

# Trade Law Update



## HIGHLIGHTS FROM FEBRUARY 2026

### IN THIS ISSUE:

[U.S. Department of Commerce Decisions](#)

[International Trade Commission](#)

[U.S. Customs and Border Protection](#)

[Court of International Trade](#)

[Court of Appeals for the Federal Circuit](#)

[Export Controls and Sanctions](#)

### [OFAC Issues General Licenses Authorizing Certain Activities Involving Venezuelan Oil and U.S.-Origin Diluents](#)

On January 29, 2026, the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") issued Venezuela-related [General License 46](#) ("GL 46"), marking the most significant easing of U.S. restrictions on the Venezuelan oil sector in several years. GL 46 allows "established U.S. entities"—defined as entities organized under U.S. law on or before January 29, 2025—to engage in a broad set of activities involving Venezuelan-origin oil, subject to certain conditions.

### [Petition Summary: Certain Fatty Acids from Indonesia and Malaysia](#)

On January 28, 2026, Vantage Specialty Chemicals, Inc. ("Petitioner"), filed a petition for the imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Fatty Acids from Indonesia and Malaysia.

### [Congress Restores AGOA and Haiti HELP Trade Preferences](#)

On February 3, 2026, the United States House of Representatives narrowly passed a comprehensive spending bill. While the primary aim of the bill was to end a partial government shutdown and fund several federal agencies, it also included the restoration and extension of two key trade preference programs: the African Growth and Opportunity Act ("AGOA") and the Haiti Economic Lift Program Extension Act ("Haiti HELP"). Both programs are now authorized to continue through December 31, 2026. President Trump signed the bill into law later that same day.

### [U.S. Lifts Certain Tariffs on India](#)

On February 6, 2025, President Trump signed an executive order titled [Modifying Duties to Address Threats to the United States by the Government of the Russian Federation](#), rescinding the 25% IEEPA tariff imposed on India for its purchases of Russian oil, effective at 12:01 a.m. on February 7, 2025. The order allows for duty refunds as appropriate and directs the Department of Commerce to monitor India's future oil imports from Russia, with the possibility of reinstating the tariff if such imports resume.

### [U.S. Authorizes Tariffs on Countries Engaging in Trade with Iran](#)

On February 6, 2026, President Trump signed an executive order, [Addressing Threats to the United States by the Government of Iran](#), which authorizes the imposition of tariffs on goods imported from any country that "directly or indirectly purchases, imports, or otherwise acquires goods or services from Iran." The order is effective at 12:01 a.m. EST on February 7, 2026 and was issued pursuant to the International Emergency Economic Powers Act ("IEEPA"). The executive order aims to hold Iran accountable for "its pursuit of nuclear capabilities, support for terrorism, ballistic missile development, and regional destabilization that endanger American security, allies, and interests."

### [United States and Bangladesh to Sign an Agreement on Reciprocal Trade](#)

On January 9, 2026 the United States and Bangladesh [announced](#) that the countries will enter into Agreement on Reciprocal Trade ("ART") which will reduce tariffs on certain imports from Bangladesh in exchange for significant market access commitments by the South Asian country.

### [United States and Taiwan Sign Agreement on Reciprocal Trade](#)

On February 12, 2026, the United States and Taiwan signed an [Agreement on Reciprocal Trade](#) ("ART") formalizing the Memorandum of Understanding ("MOU") signed on January 15, 2026.

### [U.S. Supreme Court Holds the President Cannot Impose Tariffs under the IEEPA Statute](#)

On, February 20, 2026, the U.S. Supreme Court issued its opinion in [Learning Resources v. Trump](#), which challenged the President's imposition of tariffs under the International Emergency Economic Powers Act ("IEEPA"). The Court ruled 6-3 that the IEEPA statute, which permits the President "to regulate . . . importation" does not confer any tariff-setting authority. In its decision, the Supreme Court struck down both the IEEPA Trafficking Tariffs and the IEEPA Reciprocal Tariffs.

### [State of Play for IEEPA and Section 122 Tariffs](#)

On Friday February 20, 2026, just a few hours after the Supreme Court struck down the validity of the International Emergency Economic Powers Act ("IEEPA") tariffs that have been in place since February 2025, the White House issued multiple executive orders ("EO").

