

Trade Law Update



HIGHLIGHTS FROM DECEMBER 2025

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[**BIS to Open Window for Additional Products Subject to Section 232 Duties on Auto Parts on January 1, 2026**](#)

On December 16, 2025 the Bureau of Industry and Security (BIS) announced that it will provide an opportunity for interested parties to submit requests to add additional products to the list of auto parts that are subject to Section 232 duties under the Trade Expansion Act of 1962. The inclusions window will open on January 1, 2026, and close at 11:59 p.m. ET on January 14, 2026.

[**The U.S. Imposes New Section 301 Tariffs on Chinese Semiconductors**](#)

On December 23, 2025, the United States Trade Representative (USTR) determined that China's policies and practices aimed at dominating the semiconductor industry are unfair and burdensome on U.S. commerce, making them actionable under Section 301 of the Trade Act of 1974. After a year-long investigation, the USTR found that China's state-driven industrial planning, forced technology transfers, and market restrictions have disadvantaged U.S. companies. Consequently, the U.S. will impose new tariffs on a wide range of Chinese semiconductor products (8-digit tariff classifications provided below), starting at **0%** and scheduled to increase after 18 months, on **June 23, 2027**.

[**CIT Issues Stay on New IEEPA Tariff Cases Pending Supreme Court Review**](#)

The U.S. Court of International Trade (CIT or court), on December 23, 2025, issued [Administrative Order 25-02](#) staying all recently filed cases challenging tariffs imposed under the International Emergency Economic Powers Act (IEEPA) by the Trump Administration.

[**The US and UK Reach Agreement in Principle on Pharmaceuticals, Pharmaceutical Ingredients, and Medical Technology**](#)

On December 1, 2025, the United States and United Kingdom [announced](#) an agreement in principle on pharmaceuticals, pharmaceutical ingredients, and medical technology.

[**CBP Issues Guidance on Valuation of Steel, Aluminum and Copper Content for Section 232 Tariffs**](#)

On December 3, 2025, U.S. Customs and Border Protection's (CBP) base metals Center of Excellence and Expertise (CEE) issued new guidance on valuing steel, aluminum and copper content for purposes of calculating Section 232 tariffs.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Steel Concrete Reinforcing Bar From Algeria: On December 19, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Hard Empty Capsules From Brazil: On December 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Hard Empty Capsules From India: On December 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Hard Empty Capsules From the People's Republic of China: On December 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

- Hard Empty Capsules From the Socialist Republic of Vietnam: On December 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Paper File Folders From the Kingdom of Cambodia: On December 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Hard Empty Capsules From Brazil: On December 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Hard Empty Capsules From India: On December 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.

- Hard Empty Capsules From the People's Republic of China: On December 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Hard Empty Capsules From the Socialist Republic of Vietnam: On December 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Paper File Folders From Cambodia: On December 29, 2025, Commerce issued its Final Negative [Determination](#) of Sales at Less Than Fair Value.
- Overhead Door Counterbalance Torsion Springs From India: On December 31, 2025, Commerce issued its Final Affirmative Counterervailing Duty [Determination](#) and Final Affirmative Critical Circumstances Determination.
- Overhead Door Counterbalance Torsion Springs From India: On December 31, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances.
- Polypropylene Corrugated Boxes From the Socialist Republic of Vietnam: On December 31, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, In Part, Postponement of Final Determination, and Extension of Provisional Measures

Administrative Reviews

- Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: On December 19, 2025, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Non-Oriented Electrical Steel from Japan: On December 19, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022– 2023.
- Common Alloy Aluminum Sheet From the People's Republic of China: On December 23, 2025, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: On December 23, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022– 2023.
- Carbazole Violet Pigment-23 From India: On December 31, 2025, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022

Sunset Reviews

- None.

Scope Ruling

- None

Circumvention

- None

INTERNATIONAL TRADE COMMISSION

Investigations

- Slag Pots From China (Final); On December 1, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Corrosion-Resistant Steel Products From Australia, Brazil, Canada, Mexico, Netherlands, South Africa, Taiwan, Turkey, United Arab Emirates, and Vietnam (Final); On December 2, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Quartz Surface Products From India and Turkey; On December 18, 2025, the ITC issued its [determination](#) to continue the antidumping and countervailing duty orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Certain Welded Large Diameter Line Pipe from Japan (Fourth Review); On December 29, 2025, the ITC issued its [determination](#) to continue the antidumping duty order as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Carbon and Certain Alloy Steel Wire Rod From China (Second Review); On December 29, 2025, the ITC issued its [determination](#) to continue the antidumping and countervailing duty orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Hexamine (Hexamethylenetetramine) From Germany, India, and Saudi Arabia (Final); On December 30, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

