

Trade Law Update



HIGHLIGHTS FROM MAY 2026

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[Petition Summary: Stationary and Portable Air Compressors from Malaysia, The People’s Republic of China, and The Socialist Republic of Vietnam](#)

On April 30, 2026, Mat Industries, LLC (“Petitioner”) filed a petition for the imposition of antidumping and countervailing duties on stationary and portable air compressors from Malaysia, The People’s Republic of China, and The Socialist Republic of Vietnam.

[CBP Issues Entry Filing and Reporting Guidance on Section 232 Duties for USMCA-Qualifying Medium and Heavy-Duty Vehicles](#)

On May 6, 2026, U.S. Customs and Border Protection (“CBP”) released new guidance via [CSMS #68559236](#) regarding the application of 25% Section 232 duties for Medium and Heavy-Duty Vehicles (“MHDVs”) that qualify for preferential treatment under the United States-Mexico-Canada Agreement (“USMCA”). Pursuant to Presidential Proclamation 10984, the Secretary of Commerce may approve eligible MHDVs to have the 25% tariff applied exclusively to the value of the non-U.S. content.

[CBP Issues Guidance on Technical Corrections to Section 232 Duties for Aluminum, Steel, and Copper Imports](#)

U.S. Customs and Border Protection (“CBP”) has issued new guidance addressing technical corrections to recently imposed Section 232 duties on imports of aluminum, steel and copper. Following a Notice of Technical Corrections issued by the Department of Commerce on April 29, 2026, CBP, on May 6, 2026, released [CSMS #68554727](#) clarifying the application of these duties and announcing two retroactive changes that affect importers, Customs brokers, and filers.

[The Court of International Trade Rules Section 122 Tariffs Unlawful But Limits Relief to Exclusive Importers](#)

On May 7, 2026, the United States Court of International Trade (“CIT” or “Court”) invalidated Proclamation No. 11012 in *The State of Oregon, et al. v. United States, et al. and Burlap and Barrel, Inc., et al. v. United States, et al.*, holding that the President exceeded his statutory authority in imposing a temporary 10% ad valorem duty on nearly all imports under Section 122 of the Trade Act of 1974. The Court granted summary judgment and a permanent injunction for specific plaintiffs, concluding that the administration misinterpreted the term “balance of payments deficits,” using modern “current account” metrics rather than the specific economic criteria intended by Congress when the law was enacted in 1975.

[Petition Summary: SN-Cyclohexylbenzothiazole-2-Sulfenamide \(CBS\) from The People’s Republic of China](#)

On May 7, 2026, LANXESS Corporation (“Petitioner”) filed petitions requesting the imposition of antidumping and countervailing duties on imports of N-Cyclohexylbenzothiazole-2-Sulfenamide (“CBS”) from the People’s Republic of China.

[Supreme Court Holds That State-Law Negligent Hiring Claims Against Transportation Brokers Are Not Preempted by the Federal Aviation Administration Authorization Act](#)

The Court’s unanimous ruling in *Montgomery v. Caribe Transport II, LLC* issued today resolves a split among circuit courts of appeal and is a significant development for the trucking industry, injured parties, and the thousands of brokers who arrange transportation for freight shipped nationwide.

[IEEPA Tariffs: What Importers Need to Know About Refunds and the Emerging Wave of Consumer Class Actions](#)

Beginning in February 2025, President Trump imposed new tariffs on imported goods through a series of executive orders, relying on the International Emergency Economic Powers Act (IEEPA) as the claimed authority for imposing tariffs. In time, the new tariffs affected imported goods from nearly all countries. Legal challenges followed.

Trade Law Update



[New FMC Proposal Would Make It Easier for Industry to Shape Maritime Regulations](#)

The Federal Maritime Commission's May 13, 2026, Notice of Proposed Rulemaking would significantly revise and modernize its rulemaking procedures by simplifying existing requirements, aligning with current eRulemaking practices, and expanding opportunities for public participation—particularly by making it easier for stakeholders to petition for new or revised regulations.