# Trade Law Update



## [CBP to Cease Collecting IEEPA Duties on February 24, 2026](#)

Following the [U.S. Supreme Court's ruling](#) that the President cannot impose tariffs under the International Emergency Economic Powers Act ("IEEPA"), U.S. Customs and Border Protection ("CBP") confirmed it will stop collecting all duties imposed pursuant to IEEPA at 12:00 a.m. ET on February 24, 2026.

## [CBP Issues CSMS Guidance on Section 122 Duties and Continued Suspension of De Minimis Eligibility](#)

On February 23, 2026, U.S. Customs and Border Protection ("CBP") published a [CSMS](#) containing additional guidance on the 10% duties imposed by the President pursuant to Section 122 of the Trade Act of 1974 ("Section 122") against all imports from all countries (see February 20, 2026 Executive Order "[Imposing a Temporary Import Surcharge](#)").

## [Petition Summary: Large Diameter Graphite Electrodes from China and India](#)

On February 24, 2026, Resonac Graphite America Inc. and Tokai Carbon GE LLC ("Petitioners"), filed a petition for the imposition of Antidumping Duties and Countervailing Duties on Imports of Large Diameter Graphite Electrodes from China and India.

## [Petition Summary: Truck Bed Covers from China](#)

On February 25, 2026, RealTruck, Inc., Laurmark Enterprises, Inc. (d/b/a "BAK Industries"), Undercover, Inc., Retrax Holdings, LLC, Truxedo, Inc., Extang Corporation, A.R.E. Accessories LLC, and Roll-N-Lock Corporation ("Petitioners"), filed a petition for the imposition of Antidumping Duties and Countervailing Duties on Imports of Truck Bed Covers from China.

## U.S. DEPARTMENT OF COMMERCE DECISIONS

### Investigations

Certain Monomers and Oligomers From Taiwan: On February 3, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination.

Oleoresin Paprika From India: On February 6, 2026, 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.

Float Glass Products From the People's Republic of China: On February 9, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

Float Glass Products From Malaysia: On February 9, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

Float Glass Products From Malaysia: On February 9, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.

Float Glass Products From the People's Republic of China: On February 9, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.

Silicon Metal From Australia: On February 9, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.

Silicon Metal From Norway: On February 9, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.

Erythritol From the People's Republic of China: On February 10, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

Erythritol From People's Republic of China: On February 10, 2026,

Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.

Mattresses From Malaysia: On February 10, 2026, Commerce issued its [Initiation](#) of Circumvention Inquiry on the Antidumping Duty Order.

Mattresses From Mexico: On February 10, 2026, Commerce issued its [Initiation](#) of Circumvention Inquiry on the Antidumping Duty Order.

Mattresses From Poland: On February 10, 2026, Commerce issued its [Initiation](#) of Circumvention Inquiry on the Antidumping Duty Order.

Disposable Aluminum Containers, Pans, Trays, and Lids From the People's Republic of China: On February 10, 2026, Commerce issued its [Initiation](#) of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders.

Fresh Winter Strawberries From Mexico: On February 13, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigation.

Active Anode Material From the People's Republic of China: On February 17, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

Citric Acid and Certain Citrate Salts From Canada and India: On February 17, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.

Active Anode Material From the People's Republic of China: On February 17, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.

Citric Acid and Certain Citrate Salts From Canada and India: On February 17, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.

Unwrought Palladium From the Russian Federation: On February 19, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less-Than-Fair Value.

Silicon Metal From the Kingdom of Thailand: On February 23, 2026, Commerce issued its Final Affirmative Countervailing Duty

## [Determination.](#)

Silicon Metal From the Lao People's Democratic Republic: On February 23, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).

Wood Mouldings and Millwork Products From the People's Republic of China: On February 23, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.

Silicon Metal From Angola: On February 23, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Classification of Angola as a Non- Market Economy.

Silicon Metal From the Lao People's Democratic Republic: On February 23, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Classification of the Lao People's Democratic Republic as a Non-Market Economy.