U.S. CUSTOMS AND BORDER PROTECTION

Enforce and Protect Act

[EAPA Cons. Case 8143: JOL Tubular, Inc. and Commercial Steel Products LLC: Notice of Covered Merchandise Referral](#)

On December 1, 2025, U.S. Customs and Border Protection (CBP) issued a Notice of Covered Merchandise Referral regarding Certain Oil Country Tubular Goods (OCTG) from the People's Republic of China. The CBP is unable to determine whether the OCTG Boly Pipe produced in Thailand out of steel billets from China is covered merchandise. Boly Pipe's steel billets are made of steel, seamless, and are cylindrical; therefore, they are of circular cross-section. On these points, the steel billets conform to the AD and CVD orders. The AD and CVD orders also cover OCTG that is "unfinished (including green tubes and limited service OCTG products)." Likewise, the steel billets used to create the finished product are unfinished because they undergo further production in Thailand. Although the AD and CVD orders address unfinished products such as green tubes and limited service OCTG products, they do not address whether unfinished products such as steel billets are included or excluded from the AD and CVD orders. Furthermore, the U.S. Department of Commerce (Commerce) preliminarily determined on August 15, 2025 that imports of seamless OCTG that were completed in Thailand using steel billets from China were circumventing the AD and CVD orders. As such, CBP requests that Commerce make a determination on whether the steel billets Boly Pipe imported from China are covered by the AD and CVD orders.

[EAPA Cons. Case 8201: Various Importers – Failure to Pay Duties on Certain Town Behind Lawn Groomers and Certain Parts Thereof](#)

On December 15, 2025, U.S. Customs and Border Protection (CBP) issued its notification of initiation of investigation and interim measures of alleged evasion by Chasoe World Inc., Eminent World Trade Inc., Faster Bat Corp., Fine Tune Group Inc., Inchoi Group Inc., Magic King Group Inc., Newway Wind Inc., Onerich Glboal Group Inc., Toyarr Group Inc., Unitype Trading, Ltd., and Zenith Global Group Inc. (collectively, "the Importers") in Enforce and Protect Act (EAPA) consolidated investigation 8201. Specifically, CBP is investigating whether the Importers evaded AD order A-570-939 on certain tow behind lawn groomers, and certain parts thereof, from China with their entries of merchandise into the United States.

[EAPA Cons. Case 8139: Ramos Commodity Corporation – Steel Nails](#)

On September 18, 2025, U.S. Customs and Border Protection (CBP) issued its notice of initiation of investigation and interim measures to Ramos Commodity Corporation ("Ramos") in Enforce and Protect Act (EAPA) investigation 8139, examining the evasion of antidumping duty (AD) order A-570-909 on steel nails from the People's Republic of China (China). CBP found there was reasonable suspicion that Ramos entered steel nails from China without declaring the merchandise as subject to the AD/CVD orders and paying the applicable AD/CVD duties.

[EAPA Cons. Case 8224: Daffodil Pharmachem Private Limited – Citric Acid and Certain Citrate Salts](#)

On December 18, 2025, U.S. Customs and Border Protection (CBP) issued its notice of initiation of investigation and interim measures to Daffodil Pharmachem Private Limited (Daffodil Pharmachem) in Enforce and Protect Act (EAPA) investigation 8224, examining the evasion of antidumping duty (AD) order A-570-937 and countervailing duty (CVD) C-570-938 on citric acid and certain citrate salts (CACCS) from the People's Republic of China (China). CBP found there was reasonable suspicion that Daffodil Pharmachem entered CACCS from China without declaring the merchandise as subject to the AD/CVD orders and paying the applicable AD/CVD duties.

Customs Bulletin Weekly

On December 18, 2025, CBP issued a Withhold Release Order on automobile tires made in Serbia by Linglong International Europe D.O.O. Zrenjanin. The order, effective immediately, requires CBP officers at all U.S. ports to detain these shipments due to credible evidence of forced labor in their production.