[Court of International Trade Denies Government's Motion to Stay Section 122 Ruling](#)

On May 20, 2026, the U.S. Court of International Trade (CIT) denied the Government's request to pause the CIT's May 7 ruling during the appeals process. For now, Section 122 duties remain unlawful, and U.S. Customs & Border Protection (CBP) cannot collect Section 122 duties from plaintiffs Burlap & Barrel, Basic Fun, and the State of Washington.

[Imports of Taiwanese Aircraft Components Auto Parts and Wood Products Provided Relief from Section 232 Tariffs Under Taiwan Deal](#)

On May 28, 2026, the U.S. Department of Commerce ("Commerce") and the Office of the United States Trade Representative ("USTR") [announced](#) reduced tariffs under Section 232 of the Trade Expansion Act of 1962, ("Section 232 tariffs") for certain aircraft components, automobile parts and wood products from Taiwan effective May 1, 2026. The published Federal Register Notice comes as a result of the trade and security agreement between the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO) signed earlier this year.

[CIT Orders Customs to Explain Its Position on Issuing IEEPA Refunds for All Entries Regardless of Liquidation Status](#)

On May 27, 2026, following a closed-door conference in *Euro-Notions Florida v. United States* (CIT # 25-00595) ("Euro-Notions"), Judge Eaton issued two (2) orders which will require U.S. Customs and Border Protection ("CBP") to explain the Government's position on issuing IEEPA refunds for all entries, including those that have liquidated beyond the statutory reliquidation period of 90 days.

[Supreme Court Expands Transportation Worker Exemption to Intrastate Drivers in Interstate Supply Chains](#)

The Supreme Court's unanimous May 28, 2026, decision in *Flowers Foods, Inc. v. Brock* significantly broadens the Federal Arbitration Act's Section 1 transportation-worker exemption by holding that workers performing exclusively intrastate deliveries as part of a larger interstate supply chain qualify as "engaged in interstate commerce" and are therefore exempt from compelled arbitration—even when they never cross state lines or interact with vehicles that do.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Carbon and Alloy Steel Wire Rod From Algeria: On May 1, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Unwrought Palladium From the Russian Federation: On May 1, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Tin Mill Products From the People's Republic of China: On May 5, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Polytetramethylene Ether Glycol From the People's Republic of China, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: On May 5, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Tin Mill Products From the People's Republic of China, Taiwan, and the Republic of Türkiye: On May 5, 2026, Commerce issued its [Initiation](#) of Less- Than-Fair-Value Investigations.
- Certain Freight Rail Couplers and Parts Thereof From India: On May 6, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value and Extension of Provisional Measures.
- Certain Freight Rail Couplers and Parts Thereof From the Czech Republic: On May 6, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value and Extension of Provisional Measures.
- Chromium Trioxide From India: On May 14, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#), and Alignment of Final Determination With Final Antidumping Duty Determination.
- Fresh Mushrooms From Canada: On May 18, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination With Final Antidumping Duty Determination.
- Tris(hydroxymethyl)aminomethane From the People's Republic of China: On May 18, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.

- Tris(hydroxymethyl)aminomethane From the People's Republic of China: On May 18, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigation.
- Polypropylene Corrugated Boxes From the Socialist Republic of Vietnam: On May 20, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances.
- Unwrought Palladium from the Russian Federation: On May 22, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Chromium Trioxide From India: On May 22, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Chromium Trioxide From the Republic of Türkiye: On May 22, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Stationary and Portable Air Compressors From the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: On May 27, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- Certain Monomers and Oligomers from the Republic of Korea: On May 27, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances.
- High Purity Dissolving Pulp From Brazil: On May 27, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- High Purity Dissolving Pulp From Norway: On May 27, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Stationary and Portable Air Compressors From the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: On May 27, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations

