

Trade Law Update



HIGHLIGHTS FROM APRIL 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](#)

[Petition Summary: Certain Oil Country Tubular Goods from Austria, Taiwan, and the United Arab Emirates](#)

On April 2, 2026, U.S. OCTG Manufacturers Association (“USOMA”), United States Steel Corporation (“U. S. Steel”), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (the “USW”) (collectively “Petitioners”), filed a petition for the imposition of antidumping duties on certain oil country tubular goods (“OCTG”) from Austria, Taiwan, and the United Arab Emirates (“UAE”) and countervailing duties on certain oil country tubular goods (“OCTG”) from Austria.

[President Trump Issues a Proclamation Amending Section 232 Duties on Steel, Aluminum, and Copper, and Derivative Products](#)

On April 2, 2026, President Trump issued a [Proclamation](#) modifying the Section 232 tariffs applicable to imports of aluminum, steel, and copper, and derivatives of the same.

[OFAC Issues Guidance on Sham Transactions and Sanctions Evasion](#)

On March 31, 2026, the Office of Foreign Assets Control (“OFAC”) issued an [advisory](#) (the “Advisory”) regarding sham transactions and their use in evading US sanctions. OFAC described sham transactions as occurring when “blocked persons, often operating through proxies or other intermediaries, effectuate transfers or establish arrangements that conceal—rather than genuinely extinguish—a continuing interest in property.”

[President Trump Imposes Section 232 Tariffs on Patented Pharmaceuticals and Active Pharmaceutical Ingredients](#)

On April 2, 2026, the Trump Administration [issued a proclamation](#) imposing Section 232 tariffs on imports of *patented pharmaceutical* products and *active pharmaceutical ingredients* (“APIs”) pursuant to Section 232 of the Trade Expansion Act of 1962 (“Section 232”).

[Customs Issues Guidance on How to Report Revised Steel, Aluminum, and Copper at Time of Entry](#)

U.S. Customs and Border Protection (“CBP”) issued [guidance](#) on how importers need to report and classify goods subject to the [revised steel, aluminum, and copper tariffs](#) announced by the Trump Administration on April 2, 2026. We encourage importers to review the [list](#) of HTS number affected by the metal tariffs to ensure compliance with the below reporting requirements.

[Petition Summary: Carbon and Alloy Steel Wire Rod from Algeria](#)

On April 6, 2026, Charter Steel, Commercial Metals Company, Liberty Steel USA, Nucor Corporation and Optimus Steel, LLC (“Petitioners”), filed a petition for the imposition of countervailing duties on Imports of Carbon and Alloy Steel Wire Rod from Algeria.

[Petition Summary: Polytetramethylene Ether Glycol from China, South Korea, Taiwan, and Vietnam](#)

On April 8, 2026, BASF Corporation (“Petitioner”), filed a petition for the imposition of antidumping duties on the import of polytetramethylene ether glycol (“PTMEG”) from China, South Korea, Taiwan, and Vietnam.

[Update on Status of IEEPA Litigation at U.S. Court of International Trade](#)

On April 6, 2026, Atmus Filtration filed a notice of dismissal in its challenge to the IEEPA tariffs. *Atmus Filtration v. United States*, CIT #26-01259 (“*Atmus*”) was selected as the lead case by the U.S. Court of International Trade (“CIT”) on March 4, 2026. *Atmus* became the torch bearer for all IEEPA cases for the past six weeks as the CIT and plaintiffs navigated the procedural steps required to implement the Supreme Court’s decision in *Learning Resources v. Trump*. The Chief Judge of the CIT assigned the *Atmus* case to Judge Eaton and further designated Judge Eaton as the sole judge to handle all IEEPA appeals in order to avoid contrary conclusions. The remaining cases were stayed pending the outcome of the IEEPA refund process under *Atmus*. This latest development potentially delays the procedural next steps in the litigation process as *Euro-Nations Florida v. U.S. Customs and Border Protection*, CIT #25-00595 (“*Euro-Nations*”) was selected as the new lead case.

Trade Law Update



[\[UPDATED April 15, 2026\] CBP Issues Guidance on CAPE Declarations for Consolidated IEEPA Refunds](#)

[UPDATED: This post has been updated to incorporate CBP's April 13, 2026 [CSMS #68340863](#)] U.S. Customs and Border Protection ("CBP") [issued guidance](#) today explaining importers must utilize the Automated Commercial Environment ("ACE") portal to request consolidated refunds of tariffs imposed under the International Emergency Economic Powers Act ("IEEPA") which were found to be [illegal by the Supreme Court](#).