On December 19, 2025, the Senate Appropriations Committee instructed CBP to report within 90 days on whether self-initiating Enforce and Protect Act ("EAPA") cases would improve enforcement of antidumping and countervailing duty evasion. The committee also directed CBP to review its confidentiality policies for importers involved in active trade remedy investigations and to suggest ways to enhance transparency while protecting compliant importers. CBP must also report within 90 days on enforcement of deadlines for installing solar panels imported during a duty pause, and on pending and collected duties for uninstalled panels. The committee expressed concern about evasion of duties on magnesium metal and urged closer scrutiny of related supply chains. It also called for continued funding and updates on forced labor enforcement, cooperation with USPS to combat counterfeit goods, and several briefings on issues like the Lacey Act, illegal fishing, vaping product imports, and the Section 321 data pilot. The committee highlighted the need for improved staffing at ports, better forecasting, and attention to an anticipated retirement cliff among CBP officers. Additionally, the committee requested a report from CISA on cybersecurity risks posed by advanced vehicles connected to foreign entities.

On December 13, 2025, CBP's base metals Center of Excellence and Expertise ("CEE") issued new guidance on calculating steel, aluminum, and copper content for Section 232 tariffs. The guidance clarifies that overhead, processing, manufacturing, labor, fabrication, and machining costs cannot be excluded from the dutiable value of steel, aluminum, or copper content. Surface treatments like galvanizing, anodizing, and coatings are considered integral to finished steel products and cannot be deducted. The CEE stated that copper and copper alloys, such as brass, should be treated the same as steel and aluminum, with no breakdown of alloy chemistry to deduct the value of non-copper elements. For mixed-content goods, costs like packaging should be apportioned across both metal and non-metal content. Importers must be able to provide documentation supporting their claimed metal content values if requested by CBP.

On December 10, 2025, CBP announced new and updated ACE functionalities, including a planned tool to improve penalty collections for in-bond shipment violations, though the launch date is still undetermined. Key ACE upgrades, such as enhancements for the Global Business Identifier initiative and duty calculations on entries with multiple tariff codes, were delayed to March 2026. CBP also set April and May 2026 deployment dates for ACE modernization of in-bond processing, air manifest UI, rail manifest EDI, and USPS manifest data visibility.

On December 5, 2025, via an updated [FAQ](#) on IEEPA tariffs, CBP clarified that goods entered under Chapter 98 provisions must still list the otherwise applicable IEEPA Chapter 99 classification on entry forms, or the ACE system will reject the submission. The FAQ update also includes information on which Chapter 98 provisions are exempt from IEEPA tariffs on Canada, Mexico, China, Brazil and India, as well as from IEEPA reciprocal tariffs. CBP also clarified that IEEPA Annex II exemptions apply to all countries, and confirmed that reciprocal tariffs apply to the non-steel, aluminum or copper content of goods subject to those Section 232 tariffs.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 25-148: Wind Tower Trade Coal. V. United States](#)

The Court sustained in part and remanded in part Commerce's final results in the 2021–2022 administrative review of the antidumping duty order on utility-scale wind towers from Korea. The Court upheld Commerce's acceptance of the reported conversion costs of Dongkuk S&C Co., Ltd. ("Dongkuk"), a mandatory respondent, finding that Commerce neither misinterpreted the statute nor deviated from established practice. However, the Court held that Commerce failed to adequately explain why Dongkuk's reported conversion costs reasonably accounted for cost differences related to physical characteristics. Because Commerce did not articulate a rational connection between the record evidence and its decision not to make further adjustments, the Court remanded Commerce's treatment of conversion costs for further explanation or reconsideration.

[Slip Op. 25-149: CS Wind Malaysia Sdn. Bhd. V. United States](#)

The Court sustained in part and remanded in part Commerce's final results in the countervailing duty administrative review of utility-scale wind towers from Malaysia. The Court upheld Commerce's finding that Malaysia's import-duty exemption program conferred a countervailable benefit, as well as Commerce's valuation of land rental based on benchmark data from multiple Malaysian sources. However, the Court remanded Commerce's analysis of the land-lease subsidy, concluding that Commerce had not adequately explained its averaging methodology for benchmark land-rental values.

[Slip Op. 25-150: Coal. Of Am. Mfrs. Of Mobile Access Equip. v. United States](#)

The Court sustained Commerce's remand redetermination in the antidumping duty investigation of mobile access equipment from China. Despite plaintiff's objections, the Court found that Commerce reasonably relied on properly designated, route-specific Maersk data to value ocean freight, and adequately explained why this information constituted the most reliable evidence on the record. The Court also upheld Commerce's revised valuation of fabricated steel components, agreeing that, once fabricated, the steel could no longer be treated as raw material for valuation purposes. Accordingly, the Court affirmed Commerce's remand redetermination in its entirety.