Administrative Reviews

- Large Diameter Welded Pipe From Canada: On May 1, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Large Diameter Welded Pipe From the Republic of Korea: On May 1, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Stilbenic Optical Brightening Agents From Taiwan: On May 6, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: On May 8, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2024–2025.
- Thermal Paper From the Republic of Korea: On May 8, 2026, Commerce issued its Final [Results](#) and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024.
- Certain Carbon and Alloy Steel Cut-to- Length Plate From the Republic of Korea: On May 14, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Hot-Rolled Steel Flat Products From the Republic of Korea: On May 14, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Steel Nails From Malaysia: On May 14, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Circular Welded Carbon Steel Standard Pipe and Tube Products From the Republic of Türkiye: On May 14, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Large Diameter Welded Pipe From the Republic of Korea: On May 14, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Carbon and Alloy Steel Cut-To- Length Plate From Belgium: On May 15, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review.
- Non-Refillable Steel Cylinders from the People's Republic of China: On May 15, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Corrosion-Resistant Steel Products From Taiwan: On May 18, 2026, Commerce issued its Final [Results](#) of the Antidumping Duty Administrative Review; 2023–2024.
- Polyethylene Terephthalate Resin From the Sultanate of Oman: On May 18, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Silicomanganese From India: On May 18, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Steel Nails From the People's Republic of China: On May 19, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Certain Steel Nails From the United Arab Emirates: On May 20, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Welded Stainless Steel Pressure Pipe From the Socialist Republic of Vietnam: On May 20, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023– 2024.
- Certain Preserved Mushrooms From Poland: On May 22, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022– 2024

Sunset Reviews

- Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China: On May 4, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Countervailing Duty Order.
- Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China: On May 4, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Antidumping Duty Order.
- Prestressed Concrete Steel Wire Strand From Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, the Netherlands, Saudi Arabia, the Republic of South Africa, Spain, Taiwan, Tunisia, the Republic of Türkiye, Ukraine, and the United Arab Emirates: Final [Results](#) of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Prestressed Concrete Steel Wire Strand From the Republic of Türkiye: On May 4, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Wood Mouldings and Millwork Products From the People’s Republic of China: On May 5, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Wood Mouldings and Millwork Products From the People’s Republic of China: On May 5, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Certain Corrosion Inhibitors From the People’s Republic of China: On May 19, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Certain Corrosion Inhibitors From the People’s Republic of China: On May 19, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Certain Crepe Paper Products From the People’s Republic of China: On May 20, 2026, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Antidumping Duty Order.
- Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People’s Republic of China: On May 28, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Difluoromethane (R-32) From the People’s Republic of China: On May 28, 2026, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Certain Preserved Mushrooms From Chile, the People’s Republic of China, India, and Indonesia: On May 29, 2026, Commerce issued its Final [Results](#) of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders.

Scope Ruling

- None

Circumvention

- None

INTERNATIONAL TRADE COMMISSION

Investigations

- Temporary Steel Fencing From China (Final); On May 5, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Monosodium Glutamate From China and Indonesia (Second Review); On May 5, 2026, the ITC issued its [determination](#) to continue the antidumping duty orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Non-Oriented Electrical Steel From China, Germany, Japan, South Korea, Sweden, and Taiwan (Second Review); On May 13, 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.
- Oil Country Tubular Goods From China (Third Review); On May 19, 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.
- Oil Country Tubular Goods From Austria, Taiwan, and the United Arab Emirates (Preliminary); On May 21, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Citric Acid and Certain Citrate Salts From China (Third Review); On May 26, 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.
- Methylene Diphenyl Diisocyanate (MDI) From China (Final); On May 28, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Tin Mill Products From China, Taiwan, and Turkey (Preliminary); On May 29, 2026, 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 8199: Coastal Specialty Forest Products, Inc.](#)

On May 4, 2026, CBP issued the notice of determination as to evasion for EAPA case 8199 filed by Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, against Coastal Specialty Forest Products, Inc., doing business as Coastal Forest Products, (collectively referred to as Coastal Forest Products), for evasion of AD/CVD orders A-122-857 and C-122-858 on softwood lumber from Canada. Specifically, evidence on the record indicates that Coastal Forest Products entered covered merchandise from Canada that was transshipped through New Zealand, thereby failing to pay cash deposits associated with the AD/CVD orders. As such, CBP has determined that there is substantial evidence of evasion of AD/CVD duties by the importer; therefore, CBP has issued a formal notice of determination as to evasion and has taken enforcement actions.