[Petition Summary: Tin Mill Products from China, Taiwan and Turkey](#)

On April 9, 2026, United States Steel Corporation ("U.S. Steel") and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union ("USW") (collectively "Petitioners"), filed a petition for the imposition of antidumping duties on tin mill products from China, Taiwan, and Turkey and countervailing duties on imports from China.

[Mexican Trucking Blockades and Related U.S. Legislation Highlight North American Supply Chain Security Risk](#)

A nationwide blockade conducted by Mexican trucking and agricultural transport groups on April 6, 2016—due to concerns with fraud and theft in the supply chain—disrupted major freight corridors across at least 20 Mexican states, impacting highways connecting Mexico City, industrial centers, ports, and key U.S.-Mexico border crossings. Though the blockade ended in only two days, it is likely to have an impact on U.S. distribution networks moving forward.

[Customs IEEPA Refund Portal – CAPE – To Go Live on Monday April 20, 2026](#)

This update covers three key developments this week: (1) U.S. Customs and Border Protection ("CBP") filed its [latest status update](#) in *Euro-Notions* on April 14, 2025; (2) Judge Eaton thereafter issued another [order](#); and (3) next steps / recommendations for importers.

[CIT Orders Depositions of CBP and BIS in Section 232 Exclusion Challenge](#)

On April 15, 2026, the U.S. Court of International Trade ("CIT") ordered U.S. Customs and Border Protection ("CBP") and the Commerce Department's Bureau of Industry and Security ("BIS") to sit for depositions in a case filed by an importer seeking refunds of tariffs imposed under Section 232 of the Trade Expansion Act of 1962 ("Section 232").

[What the FMC's Rejection of War Surcharges Means for Your Supply Chain](#)

The Federal Maritime Commission recently denied nearly every carrier request to fast-track emergency war surcharges within their tariffs—a dramatic shift from just two years ago. This marks a turning point in maritime regulation with significant implications for shippers.

[CAPE Phase 1 for IEEPA Tariff Refunds Is Live](#)

On April 20, 2026, U.S. Customs and Border Protection ("Customs") announced the activation of Phase 1 of the Consolidated Administration and Processing of Entries ("CAPE") for IEEPA tariff refunds. CAPE Phase 1 is limited only to certain unliquidated entries and certain entries within 80 days of liquidation. For more information about CAPE as well as which entries are excluded from CAPE Phase 1 please see our prior posts ([here](#) and [here](#)).

[Petition Summary: Tris\(hydroxymethyl\)aminomethane \("Tris"\) from China](#)

On April 21, 2026, Advancion Corporation ("Petitioner") filed companion antidumping and countervailing duty petitions for the imposition of antidumping and countervailing duties on U.S. imports of tris(hydroxymethyl)aminomethane (Tris) from the People's Republic of China ("China").

[Commerce Issues Rules for Certain Steel and Aluminum Producers to Obtain Tariff Adjustments if Used for Auto and MHDV Production](#)

On April 23, 2026, the U.S. Department of Commerce ("Commerce") [published](#) new procedures in the Federal Register for certain steel and aluminum producers to obtain tariff adjustments pursuant to [Presidential Proclamation 10984](#). Proclamation 10984 authorized the Secretary of Commerce to reduce certain Section 232 metals tariffs implemented under Proclamations 9704 and 9705, as amended, for certain steel and aluminum producers in Canada and Mexico.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Steel Concrete Reinforcing Bar From Algeria: On April 1, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Corrosion-Resistant Steel Products from the Republic of Korea: On April 2, 2026, Commerce issued its [Initiation](#) of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders.
- Oleoresin Paprika From India: On April 2, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures.
- Methylene Diphenyl Diisocyanate From the People's Republic of China: On April 13, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Chassis and Sub assemblies There of From Mexico: On April 24, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Chassis and Subassemblies Thereof From the Kingdom of Thailand: On April 24, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Chassis and Subassemblies Thereof From Mexico: On April 24, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Chassis and Subassemblies Thereof From Thailand: On April 24, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Chassis and Subassemblies Thereof From the Socialist Republic of Vietnam: On April 24, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Oil Country Tubular Goods From Austria: On April 28, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Certain Oil Country Tubular Goods from Austria, Taiwan, and the United Arab Emirates: On April 28, 2026, Commerce issued its [Initiation](#) of Less-Than- Fair-Value Investigations.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules From India: On April 28, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances, in Part.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Indonesia: On April 28, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the Lao People's Democratic Republic: On April 28, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination and Extension of Provisional Measures.

