otherwise compromise the need for accuracy in determining dumping margins. The Court focused on the concept that Commerce must show that there was some level of egregious or unreasonable negligence or intentional misconduct and create a nexus between the responding company’s conduct and the need to deter non-compliance. The appeal stems from the assignment of a 154.33% adverse facts available rate to Oman Fasteners as it submitted a questionnaire response 16 minutes after the 5pm deadline. The CIT found Commerce’s use of adverse inferences to be an abuse of discretion but the Federal Circuit chose to rely on whether the use of adverse facts available was an accurate measure of dumping.

The Federal Circuit went further and set forth a list of specific considerations that Commerce must rely on in instances where it deviates from an established practice that results in departing from accuracy. One such consideration is the history of rates for that respondent in reviews and other factors could include intent, ability to carry out its statutory mandate, consequences to Commerce’s review process, and “recidivism.” In the appeal, the Federal Circuit took issue with Commerce’s reasoning as it effectively “merely declared, in conclusory fashion, that Oman Fasteners’ failure to ‘act to the best of its ability ... greatly inhibited Commerce’s ability to calculate an accurate dumping margin based on the respondent’s own data.” In the Federal Circuit’s opinion this was not enough under the governing standard to support such an onerous adverse rate.

Furthermore, the facts on the record demonstrated that Oman Fasteners had taken all efforts to ensure that its filings were submitted on time and that there was no intentional conduct or withholding of information. The Court found that “Commerce got the information 16 minutes after it was due, without having to prompt Oman Fasteners, which was diligently pursuing completion in circumstances that suggest nothing more than failure to build in temporal leeway beyond what had been needed in earlier filings.”

EXPORT CONTROLS AND SANCTIONS

President Trump Issues 60-Day Regulatory Freeze

On January 20, 2025, President Trump issued an executive memorandum to “all executive departments and agencies” ordering the following:

- (1) Prohibition on issuing any rule in any manner until a new Presidential appointee reviews and approves the rule
- (2) Immediate withdrawal of any rules that have been sent to the Office of the Federal Register but have not yet been published in the Federal Register; and
- (3) Executive departments and agencies are to consider postponing for 60 days the implementation of any rules that have been published in the Federal Register but have not taken effect, “for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.”