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules From Indonesia: On February 26, 2026, Commerce issued its

## [Administrative Reviews](#)

- Certain Frozen Warmwater Shrimp From India: On February 9, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Sodium Nitrite From India: On February 12, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2024.
- Common Alloy Aluminum Sheet From the Kingdom of Bahrain: On February 17, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Aluminum Foil From the People's Republic of China: On February 18, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Stainless Steel Bar From India: On February 18, 2026, Commerce issued its Final [Results](#) and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024.
- Common Alloy Aluminum Sheet From Bahrain: On February 19, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Cut-To-Length Carbon-Quality Steel Plate From the Republic of Korea: On February 20, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Frozen Warmwater Shrimp From Thailand: On February 20, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Carbon Steel Flanges From Spain: On February 23, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: On February 23, 2026, Commerce issued its Final [Results](#) of and Final Rescission of Review, in Part, of Antidumping Duty Administrative Review; 2023–2024.
- Preliminary Affirmative Countervailing Duty [Determination](#), Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Antidumping Duty Determination.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules From the Lao People's Democratic Republic: On February 26, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#), Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From India: On February 26, 2026, 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.
- Oil Country Tubular Goods From the People's Republic of China: On February 27, 2026, Commerce issued its Final Affirmative [Determination](#) of Circumvention of the Antidumping Duty and Countervailing Duty Orders.
- Citric Acid and Certain Citrate Salts From Belgium: On February 23, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Citric Acid and Certain Citrate Salts From Thailand: On February 23, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Crystalline Silicon Photovoltaic Products from Taiwan: On February 24, 2026, Commerce issued its Final [Results](#) of the Antidumping Duty Administrative Review: 2023–2024.
- Granular Polytetrafluoroethylene Resin From India: On February 24, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Sodium Nitrite From India: On February 24, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022–2023.
- Wood Mouldings and Millwork Products From the People's Republic of China: On February 24, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain New Pneumatic Off-the-Road Tires From India: On February 26, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Large Diameter Welded Pipe From the Republic of Turkey: On February 26, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Organic Soybean Meal From India: On February 26, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- 

## [Sunset Reviews](#)

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China and Taiwan: On February 10, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Reviews of the Antidumping Duty Orders.

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: On February 10, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Countervailing Duty Order.

Polyethylene Terephthalate Film, Sheet, and Strip From India: On February 10, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Countervailing Duty Order.

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates and the People's Republic of China: On February 10, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Reviews of the Antidumping Duty Orders.

Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan and India: On February 12, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders.

## Scope Ruling

None

## Circumvention

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: On February 3, 2026, Commerce issued its Final Affirmative [Determination](#) of Circumvention of the Antidumping Duty and Countervailing Duty Orders.

1-Hydroxyethylidene-1, 1- Diphosphonic Acid From the People's Republic of China: On February 23, 2026, Commerce issued its Final Affirmative [Determination](#) of Circumvention.

## INTERNATIONAL TRADE COMMISSION

### Investigations

Acetone From Belgium, Singapore, South Africa, South Korea, and Spain (Review); On February 2, 2026, the ITC issued its [determination](#) to continue the antidumping order as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.

Calcium Hypochlorite From China (Second Review); On February 10, 2026, 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.

Van-Type Trailers and Subassemblies From Canada, China, and Mexico; On February 13, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

Hard Empty Capsules From Brazil, China, India, and Vietnam (Final); On February 17, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

Paper File Folders From Cambodia (Final); On February 18, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

Overhead Door Counterbalance Torsion Springs From India (Final); On February 20, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

Ceramic Tile From China (Review); On February 20, 2026, 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.

Electrolytic Manganese Dioxide From China (Third Review); On February 23, 2026, the ITC issued its [determination](#) to continue the antidumping 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 Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago (Fourth Review); On February 24, 2026, 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.

## U.S. CUSTOMS AND BORDER PROTECTION

### Enforce and Protect Act

#### [EAPA Cons. Case 8245: Zoomlion Heavy Industry, NA Inc.](#)

On February 11, 2026, U.S. Customs and Border Protection (CBP) issued its Notice of Initiation of Investigation and Interim Measures as to evasion by Zoomlion Heavy Industry, NA Inc. (the Importer), in Enforce and Protect Act (EAPA) Investigation 8245. This investigation is examining the evasion of antidumping (AD) and countervailing (CVD) duty orders A-570-139 and C-570-140 on mobile access equipment (MAE) from the People's Republic of China (China).