Administrative Reviews

- 1,1,1,2-Tetrafluoroethane (R-134a) From the People's Republic of China: On April 2, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Steel Concrete Reinforcing Bar From the Republic of Türkiye: On April 6, 2026, Commerce issued its Final [Results](#) of the Antidumping Duty Administrative Review; 2023–2024.
- Carbon and Alloy Steel Wire Rod From the Republic of Korea: On April 7, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Citric Acid and Certain Citrate Salts From Colombia: On April 8, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Common Alloy Aluminum Sheet From the Republic of Türkiye: On April 9, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Carbon and Alloy Steel Threaded Rod From India: On April 10, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Common Alloy Aluminum Sheet From the Republic of Türkiye: On April 10, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan: On April 13, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review, In Part; 2023–2024.
- Prestressed Concrete Steel Wire Strand From Spain: On April 13, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: On April 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Aluminum Foil From the People's Republic of China: On April 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: On April 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review, 2023–2024.
- Common Alloy Aluminum Sheet From Taiwan: On April 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.

- Common Alloy Aluminum Sheet From the Sultanate of Oman: On April 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Low Melt Polyester Staple Fiber From the Republic of Korea: On April 17, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Phosphate Fertilizers From the Russian Federation: On April 17, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Activated Carbon From the People’s Republic of China: On April 23, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Preserved Mushrooms From the Netherlands: On April 23, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2024.
- Wooden Cabinet and Vanities and Components Thereof From the People’s Republic of China: On April 23, 2026, Commerce issued its Final [Results](#) and Recission, in Part, of Antidumping Duty Administrative Review; 2023–2024.
- Glycine From Japan: On April 29, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.

Sunset Reviews

- Commodity Matchbooks From India: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Commodity Matchbooks From India: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Countervailing Duty Order.
- Monosodium Glutamate From the Republic of Indonesia and the People’s Republic of China: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Reviews of the Antidumping Duty Orders.
- Prestressed Concrete Steel Wire Strand From Brazil, India, Mexico, the Republic of Korea, and Thailand: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders.
- Prestressed Concrete Steel Wire Strand From India: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Countervailing Duty Order.
- Prestressed Concrete Steel Wire Strand From Japan: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Sixth Sunset Review of the Antidumping Duty Finding.
- Tetrahydrofurfuryl Alcohol From the People’s Republic of China: On April 10, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Antidumping Duty Order.
- Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Antidumping Duty Order.
- Certain Oil Country Tubular Goods From the People’s Republic of China: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Citric Acid and Certain Citrate Salts From the People’s Republic of China: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Citric Acid and Certain Citrate Salts From the People’s Republic of China: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Countervailing Duty Order.
- Forged Steel Fittings From India: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Forged Steel Fittings From India and the Republic of Korea: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Forged Steel Fluid End Blocks From the Federal Republic of Germany and Italy: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Forged Steel Fluid End Blocks From the People’s Republic of China, the Federal Republic of Germany, India, and Italy: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Reviews of the Countervailing Duty Orders.
- Oil Country Tubular Goods From the People’s Republic of China: On April 15, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Countervailing Duty Order.
- Non-Oriented Electrical Steel From Sweden, Germany, the People’s Republic of China, the Republic of Korea, Taiwan and Japan: On April 16, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Reviews of the Antidumping Duty Orders.
- Non-Oriented Electrical Steel From the People’s Republic of China and Taiwan: On April 16, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Reviews of the Countervailing Duty Orders.