[EAPA Cons. Case 8183: Greenbrier Companies, Inc.](#)

On May 18, 2026, U.S. Customs and Border Protection (CBP) issued the notice of determination as to evasion for EAPA case 8183 filed by Coalition of Freight Coupler Producers against The Greenbrier Companies for evasion of antidumping duty order A-201-857 on certain freight rail couplers and parts thereof (FRCs) from Mexico and the antidumping duty order and countervailing duty orders A-570-145 and C-570-146 on FRCs from the People's Republic of China (collectively, FRC Orders). Substantial evidence demonstrates that The Greenbrier Companies entered both Mexican-origin and Chinese-origin FRCs and failed to declare entry for the merchandise even though the merchandise was subject to the AD/CVD orders. As a result, no formal entries were filed, and no cash deposits were applied to the subject merchandise at the time of entry as instructed by the Department of Commerce. As such, CBP has issued a formal notice of determination as to evasion and has taken enforcement actions.

[EAPA Cons. Case 8201: Various Importers](#)

On May 28, 2026, U.S. Customs and Border Protection (CBP) issued its Notice of Determination as to evasion by Chasoe World Inc. (Chasoe); Eminent World Trade Inc. (Eminent World); Faster Bat Corp. (Faster Bat); Fine Tune Group Inc. (Fine Tune); Inchoi Group Inc. (Inchoi); Magic King Group Inc. (Magic King); Newway Wind Inc. (Newway); Onerich Global Group Inc. (Onerich); Toyarr Group Inc. (Toyarr); Unitype Trading, Ltd. (Unitype); and Zenith Global Group Inc. (Zenith) (collectively, "the Importers") in Enforce and Protect Act (EAPA) consolidated investigation 8201, investigating evasion of antidumping duty (AD) order A-570-939 on tow-behind lawn groomers (TBLGs) from China. Based on the record of the investigation, CBP found that there was substantial evidence the Importers entered TBLGs into the customs territory of the United States while failing to declare the merchandise as subject to the AD order, undervaluing the entries, and misclassification of the entries.

Customs Bulletin Weekly

On May 26, 2026, CBP updated its CAPE FAQ webpage to announce a "phased solution" for processing unliquidated or liquidated entries flagged for reconciliation that are included in a CAPE declaration but lack an Entry Type 09 filing at the time of CAPE acceptance. CBP advised the trade community to delay reconciliation filings unless the deadline is within 30 days, allowing CAPE declarations to be processed first. CBP is also developing a solution for cases where a reconciliation entry is already on file and would result in higher IEEPA duties. For now, CBP recommends filing the reconciliation entry and depositing duties and fees without including the increased IEEPA duties.

On May 26, 2026, CBP [reported](#) that nearly 50,000 refund requests through its CAPE tool were initially rejected in its first month of operation. Brandon Lord, CBP's executive director for Trade Programs, cited common issues such as mismatched importer or broker information, invalid entry numbers, and incorrect .CSV file formatting. Of the 15.9 million accepted entries with IEEPA tariffs, about 54% have been liquidated or reliquidated without the duties. In the past two weeks, CBP sent \$60 billion in refunds to the Treasury Department, though 4,185 submissions remain unpaid due to missing bank account details. CBP did not provide a timeline for expanding CAPE to older or non-phase-one entries, which currently cover 63% of IEEPA tariff entries.

On May 21, 2026, via [Customs Bulletin](#) CBP announced that it intends to revoke NY N248690 concerning the classification of certain frameless glass shower doors that were previously classified under subheading 7013.99.20. It is now CBP's position that glass shower doors are properly classified, in heading 7007, HTSUS, specifically in subheading 7007.19.00, HTSUS, which provides for "Safety glass, consisting of toughened (tempered) or laminated glass: other."