### Customs Bulletin Weekly

- On February 17, 2026, a partial government shutdown began for DHS after Congress failed to pass the FY 2026 appropriations bill. According to a fact sheet published by CBP, despite the shutdown, most CBP employees will [continue](#) working as required by law, and trade operations such as imports, exports, exams, liquidations, and protests will proceed as usual. ACE and other processing systems will remain operational, and CBP will continue to implement tariff updates and communicate through cargo systems messages. However, some trade-related activities like external engagements, web updates, and employee travel may be limited until appropriations are restored.
- On February 23, 2026, CBP via [CSMS # 67844987](#) issued guidance on the 10% Section 122 tariffs, which replaced IEEPA tariffs on all imports starting February 24, 2026, for 150 days. According to the CSMS, the de minimis exemption remains suspended except for certain donations, informational materials, and personal baggage. Moreover, Section 122 duties must be reported under new HTSUS subheading 9903.03.01, with other subheadings for exemptions, including “in transit” goods, goods qualifying for USMCA treatment, and products listed in Annex I and II (e.g., critical minerals, energy, vehicles, and DR-CAFTA textiles). Goods entered into foreign trade zones must be entered as privileged foreign status. Drawback is available. When reporting, importers should follow the order: Section 301, Section 122, Section 232, and Section 201.
- On February 13, 2026, CBP via [CSMS # 67747060](#) announced that a new “ACE Duty Calculation for up to 32 Harmonized Tariff Schedule Codes” function will deploy in ACE on February 17. This enhancement will allow ACE to validate duty amounts on entry summary lines with up to 32 HTS codes. If the filer-provided duty value is incorrect, condition codes 624 (line mismatch) and 627 (total mismatch) will appear. CBP said the update responds to requests from the trade community.
- On February 12, 2026, CBP [proposed](#) amending its regulations to require nearly all customs bonds be submitted electronically via ACE, replacing current paper-based procedures with the eBond system. The change aims to reduce paperwork, speed cargo release, expand filing capabilities beyond business hours, and improve oversight. Most bonds, amendments, and terminations would need to be filed electronically, with some exceptions (e.g., complex bonds) allowed by email. The rule also introduces contract-based delinquency interest for late surety payments and new procedures for limiting or terminating defaulting sureties. Comments are due by April 14, 2026. Existing bonds would remain under previous rules until expiration.
- On January 15, 2026, CBP’s base metals Center of Excellence and Expertise issued updated guidance on calculating steel, aluminum, and copper content for Section 232 tariffs. The guidance provides detailed examples of cost components that cannot be deducted in content calculations, including costs of manufacturing, labor, and coating. The guidance also clarifies that for articles made from both U.S. and foreign steel or aluminum, duties are still based on country of origin, and U.S. content cannot be separated out. In other words, exemptions for U.S. content are “all or nothing”—only goods made wholly from U.S.-melted/poured steel or aluminum qualify.
- On February 6, 2026, CBP via [CSMS # 67702087](#) updated its guidance to end the 25% tariff on Indian imports of Russian oil, following a new executive order. Harmonized Tariff Schedule subheadings 9903.01.84 through 9903.01.89, which covered these tariffs, are no longer in use. Importers must correct entries filed under these headings for goods entered or withdrawn for consumption on or after 12:01 a.m. ET, February 7, 2026. For unliquidated entries, a post summary correction can be filed to request a refund; for liquidated entries, a protest must be filed within 180 days to seek a refund. Reciprocal tariffs on other non-exempt products remain in effect.
- On February 6, 2026, CBP via a Federal Register [notice](#) proposed requiring exporters to submit electronic export manifests (“EEM”) for all cargo leaving the U.S. by vessel, aiming to enhance cargo security and streamline export processes. The rule would mandate an initial EEM filing up to 24 hours before loading and a final filing no later than two hours before vessel departure, eliminating paper manifests and aligning with the 2022 Trade Act’s electronic data requirements. The proposal details which parties must file, required data elements, and new enforcement measures,

including liquidated damages for late filings. Public comments are open through April 13. CBP says the change will improve risk assessment, coordination with other agencies, and prevent smuggling, while minimizing disruption to trade.