Scope Ruling

- None

Circumvention

- None

INTERNATIONAL TRADE COMMISSION

Investigations

- Kitchen Appliance Shelving and Racks From China; On April 1, 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.
- Active Anode Material from China; On April 3, 2026, the ITC issued its [determination](#) that the U.S. is not materially retarded by reason of imports of active anode material from China that have been found to be subsidized and sold at less than fair value.
- Fatty Acids From Indonesia and Malaysia (Preliminary); On April 8, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Steel Concrete Reinforcing Bar From Mexico and Turkey (Second Review); On April 8, 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.
- Silicon Metal From Angola, Laos, and Thailand (Final); On April 9, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations as to Angola and Laos. The ITC further determined that imports of silicon metal from Thailand to be subsidized by the government of Thailand but are negligible and terminates the countervailing duty investigation.
- Large Diameter Graphite Electrodes From China and India (Preliminary); On April 14, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Truck Bed Covers From China (Preliminary); On April 16, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Steel Concrete Reinforcing Bar From Algeria (Final); On April 22, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Tetrahydrofurfuryl Alcohol From China (Fourth Review); On April 30, 2026, 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.

U.S. CUSTOMS AND BORDER PROTECTION

On April 26, 2026, CBP [announced](#) that it had liquidated 1.74 million entries that paid IEEPA duties, moving them into the refund process, according to Brandon Lord, CBP's executive director for Trade Policy and Programs. Additionally, 75,306 CAPE declarations had been submitted, with 47,315 passing validations, covering 11.2 million entries with reciprocal tariffs. However, 2.1 million entries on validated submissions failed entry-specific validations. Approximately three-quarters of unliquidated entries from March 6, 2026, to April 17, 2026, were included in CAPE submissions during its first week. Lord noted CAPE's April 20 launch set a record for ACE log-ins, with only 18 minutes of downtime. No updates were provided on CAPE's development for trade remedy cases or Treasury's refund timeline.

On April 20, 2026, CBP [stated](#) that the first phase of the CAPE tool is now operational in ACE, allowing importers and brokers to submit refund claims for International Emergency Economic Powers Act tariffs. Over 55,000 users have already utilized the tool, achieving a 98% successful log-in rate.

On April 10, 2026, CBP via CSMS #[68315804](#) announced that it launched phase one of the CAPE system for processing IEEPA tariff refunds, limited initially to certain unliquidated entries and entries liquidated within the past 80 days, according to a CSMS message. The system is designed to consolidate IEEPA duty refunds including interest rather than processing them entry-by-entry, with CBP planning a phased development approach to add functionality for more complicated scenarios in subsequent phases. Importers of record and authorized brokers must have established ACE portal accounts to submit CAPE declarations and provide bank account information, with the process involving CBP removing IEEPA HTS numbers, recalculating duties, and issuing consolidated refunds grouped by importer or designated party and liquidation date. The CAPE Declaration allows submission of multiple entry numbers through the ACE portal's CAPE tab, where files are uploaded, validated through batch processing, and tracked via File Upload History and Claim Status displays showing acceptance, rejection, or error details. Future phases will address more complex scenarios including entries flagged for reconciliation, those on drawback claims, covered by open protests, not filed in ACE, subject to AD/CVD duties, or with final liquidation, while the trade community is explicitly prohibited from requesting IEEPA refunds through Post Summary Corrections.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 26-31: Maui and Hector's Dolphin Defenders NZ Inc. v. Nat'l Marine Fisheries Serv.](#)

The Court dismissed, without prejudice, a lawsuit challenging the National Marine Fisheries Service's ("NMFS") comparability findings under the Marine Mammal Protection Act ("MMPA"), which governs the importation of seafood from New Zealand fisheries. The plaintiff, Māui and Hector's Dolphin Defenders NZ Inc., a New Zealand-based nonprofit conservation organization, alleged that NMFS unlawfully certified certain New Zealand fisheries as meeting U.S. standards despite concerns about marine mammal bycatch. The Court determined that it lacked subject matter jurisdiction under 28 U.S.C. § 1581(i), concluding that the plaintiff failed to establish a valid basis for invoking the Court's residual jurisdiction over the agency's actions. Specifically, the Court found that the claims did not fall within the scope of trade-related determinations that the Court is authorized to review. Furthermore, the plaintiff did not demonstrate that other avenues of judicial review were unavailable or manifestly inadequate. As the jurisdictional requirements were not met, the Court granted the government's motion to dismiss the case without prejudice.