On May 20, 2026, CBP [updated](#) its FAQ page for the CAPE tariff refund tool, providing new guidance and clarifications. It stated that filing a case with the Court of International Trade ("CIT") is unnecessary for phase one IEEPA tariff entries but offered no guidance for other entries. CBP warned importers they may receive bills if recalculated duties exceed payments and emphasized refunds are only issued after verifying no debts are owed. Filers were encouraged to include drawback-eligible summaries in CAPE declarations and use a protest or prior disclosure to correct issues. CBP clarified there are no fees for refunds and warned against scams requesting payment.

On May 8, 2026, CBP via a CSMS # [68577428](#) announced that all drawback claims filed since April 22, 2026, are being routed directly to the Petroleum, Natural Gas, and Minerals Center of Excellence and Expertise ("CEE:"). This follows CBP's October announcement that the CEE would handle all drawback claims. Filers should continue submitting claims through ACE, with claims routed internally to specialist teams based on the importer of record's name. The CSMS message also provides email contacts for communication with drawback specialists, including for privilege applications and ruling requests. Claims filed before April 21, 2026, will remain with the original drawback office for processing.

On May 11, 2026, CBP [reported](#) that nearly 4 million additional entries have been validated for refunds in CBP's CAPE tool over the past two weeks, bringing the total validated entries to 15.1 million. Of these, 8.3 million entries have been liquidated with IEEPA duties removed, marking a nearly fivefold increase in liquidations since April 26, 2026. According to CBP's Brandon Lord, importers of liquidated entries are set to receive approximately \$35.46 billion in refunds, including interest. However, refunds for 1,880 importers remain pending due to missing bank information needed for direct deposit. CBP did not specify how many refunds have already been sent to the Department of Treasury. Some validated entries may include resubmissions of previously rejected filings, making the total proportion unclear.

On May 18, 2026, CBP [announced](#) in a Federal Register notice that IRS interest rates for calculating interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties decreased for the calendar quarter starting April 1, 2026. The underpayment rate is now set at 6% for both corporations and non-corporations, while the overpayment rate is 6% for non-corporations and 5% for corporations.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 26-45: Kumar Indus. V. United States](#)

The Court denied Plaintiffs' motion to Apply Statutory Injunction to all entries in the period of review, which was filed after Plaintiffs discovered that thirteen of their entries had liquidated before the Court entered a statutory injunction. Plaintiffs sought to have those entries covered by the injunction because liquidation would otherwise render the entries final and prevent them from obtaining any meaningful relief if they ultimately prevailed in the litigation. The Court explained, however, that Plaintiffs had not obtained an injunction before the entries liquidated, and under established Federal Circuit precedent, liquidation becomes final once it occurs absent an injunction. Because the thirteen entries liquidated before the injunction took effect, the Court could not retroactively suspend or undo those liquidations. The Court emphasized that a statutory injunction preserves the status quo prospectively and cannot revive entries that have already liquidated. Accordingly, the Court denied the motion and held that the liquidated entries were no longer subject to judicial relief.

[Slip Op. 26-46: Aloha Pencil Co. v. United States](#)

The Court granted the government's motion to dismiss for lack of subject-matter jurisdiction, holding that Plaintiff Aloha Pencil Company, LLC ("Aloha Pencil") failed to establish Article III standing to challenge Commerce's rescission of the 2023-2024 antidumping duty administrative review of cased pencils from China. Commerce had rescinded the review after determining that Aloha Pencil was not a qualified domestic interested party and that the remaining companies subject to the review had no reviewable entries. Aloha Pencil filed suit seeking judicial review of that rescission, alleging that it was a U.S. manufacturer, producer, or wholesaler of the domestic like product. The government moved to dismiss, arguing that the complaint contained only conclusory assertions and failed to allege facts demonstrating that Aloha Pencil actually qualified as a domestic interested party. The Court agreed, explaining that standing cannot rest on bare legal conclusions and that the complaint lacked factual allegations showing the nature of Aloha Pencil's business operations or its connection to the domestic pencil industry. Although Aloha Pencil argued that it could provide supporting evidence if necessary, the Court found that it had failed to plead the required facts in the first instance. Accordingly, the Court held that Plaintiff failed to establish standing and dismissed the action for lack of subject-matter jurisdiction.