- On February 6, 2026, CBP via [CSMS # 67648307](#) announced that it updated its procedures for importers wishing to add parties authorized to receive refunds, bills, and liquidation notices. Importers can either use the “Add Notify Party” feature in the ACE Portal or email the updated CBP Form 4811 (dated 12/25) to their Center of Excellence and Expertise (“CEE”); previous versions of the form are no longer accepted. To revoke notify party information, importers must contact their assigned CEE. CBP also announced that, as of February 6, all refunds are issued electronically via ACH.
- On February 6, 2026, CBP via [CSMS # 67647279](#) issued guidance for importers seeking duty refunds on entries filed under AGOA, Haiti HOPE, and Haiti HELP programs during the lapse from October 1, 2025, to February 3, 2026. Importers must submit refund requests by August 2, 2026. Unliquidated entries require a post-summary correction with an accelerated liquidation request, while liquidated entries must be protested with clear reference to the retroactive refund and CSMS message. Refunds will be processed electronically via ACH. Entries eligible for quota preference may qualify, but goods subject to Section 232 or AD/CVD duties are excluded from retroactive refunds.
- On February 4, 2026, the International Trade Commission [posted](#) the 2026 edition of the Harmonized Tariff Schedule, implementing various changes at the 10-digit level affecting fruits and vegetables, medicines, and other products. These updates, issued as Revision 2 to the 2026 HTS, reflect tariff modifications that were delayed due to the federal shutdown in October and November of 2025. The revisions aim to update tariff classifications and rates in response to new trade developments.

## COURT OF INTERNATIONAL TRADE

### Summary of Decisions

#### [Slip Op. 26-09: Saha Thai Steel Pipe Pub. Co. Ltd. v. United States](#)

The Court sustained Commerce’s remand redetermination in the 2018-2019 administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand. The Court rejected the request of Wheatland Tube Company, a U.S. producer and defendant-intervenor, for a further remand to require Commerce to apply adverse facts available, finding that Commerce reasonably relied on supplemental information submitted by Saha Thai Steel Pipe Public Company Limited, a Thai producer and exporter, on the reopened record. The Court explained that this additional information remedied prior gaps in the record and allowed Commerce to base its analysis on record evidence rather than adverse inferences. Because Commerce’s remand determinations were supported by substantial evidence and complied with the Court’s prior instructions, the Court sustained.

#### [Slip Op. 26-10: Archer Daniels Midland Co. v. United States](#)

The Court sustained in part and remanded in part Commerce’s remand redetermination in the 2020-2021 administrative review of the countervailing duty order on phosphate fertilizers from Russia. The Court held that Commerce failed to adequately support its benchmark calculations for phosphate rock and natural gas, finding that Commerce did not sufficiently demonstrate that its selected benchmarks were comparable or reliable based on the record. At the same time, the Court rejected challenges raised by Joint Stock Company Apatit, a Russian producer and mandatory respondent, and The Mosaic Company, a U.S. producer and defendant-intervenor, to other aspects of Commerce’s analysis, including its benefit calculations and broader subsidy determinations. Because Commerce’s benchmark analysis lacked adequate evidentiary support and explanation, the Court remanded those issues for further consideration, while sustaining the remainder of the remand results.

#### [Slip Op. 26-11: Pipe & Piling Supplies v. United States](#)

The Court granted the motion of Pipe & Piling Supplies, a U.S. importer and plaintiff, for an injunction pending appeal in its challenge to Commerce’s antidumping duty determination on large-diameter welded pipe from Canada. Although the Court had previously dismissed the action for lack of subject matter jurisdiction due to plaintiff’s failure to comply with USMCA notice requirements, the Court held that it retained authority to preserve the status quo while the appeal proceeds. The Court found that plaintiff demonstrated irreparable harm from liquidation, that the balance of equities favored relief, and that the appeal raised sufficiently serious questions to warrant an injunction. Accordingly, the Court enjoined liquidation of the relevant entries pending resolution of the appeal.