[Slip Op. 25-151: Kingtom Aluminio S.R.L. v. United States](#)

The Court denied the government's motion for reconsideration of its prior decision vacating CBP's finding that Dominican exporter Kingtom Aluminio used forced labor in its aluminum extrusions. While the Court acknowledged a factual error in its earlier decision, it found the mistake to be harmless and not outcome-determinative. The Court reaffirmed that CBP failed to establish a rational connection between the evidence and its forced labor finding, as required by the Administrative Procedure Act. Rejecting the government's argument for a different remedy, the Court held that remand with *vacatur* is the default remedy when agency actions are found unlawful, particularly where the government did not initially dispute the appropriateness of that remedy.

[Slip Op. 25-152: Catfish Farmers of Am. v. United States](#)

The Court remanded Commerce's final results in the 2021–2022 administrative review of the antidumping duty order on certain frozen fish fillets from Vietnam. Plaintiffs raised two principal claims: first, that Commerce should have applied facts otherwise available with an adverse inference to a Vietnamese exporter; and second, that Commerce failed to adequately address an alleged clerical (ministerial) error in its margin calculations. The Court rejected the first claim, finding that Commerce had reasonably exercised its discretion and sufficiently explained its methodology, including its treatment of packing material costs. However, the Court agreed with Plaintiffs on the second claim, concluding that Commerce did not adequately explain whether it had made or corrected a clerical error, as required by statute and regulation. Accordingly, the Court remanded the determination for Commerce to reconsider and further clarify its handling of the alleged clerical error.

[Slip Op. 25-153: Luscious Seafood LLC v. United States](#)

This opinion is confidential.

[Slip Op. 25-154: AGS Co. Auto. Sols. V. U.S. Customs & Border Prot.](#)

The Court denied Plaintiffs' motion for a preliminary injunction to prevent liquidation of entries subject to tariffs imposed under the International Emergency Economic Powers Act ("IEEPA"), finding that Plaintiffs failed to demonstrate irreparable harm. The motion followed the Court's prior decision vacating and enjoining the executive orders imposing the IEEPA tariffs, which is currently on appeal to the Supreme Court. The Court observed that liquidation would not jeopardize Plaintiffs' ability to obtain refunds of unlawfully collected duties, as the government had agreed not to oppose reliquidation and refunds after a final judgment. Because Plaintiffs could be fully compensated through this process, they did not meet the standard for irreparable harm required for injunctive relief. Accordingly, the Court denied the motion and found Plaintiffs' request for a hearing moot.

[Slip Op. 25-155: Mosaic Co. v. United States](#)

The Court upheld Commerce's remand redetermination in the consolidated action concerning the administrative review of the countervailing duty order on phosphate fertilizers from Morocco. On remand, Commerce revisited its previous conclusion that Morocco's tax fines and penalties reduction program was *de facto* specific and therefore countervailable. Upon further analysis, Commerce determined that the program was broadly available and not specific to any particular industry. Although the plaintiff, a domestic producer, challenged Commerce's revised findings and maintained that the program continued to confer a countervailable subsidy, the Court found that Commerce had reasonably reconsidered the record, provided a sufficient explanation for its specificity determination, and complied with the Court's prior remand instructions. Consequently, the Court concluded that Commerce's determination was supported by substantial evidence and was in accordance with law.

[Slip Op. 25-156: Tube Forgings of Am., Inc. v. United States](#)

The Court remanded Commerce's first remand redetermination in the scope ruling on certain carbon steel butt-weld pipe fittings. The Court found that Commerce again failed to adequately justify its conclusion that the fittings were outside the scope of the antidumping duty order. Commerce had relied only on the scope language and prior administrative materials—the 19 C.F.R. § 351.225(k)(1) factors—which the Court found to be ambiguous and conflicting as to whether the products should be considered unfinished fittings covered by the order. Because the § 351.225(k)(1) factors did not resolve the scope issue, the Court held that Commerce was required to consider the § 351.225(k)(2) factors, including the fittings' physical characteristics, end uses, customer expectations, and channels of trade. The Court explained that Commerce's failure to conduct this additional analysis left key questions unanswered and deprived the determination of a reasoned explanation supported by substantial evidence. Accordingly, the Court remanded the issue for Commerce to reconsider and more fully explain its scope analysis.