[Slip Op. 26-47: Oregon v. United States / Burlap * Barrel, Inc. v. United States](#)

This opinion is not public. A summary will be published as soon as it becomes publicly available.

[Slip Op. 26-48: Ban Me Thuot Honeybee JSC v. United States](#)

The Court denied Plaintiff-Intervenors' Motion to Amend the Statutory Injunction Order nunc pro tunc, holding that it could not retroactively extend the injunction to cover entries that had already liquidated before the injunction was entered. In this antidumping duty action involving raw honey from Vietnam, the Plaintiff-Intervenors discovered that certain entries had liquidated before they were added to the existing injunction and sought to amend the order so that it would apply as if the entries had been covered from the outset. The motion was made because liquidation would render those entries final and prevent the importers from obtaining any meaningful relief should they ultimately prevail in the

litigation. The Court explained, however, that a nunc pro tunc order may be used only to correct the record to reflect what actually occurred and cannot be used to create rights or relief that did not previously exist. Relying on longstanding Federal Circuit precedent, the Court reiterated that liquidation is final once it occurs in the absence of an injunction and that courts lack authority to retroactively suspend or reverse such liquidations. Because the entries at issue liquidated before they were protected by the injunction, the Court concluded that it could not grant the requested relief. Accordingly, the motion to amend the injunction order nunc pro tunc was denied.

[Slip Op. 26-49: Neimenggu Fufeng Biotechnologies Co., Ltd. v. United States](#)

The Court sustained Commerce's second remand results in the 2020-2021 antidumping duty administrative review of xanthan gum from China after Commerce revised its methodology for valuing coal, a key input used by Neimenggu Fufeng Biotechnologies Co., Ltd. and its affiliated companies ("Fufeng"). The dispute centered on Commerce's selection of a tariff classification used to calculate the surrogate value of coal, which had previously resulted in a 17.36 percent dumping margin. Following the Court's remand instructions, Commerce adopted a different HTS classification that it determined more accurately reflected the coal consumed by Fufeng and recalculated Fufeng's weighted-average dumping margin to 0.00 percent. Because the separate rate assigned to Xinjiang Meihua Amino Acid Co., Ltd. ("Meihua") was derived from Fufeng's rate, Commerce likewise reduced Meihua's margin from 17.36 percent to 0.00 percent. Finding that Commerce complied with its remand instructions and reasonably explained its revised analysis, the Court sustained the second remand results. Accordingly, both Fufeng and Xinjiang Meihua Amino Acid Co., Ltd. received zero-percent antidumping duty margins for the period of review.

[Slip Op. 26-50: AM Stone & Cabinets, Inc. v. United States](#)

The Court sustained Commerce's final results in the 2021-2023 antidumping and 2021-2022 countervailing duty administrative reviews of certain quartz surface products from China, rejecting AM Stone & Cabinets, Inc.'s ("AM Stone") challenge to Commerce's treatment of imports processed in Malaysia. The case arose from Commerce's prior scope and circumvention rulings, which found that certain Chinese-origin quartz products further processed in Malaysia remained subject to the antidumping and countervailing duty orders and established a certification process for eligible importers and exporters. Commerce had previously determined that certain Malaysian companies, including Universal Quartz Industrial SDN BHD and Resstone Manufacturing Sdn., failed to cooperate in the circumvention inquiry and therefore were ineligible to participate in the certification process. In the administrative reviews, Commerce declined to revisit those findings and continued to apply adverse facts available to the non-cooperating companies. AM Stone argued that Commerce improperly refused to reconsider the companies' eligibility and lacked substantial evidence for its determinations. The Court disagreed, finding that Commerce reasonably relied on the prior scope and circumvention rulings, adequately explained its decisions, and acted in accordance with the law. Accordingly, the Court sustained Commerce's final results in both the antidumping and countervailing duty reviews.