#### [Slip Op. 26-12: United States v. Lexjet, LLC](#)

The Court redesignated defendants’ counterclaims as defenses and denied the government’s motion to dismiss in a customs penalty action arising from alleged violations of an antidumping duty order on certain inkjet printable media from China (“Order”). CBP had sought penalties based on claims that the defendants, U.S. importers and related entities, misclassified or improperly entered merchandise subject to the Order to avoid paying antidumping duties. In response, defendants asserted counterclaims challenging whether their products were actually covered by the Order and seeking equitable recoupment. The Court held that these assertions did not constitute independent causes of action but instead went to the question of liability and therefore must be treated as defenses. Because the counterclaims were properly recharacterized as defenses, the Court denied the government’s motion to dismiss as moot and allowed the case to proceed.

#### [Slip Op. 26-13: Assan Aluminyum Sanayi ve Ticaret A.S. v. United States](#)

The Court sustained in part and remanded in part Commerce’s remand redetermination in the antidumping duty investigation of common alloy aluminum sheet from Turkey. Plaintiff, Assan Aluminyum Sanayi ve Ticaret A.S., a Turkish producer and exporter of subject merchandise,

challenged several aspects of Commerce's remand analysis, including its treatment of duty drawback, certain expense adjustments, and cost and revenue calculations. However, the Court upheld Commerce's revised duty drawback methodology, finding that Commerce reasonably adjusted its approach on remand and supported its calculation with substantial evidence. The Court also sustained Commerce's treatment of late fees and management fees, concluding that Commerce reasonably accounted for those expenses in its margin calculations. However, the Court remanded Commerce's treatment of raw material costs and hedging revenues, finding that Commerce failed to adequately explain its methodology and did not sufficiently address record evidence or the parties' arguments. Because Commerce did not provide a reasoned explanation connecting its conclusions to the record on those issues, the Court remanded for further explanation or reconsideration while otherwise sustaining the remand results.

### [Slip Op. 26-14: Tau-Ken Temir LLP v. United States](#)

The Court sustained Commerce's remand redetermination in the countervailing duty investigation of silicon metal from Kazakhstan. The Court noted that Plaintiffs, Tau-Ken Temir LLP and JSC NMC Tau-Ken Samruk, Kazakh producers and exporters of subject merchandise, withdrew from participation in the remand proceedings and did not file comments opposing the remand results. In the absence of opposition, and upon review of the record, the Court found that Commerce's remand determination was supported by substantial evidence and complied with the Court's prior instructions. Accordingly, the Court sustained it.

### [Slip Op. 26-15: Bio-Lab, Inc. v. United States](#)

The Court remanded Commerce's final results in the countervailing duty administrative review of chlorinated isocyanurates from China. The Court held that Commerce failed to adequately explain aspects of its application of facts otherwise available, including how it addressed gaps in the record and evaluated the information submitted by respondents. Moreover, the Court found that Commerce did not sufficiently connect its conclusions to the record evidence or provide a reasoned explanation for its methodology under the statute. Because these deficiencies prevented meaningful judicial review, the Court remanded the determination for further explanation or reconsideration.

### [Slip Op. 26-16: Zhaoyuan Junbang Trading Co. v. United States](#)

The Court sustained Commerce's final determination and countervailing duty order in the investigation of certain pea protein from China. The plaintiffs, Chinese producers and exporters of subject merchandise, challenged Commerce's application of adverse facts available with an adverse inference to the Export Buyer's Credit Program. The Court held that Commerce reasonably applied adverse facts available based on the Government of China's failure to cooperate and adequately supported its determination with substantial evidence. The Court further noted that certain plaintiffs failed to establish standing or exhaust their claims before the agency; thus, waving parts of their arguments. Because Commerce's determinations were supported by substantial evidence and in accordance with law, the Court sustained the final determination.