[Slip Op. 25-157: SeAH Steel VINA Corp. v. United States](#)

The Court remanded Commerce's affirmative circumvention determinations regarding certain circular welded steel pipe from Vietnam produced using hot-rolled steel from Korea, India, and China. SeAH Steel VINA Corporation challenged Commerce's finding that Vietnamese pipe circumvented existing antidumping and countervailing duty orders on pipe from those countries. The Court agreed, holding that Commerce's analysis was not supported by substantial evidence, as it failed to adequately address critical statutory factors, particularly the importance of prior findings that Vietnamese producers were not dumping or receiving countervailable subsidies. As a result, the Court remanded the case for Commerce to reconsider and further explain its determinations in accordance with the law.

[Slip Op. 25-158: Comm. Overseeing Action for Lumber Int'l Trade Investigations or Negots v. United States](#)

The Court remanded Commerce's third remand redetermination in the expedited countervailing duty review of certain softwood lumber products from Canada. On remand, Commerce recalculated the subsidy rate for the mandatory respondent, Les Produits Forestiers D&G Ltée and its affiliates, using the trading company provision of the regulations. Domestic industry producers challenged Commerce's analysis, arguing that the agency misapplied the trading company rule, improperly treated certain lumber purchases made after importation into the United States, and failed to provide a sufficient explanation for declining to reopen the record to accept additional evidence. The Court agreed, finding that Commerce did not provide a reasoned explanation for its application of

the trading company regulation and failed to engage with evidence already on the record showing the nature of the respondent's lumber purchases. The Court emphasized that Commerce overlooked its own prior findings and did not establish a rational connection between the facts and its decision. Consequently, the Court remanded the matter to Commerce for further reconsideration consistent with its opinion.

[Slip Op. 25-159: Fuzhou Hengli Paper Co. v. United States](#)

The Court denied plaintiff's motion to supplement the administrative record in a case challenging Commerce's antidumping duty order on paper plates from China. Plaintiff sought to add an Excel data file it claimed had been omitted from the record due to a technical error. The Court explained that the exhibit did not meet Commerce's filing requirements and was never actually "presented" to the agency, as it was not properly filed in the ACCESS system or linked to the final rebuttal brief. The Court emphasized that, in the absence of any evidence of bad faith or improper conduct by Commerce, supplementing the record at this stage would be inappropriate and contrary to established procedures. Accordingly, the Court denied the motion to supplement the administrative record.

[Slip Op. 25-160: Wabtec Corp. v. United States](#)

The Court remanded Commerce's final antidumping and countervailing duty remand redeterminations in its investigations of freight rail couplers ("FRCs") from China and Mexico. Plaintiffs challenged these redeterminations arguing that: (1) Commerce improperly permitted the petitioner to relitigate issues that had already been resolved in the final determinations, and (2) Commerce erred by refusing to exclude FRCs attached to railcars from the scope of the investigations. The Court held that Commerce did not improperly allow relitigation of previously decided issues. However, the Court found that Commerce committed a legal error by disclaiming its authority to consider whether FRCs attached to railcars should be excluded from the scope, basing its refusal solely on the absence of a cognizable injury finding. Accordingly, the Court remanded both determinations to Commerce for reconsideration.

COURT OF APPEALS FOR THE FEDERAL COURT

Summary of Decisions

[Appeal No. 24-1710: Blue Sky the Color of Imagination, LLC v. United States](#)

The Court of Appeals for the Federal Circuit reversed and remanded the CIT's classification of the plaintiff's imported planner as a "diary" under HTSUS subheading 4820.10.20.10, finding that the CIT's interpretation conflicted with the Federal Circuit's precedent in *Mead Corp. v. United States*. In *Mead*, the Federal Circuit held that a "diary" is a retrospective record, not a prospective scheduling device, whereas the CIT had deemed prospective use sufficient. Because this misinterpretation affected not only the "diary" classification but also the CIT's alternative analyses of "calendar" and "other" classifications, the Federal Circuit reversed. The court emphasized that *Mead*'s definition of "diary" remains controlling, and directed the CIT to reconsider the proper classification on remand.

[Appeal No. 24-1593: Mosaic Company v. United States](#)

The Court of Appeals for the Federal Circuit affirmed the CIT's decision sustaining Commerce's countervailing duty determination on imports of phosphate fertilizers from Russia. Specifically, the Federal Circuit held that Commerce reasonably limited the comparator group to industrial users in its de facto specificity analysis, emphasizing that the statute grants Commerce discretion to define an appropriate comparison group based on the record. The Court also upheld Commerce's tier-three less-than-adequate-remuneration analysis, rejecting arguments that Commerce was required to first establish that Gazprom's prices reflected market principles or to further adjust its benchmark. Finding that Commerce's determinations were supported by substantial evidence and in accordance with law, the Federal Circuit affirmed the judgment sustaining the countervailing duty order.