[Slip Op. 26-51: Green Garden Produce, LLC v. United States](#)

The Court remanded Commerce's final circumvention determination finding that certain garlic chunks imported by Green Garden Produce LLC were circumventing the antidumping duty order on fresh garlic from China. Green Garden imported peeled, trimmed, blanched, and individually quick-frozen garlic chunks coated with citric acid, and Commerce had previously determined in a separate scope proceeding that those products were outside the scope of the order because they had been reduced in size beyond constituent garlic cloves. After issuing that scope ruling, however, Commerce initiated a minor alterations circumvention inquiry covering the same products and ultimately found them subject to the order. Green Garden challenged the determination, arguing that Commerce failed to address its argument that the products were expressly excluded from the order because they were preserved with citric acid and that a circumvention inquiry cannot be used to bring within the order merchandise that is expressly excluded from its scope. The Court agreed that Commerce failed to adequately consider and explain this threshold issue, particularly in light of the agency's prior scope ruling and relevant Federal Circuit precedent. Because Commerce did not sufficiently address whether the products were excluded from the order before finding circumvention, the Court held that the determination was unsupported by substantial evidence and not in accordance with law. Accordingly, the Court remanded the circumvention determination to Commerce for further consideration.

[Slip Op. 26-52: Hyundai Steel Co. v. United States](#)

This opinion is not public. A summary will be published as soon as it becomes publicly available.

[Slip Op. 26-53: Oregon v. United States / Burlap * Barrel, Inc. v. United States](#)

The Court denied government's motion to stay enforcement of the Court's judgment pending appeal after previously holding that President Trump lacked authority under Section 122 of the Trade Act of 1974 to impose a temporary import surcharge through Proclamation No. 11012. Following that decision, the government sought a stay to preserve the tariffs while it pursued an appeal. Applying the traditional stay factors, the Court concluded that the government failed to demonstrate a strong likelihood of success on the merits and had not established irreparable harm absent a stay. The Court further found that continued collection of duties that had been determined to be unlawful would impose ongoing harm on importers and affected parties. While recognizing the public importance of the issues presented, the Court determined that the balance of equities and public interest did not favor maintaining the challenged tariffs during the appeal.

[Slip Op. 26-54: Toyo Kohan Co., Ltd. v. United States](#)

The Court sustained Commerce's remand results in the 2022-2023 administrative review of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products from Japan, concluding that Commerce complied with the Court's prior remand instructions regarding both the date-of-sale determination and its differential pricing analysis. In an earlier opinion, the Court had remanded Commerce's use of shipment date as the date of sale for Toyo Kohan Co., Ltd.'s U.S. sales and directed Commerce to reconsider its differential pricing methodology in light of the Federal Circuit's decision in *Marmen*. On remand, Commerce further explained its date-of-sale analysis and replaced its prior Cohen's differential pricing test with the agency's revised price-difference test. Commerce's revised analysis resulted in a reduced weighted-average dumping margin for Toyo Kohan Co., Ltd. of 4.58 percent. The Court found that Commerce adequately explained its reasoning, complied with the remand order, and supported its determinations with substantial evidence. Because Commerce's remand redetermination was in accordance with law and reasonably addressed the Court's concerns, the Court sustained the Remand Results.

[Slip Op. 26-55: ICON EV LLC v. United States](#)

The Court denied the Government's motion to dismiss for lack of subject-matter jurisdiction, holding that it had jurisdiction under 28 U.S.C. § 1581(i) to hear ICON EV LLC'S ("ICON") constitutional challenge to interim measures imposed by CBP under the Enforce and Protect Act ("EAPA"). ICON alleged that CBP violated its Fifth Amendment due process rights by imposing interim measures—including cash deposit requirements exceeding 500 percent—without providing pre-deprivation notice or a meaningful opportunity to respond. The government argued that jurisdiction was unavailable because ICON could challenge CBP's actions through the statutory review process applicable to a final EAPA determination. The Court rejected that argument, finding that waiting for a final determination would be a manifestly inadequate remedy because the interim measures could force ICON into bankruptcy and effectively prevent it from importing merchandise long before judicial review became available. The Court concluded that ICON had sufficiently alleged a protected property interest and that the harm caused by the interim measures could not be adequately remedied through later review of a final agency determination. Accordingly, the Court held that § 1581(i) jurisdiction was proper and denied the government's motion to dismiss.