### [Slip Op. 26-17: FUJIFILM N. Am. Corp. v. United States](#)

The Court remanded the U.S. International Trade Commission's final injury determination in the antidumping duty investigation of aluminum lithographic printing plates from Japan and China. The plaintiffs, producers and exporters of subject merchandise, challenged the Commission's inclusion of an affiliated U.S. producer within the domestic industry rather than excluding it as a related party. The Court held that the Commission failed to adequately analyze the related-party factors, including the producer's level of import involvement, alignment of interests, and relationship with affiliated foreign entities. The Court further found that the record lacked sufficient detail regarding sourcing practices, pricing relationships, and operational integration with affiliates, undermining the Commission's analysis. Because these

deficiencies called into question the domestic industry definition and were not supported by substantial evidence, the Court remanded for further explanation or reconsideration consistent with its opinion.

### [Slip Op. 26-18: United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indust. & Serv. Workers Int'l Union, AFL-CIO, CLC v. United States](#)

The Court sustained Commerce's remand redetermination in the scope ruling concerning temporary-use spare tires under the antidumping duty order on passenger vehicle and light truck tires from Taiwan. The plaintiff, a U.S. labor union, challenged Commerce's determination that certain temporary-use spare tires produced by Cheng Shin Rubber Industry Co., Ltd., a Taiwanese producer, were excluded from the scope of the order. However, the Court held that Commerce reasonably interpreted the scope language and properly applied the physical characteristics criteria governing the exclusion, including limitations related to size, construction, and intended use. The Court further found that Commerce adequately addressed the parties' arguments and supported its determination with record evidence. Because Commerce's remand analysis complied with the Court's instructions and was supported by substantial evidence, the Court sustained the remand results and entered judgment accordingly.

### [Slip Op. 26-19: Export Packers Co. v. United States](#)

The Court sustained Commerce's remand redetermination in the scope ruling addressing whether Export Packers Company Limited's imported garlic is covered by the antidumping duty order on fresh garlic from China. The Court held that Commerce, on remand, addressed the deficiencies identified in the prior opinion and provided a reasoned explanation connecting its conclusions to the scope language. Because Commerce's remand determination was supported by substantial evidence and complied with the Court's instructions, the Court sustained.

### [Slip Op. 26-20: Prysmian Cables & Sys. USA, LLC v. United States](#)

The Court sustained Commerce's determinations denying, in whole or in part, certain Section 232 exclusion requests submitted by Prysmian Cables & Systems USA, LLC ("Prysmian"), a U.S. importer and manufacturer of cable products. The Court also upheld Commerce's decision not to add Prysmian as an authorized importer under a partially granted exclusion, finding that Commerce reasonably applied its procedures governing third-party exclusions and was not required to extend another party's exclusion to Prysmian. The Court held that Commerce acted within its discretion in evaluating Prysmian's requests, including its assessment of whether the requested steel products were sufficiently available from domestic sources and whether granting the exclusions would be consistent with the objectives of the Section 232 program. The Court further rejected Prysmian's claim that Commerce unlawfully failed to act on pending exclusion requests following the termination of the exclusion process, explaining that the agency was not obligated to continue processing applications after the program ended and that no statutory or regulatory duty required further action. Because Commerce's determinations were supported by substantial evidence and in accordance with law, the Court sustained the agency's actions and entered judgment accordingly.

### [Slip Op. 26-21: Tanghenam Elec. Wire & Cable Co. v. United States](#)

The Court sustained in part and remanded in part Commerce's final determination in an anticircumvention inquiry concerning aluminum wire and cable products completed in Vietnam using Chinese inputs under the antidumping and countervailing duty orders on such products from China. The plaintiff, Tanghenam Electric Wire & Cable Co., Ltd. ("Tanghenam"), a Vietnamese producer and exporter, challenged Commerce's application of adverse facts available and its determination

that Tanghenam was ineligible to participate in the certification process. The Court upheld Commerce's partial application of adverse facts available, finding that Tanghenam failed to provide timely and reliable information regarding the origin of certain inputs and did not act to the best of its ability. However, the Court remanded Commerce's certification determination, concluding that Commerce failed to adequately address Tanghenam's argument that it could trace the origin of inputs to U.S. shipments using a reconstruction-based accounting method. Because Commerce did not sufficiently explain its rejection of this tracing methodology or address relevant record evidence, the Court remanded for further explanation or reconsideration while otherwise sustaining the determination.