[Slip Op. 26-32: Baroque Timber Indus. \(Zhongshan\) Co. v. United States](#)

The Court sustained in part and remanded in part Commerce's final results in the 11th administrative review of the countervailing duty order on multilayered wood flooring from China. The plaintiffs, a Chinese producer/exporter and its U.S. affiliate, contested Commerce's use of adverse facts available ("AFA") and the resulting subsidy rate calculations. While the Court upheld all other aspects of Commerce's final results, it found that Commerce improperly applied AFA in part. The Court explained that Commerce did not adequately demonstrate that the respondents failed to cooperate to the best of their ability. Specifically, the record showed that the respondents had provided information, but Commerce deemed it incomplete or difficult to verify. The Court emphasized that identifying gaps in the record is not sufficient; Commerce must establish that the gaps were due to a lack of cooperation by the respondents. Additionally, Commerce must reasonably connect the selected adverse inferences to the specific deficiencies and explain why those deficiencies justify the use of AFA. The Court also criticized Commerce for failing to adequately justify the significance of the identified deficiencies or explain how the adverse rates selected reasonably reflected the missing information. As a result, the Court remanded the issues concerning the use of AFA and the related subsidy calculations to Commerce for further explanation or reconsideration.

[Slip Op. 26-33: Veregy Central, LLC v. United States](#)

The Court granted the government's motion to stay the proceedings pending resolution of a related appeal before the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"), despite the plaintiff's opposition. The case concerns the plaintiff's 2022 importation of solar modules from Thailand and Vietnam during Commerce's circumvention inquiry into whether such modules completed in Southeast Asia were evading antidumping and countervailing duty orders on crystalline silicon photovoltaic cells from China. Following Commerce's affirmative circumvention determinations and CBP's liquidation of the plaintiff's entries with assessed duties, the plaintiff filed protests, arguing its entries qualified as "Applicable Entries" under Presidential Proclamation 10414 and Commerce's "Duty Suspension Rule," which temporarily suspended duty collection for certain solar imports from Southeast Asia.

The Court, however, found a stay was warranted because the Federal Circuit's review in *Auxin Solar, Inc. v. United States*, 49 CIT, 798 F. Supp. 3d 1331, 1352 (2025), of the CIT's invalidation of the Duty Suspension Rule could directly impact or moot the plaintiff's claims, which rely on the rule's validity and the scope of agency authority under the Proclamation. The Court determined that proceeding now risked inconsistent rulings and duplicative litigation. It further concluded that the balance of equities supported a stay to promote judicial efficiency and facilitate a more orderly resolution of the issues. Accordingly, the Court stayed the proceedings pending the Federal Circuit's decision in the related appeal.

[Slip Op. 26-34: Nippon Steel Corp. v. United States](#)

The Court sustained Commerce's 2018–2019 administrative review of the antidumping duty order on certain hot-rolled steel flat products from Japan. The plaintiff challenged Commerce's use of adverse facts available ("AFA"), alleging it had acted to the best of its ability despite failing to provide downstream sales data from a non-cooperative affiliate. The Court upheld Commerce's determination that the plaintiff failed to act to the best of its ability to obtain the requested data. Commerce concluded that the plaintiff had ample time and opportunity to ensure compliance, such as by incorporating data-sharing requirements into contracts or adjusting its business practices, but did not take sufficient steps. The Court also agreed with Commerce's finding that Japanese antitrust law did not prohibit the plaintiff from taking reasonable actions to secure the data, such as requiring affiliates to submit data directly to Commerce or renegotiating agreements to ensure future compliance. Additionally, the Court noted that the plaintiff's repeated failure to obtain the data from the same affiliate over multiple administrative reviews demonstrated a lack of maximum effort to induce compliance. As a result, the Court affirmed Commerce's application of AFA and sustained the second remand redetermination.

[Slip Op. 26-35: G&H Diversified Mfg. LP v. United States](#)

The Court granted in part and denied in part the parties' discovery motions in this customs classification action brought by G&H Diversified Manufacturing LP, a U.S. importer, challenging CBP's denial of its protest regarding imported steel tubes. The plaintiff sought to take Rule 30(b)(6) depositions of the government, including testimony from multiple agencies, while the government moved for a protective order limiting that discovery. The Court held that the plaintiff may pursue Rule 30(b)(6) discovery directed to the government and that such discovery may encompass multiple agencies where each possesses relevant information. However, the Court found that certain of plaintiff's proposed deposition topics were overly broad or insufficiently tailored to the issues in dispute. Accordingly, the Court permitted the depositions to proceed but required that the topics be narrowed to ensure they are relevant and proportional to the needs of the case.

[Slip Op. 26-36: POSCO v. United States](#)

The Court sustained in part and remanded in part Commerce's remand redetermination in the 2021 countervailing duty administrative review involving certain carbon and alloy steel cut-to-length plate from Korea. The plaintiffs, POSCO (a Korean steel producer) and the Government of Korea, challenged Commerce's subsidy determinations, while defendant-intervenor Nucor Corporation, a U.S. producer, argued that Commerce's analysis remained flawed. The Court upheld Commerce's determination that Korea's electricity pricing program did not constitute a countervailable subsidy, agreeing that the record lacked evidence of de facto specificity or a disproportionate benefit to the steel industry. However, the Court remanded Commerce's determination that the allocation of additional emissions permits under Korea's emissions trading system was specific and countervailable. The Court found that Commerce failed to sufficiently conduct or explain its de facto specificity analysis and did not adequately connect its conclusions to the evidence on record. As a result, the Court sustained Commerce's findings in part and remanded the emissions permit issue for further explanation or reconsideration.

[Slip Op. 26-37: Blue Sky the Color of Imagination, LLC v. United States](#)

The Court granted in part and denied in part the parties' cross-motions for summary judgment in this customs classification dispute concerning weekly and monthly planners imported by Blue Sky the Color of Imagination, LLC. The dispute centered on whether the merchandise should be classified as calendars under heading 4910, HTSUS, as plaintiff argued, or as diaries or similar articles under heading 4820, HTSUS, as asserted by CBP. The Court held that, although the planners contain calendar features, their essential character is that of bound organizational tools used for writing, scheduling, and note-taking, rather than standalone calendars. Relying on the General Rules of Interpretation and relevant explanatory notes, the Court explained that articles whose primary function extends beyond displaying dates are not properly classified as calendars under heading 4910. Accordingly, the Court concluded that classification under heading 4820, HTSUS, was appropriate.

[Slip Op. 26-38: Hardware Res., Inc. v. United States](#)

The Court sustained Commerce's remand redetermination that Hardware Resources Inc.'s ("Hardware Resources") edge-glued boards are within the scope of the antidumping and countervailing duty orders on wood mouldings and millwork products from China. The Court affirmed Commerce's conclusion that the boards satisfy the scope definition of "wood mouldings and millwork products," relying on the primary interpretive sources, including the petition and prior scope determinations. The Court also upheld Commerce's determination that the boards meet the "continuously shaped" requirement because their grooved design constitutes continuous shaping, rejecting Hardware Resources' argument that the grooves were merely temporary markings. In addition, the Court agreed that the boards' UV coating does not remove them from the scope, since the scope expressly includes coated products. Accordingly, the Court sustained the final scope ruling.

[Slip Op. 26-39 & Slip Op. 26-40: ACProducts, Inc. v. United States](#)

The Court sustained Commerce's final scope ruling under the antidumping and countervailing duty orders on wooden cabinets and vanities, and components thereof, from China, holding that products further processed in Malaysia ([Slip Op. 26-39](#)) and Vietnam ([Slip Op. 26-40](#)) remained subject to the orders. The plaintiff, ACProducts, Inc., a U.S. importer, challenged Commerce's determination that the Malaysian and/or Vietnamese processing was insufficient to remove the merchandise from the scope.

The Court held that Commerce reasonably interpreted the scope language and supported its determination with substantial evidence, emphasizing that the processing performed in Malaysia and/or Vietnam was limited and did not meaningfully transform the merchandise. The Court agreed with Commerce that the essential character of the product remained unchanged and that the core components of Chinese origin continued to define the merchandise. The Court further found that Commerce reasonably concluded that the Malaysian and/or Vietnamese processing did not create a new and different product outside the scope. Accordingly, the Court sustained Commerce's final scope determination.

[Slip Op. 26-41: Cyber Power Sys. \(USA\) Inc. v. United States](#)

The Court granted in part and denied in part the parties' cross-motions for summary judgment in a customs classification dispute over certain imported power cables with connectors. Cyber Power Systems (USA) Inc. argued the goods should be classified under subheading 8544.42.2000, HTSUS, as "insulated electric conductors ... of a kind used for telecommunications." In contrast, CBP classified them under subheading 8544.42.9090, HTSUS, a provision that would subject the entries to additional duties, including Section 301 tariffs. The Court agreed with CBP on the merits, holding that the cables were not "of a kind used for telecommunications" and were therefore properly classified under subheading 8544.42.9090, HTSUS. However, the Court held that it could not order reliquidation to assess additional duties because the entries had already liquidated and become final, and the statutory scheme does not allow duties to be increased after the liquidation period expires. Accordingly, while the Court resolved the classification dispute in favor of CBP, it declined to order reliquidation that would result in the assessment of additional duties.