### [Slip Op. 26-22: Amoena USA Corp. v. United States](#)

The Court denied Plaintiff's motion for summary judgment and granted the crossmotion for summary judgment filed by the United States in a customs classification dispute concerning imported mastectomy bras. The plaintiff, a U.S. importer, argued that the merchandise should be classified as prosthetic devices or accessories under Chapter 90 of the Harmonized Tariff Schedule, while Customs classified the products as brassieres under heading 6212. The Court held that the merchandise was properly classified as brassieres, concluding that the essential character and primary function of the products aligned with conventional apparel rather than medical devices. Because plaintiff failed to demonstrate that Customs' classification was incorrect, and the government's classification

was supported by the statutory framework and record evidence, the Court granted judgment in favor of the United States.

### [Slip Op. 26-23: American Pacific Plywood Inc. v. United States](#)

The Court granted in part a motion for reconsideration and remanded in part its prior judgment sustaining CBP's EEPA determination concerning imports of hardwood plywood allegedly transshipped from China through Cambodia. The Court reconsidered its earlier decision as to InterGlobal Forest LLC, a U.S. importer, in light of developments concerning the administrative record and procedural fairness, including CBP's reliance on information that was either not placed on the record in a usable form or was subject to limited disclosure, and InterGlobal's resulting inability to meaningfully respond to that evidence. The Court concluded that these deficiencies raised concerns about whether InterGlobal was afforded a full and fair opportunity to participate in the proceeding. Accordingly, the Court vacated its prior judgment as to InterGlobal and remanded for further proceedings to ensure proper consideration of the record and an adequate opportunity to respond, while leaving intact its prior judgment sustaining CBP's evasion determinations with respect to other importers that did not seek reconsideration.

## COURT OF APPEALS FOR THE FEDERAL COURT

### Summary of Decisions.

#### [Appeal No. 24-1164: Magnum Magnetics Corp. v. US](#)

The Court of Appeals for the Federal Circuit affirmed the CIT's judgment sustaining Commerce's scope ruling that certain plastic shelf dividers containing embedded magnets are not covered by the antidumping and countervailing duty orders on raw flexible magnets from China. The appellant, Magnum Magnetics Corporation, a U.S. producer of flexible magnets, argued that the plain language of the orders unambiguously covered the merchandise and that Commerce improperly relied on interpretive sources. The Court of Appeals held that Commerce has discretion to consult the regulatory "(k)(1) sources," including prior scope rulings and the ITC's injury report, even where the scope language appears facially clear. The Court further agreed that substantial evidence supported Commerce's determination that magnets bonded to rigid plastic, which renders them inflexible, fall outside the meaning of "flexible magnets" as used in the orders. Because Commerce reasonably interpreted the scope and adequately supported its conclusion with record evidence, the Court of Appeals affirmed.

#### [Appeal No. 24-2059: Performance Additives, LLC v. US](#)

The Court of Appeals for the Federal Circuit affirmed the CIT's judgment denying Performance Additives, LLC's drawback claim, which sought a refund of duties paid on imported merchandise that was later exported. The Court of Appeals held that the claim was not deemed liquidated by operation of law under 19 U.S.C. § 1504 because the statutory provision governing drawback claims tied to non-final underlying import entries applied. It explained that the statute creates two distinct pathways for deemed liquidation: an automatic rule that applies after a fixed period when entries are final, and a separate framework that applies when the underlying import entries remain unliquidated or otherwise non-final, which requires the claimant to take affirmative steps to advance the claim. In this instance, the Court of Appeals found that Performance's drawback claims were based on import entries that had not yet reached finality within the relevant time period, placing the claims under the second framework. Under that framework, deemed liquidation does not occur automatically; instead, the claimant must act after the entries become final to trigger the statutory timeline. The Court of Appeals concluded that Performance did not take the necessary steps to advance its claims once the entries became final and therefore could not rely on deemed liquidation. Because the statutory conditions were not satisfied, CBP lawfully liquidated the drawback claims at zero, and the Court of Appeals affirmed.