[Slip Op. 26-42: ICON EV LLC v. United States](#)

The Court sustained U.S. Customs and Border Protection's determination in an EAPA investigation concerning the evasion of antidumping and countervailing duty orders on certain passenger vehicle and light truck tires from China. The plaintiff, ICON EV LLC, a U.S. importer, challenged CBP's finding that it evaded duties by entering Chinese-origin tires through third countries while misrepresenting their origin. The Court, however, held that CBP's evasion determination was supported by substantial evidence, including documentation regarding the source of the tires, supply chain records, and inconsistencies in the importer's submissions that undermined its claimed country of origin. The Court also found that CBP reasonably weighed the record evidence and permissibly drew inferences where information was incomplete or contradictory. The Court further concluded that CBP's procedures complied with EAPA's requirements, including providing ICON with notice of the investigation, access to the administrative record, and an opportunity to respond. As a result, the Court sustained the evasion determination and entered judgment accordingly.

[Slip Op. 26-43: Bio-Lab, Inc. v. United States](#)

The Court sustained in part and remanded in part Commerce's remand redetermination in the 2021-2022 administrative review of the antidumping duty order on chlorinated isocyanurates from China. The Court remanded Commerce's comparable-merchandise analysis, concluding that Commerce failed to adequately explain why cyanuric acid was not considered a major input in the production of chlorinated isocyanurates or why calcium hypochlorite, sodium hypochlorite, and chlorinated isocyanurates were deemed to have sufficiently similar production processes. However, the Court upheld several aspects of Commerce's determinations. It sustained Commerce's treatment of physical characteristics, its decision to reopen the record, its reliance on new Romanian manufacturing labor data, and its use of Romanian financial ratios for calculating surrogate values. The Court found that these determinations were supported by substantial evidence and in accordance with the law. Accordingly, the Court remanded the comparable-merchandise issue for further explanation or reconsideration while sustaining the remainder of Commerce's remand results.

[Slip Op. 26-44: Ellwood City Forge Co. v. United States](#)

The Court partially sustained and partially remanded Commerce's final results in the 2020–2021 antidumping duty administrative review of forged steel products from Italy. Plaintiffs challenged Commerce's dumping margin calculations, particularly its selection and use of surrogate or comparator data for determining normal value. The Court upheld portions of Commerce's analysis but found that its determination that certain foreign producers manufactured "identical merchandise" was not supported by substantial evidence. The Court ruled that Commerce failed to adequately explain how the products in question were sufficiently comparable in terms of physical characteristics and production processes and did not address record evidence indicating meaningful differences. The Court emphasized that Commerce must provide a reasoned explanation to show that the selected comparison products are truly comparable and must address conflicting evidence in the record. Due to the insufficient justification for Commerce's identical-merchandise finding and related methodology, the Court remanded those issues for further explanation or reconsideration while sustaining the remainder of the final results.

COURT OF APPEALS FOR THE FEDERAL COURT

[Summary of Decisions.](#)

[Appeal No. 24-1258: Linyi Chengen Import and Export Co., Ltd. v. US](#)

The Court of Appeals for the Federal Circuit ("Court of Appeals") partially affirmed, partially reversed, and remanded the Court of International Trade's ("CIT") judgment in the antidumping duty investigation of hardwood plywood from China. The appeal focused on the CIT's remand orders affecting Commerce's dumping calculations, including its handling of record evidence and methodological choices. The Court of Appeals held that the CIT erred in requiring Commerce to accept untimely, verification-stage submissions, emphasizing that respondents are responsible for developing the administrative record and that Commerce acted within its discretion in rejecting late-submitted information. The Court of Appeals also reversed the CIT's rejection of Commerce's intermediate input methodology, finding that Commerce reasonably applied the methodology due to concerns about the reliability of reported inputs. However, the Court of Appeals affirmed the CIT's resolution of an issue regarding the treatment of non-mandatory respondents in calculating the all-others rate. While the CIT improperly disturbed Commerce's evidentiary and methodological determinations, it correctly resolved the respondent-rate issue.