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Trade Law Update

HIGHLIGHTS FROM JULY 2026

IN THIS ISSUE:

Petition Summary: Glyphosate from the People's Republic of China

On June 30, 2026, Monsanto Company and its wholly owned subsidiary Ruveon LLC (collectively, "Petitioner") filed petitions requesting the imposition of antidumping and countervailing duties on imports of glyphosate from the People's Republic of China.

New CPSC eFiling Requirement Signals Major Change for Consumer Product Imports

Companies importing consumer products into the United States now face a significant compliance change. As our colleagues on *Product Perspective* explain, effective July 8, the U.S. Consumer Product Safety Commission's (CPSC) new eFiling requirement requires importers to electronically submit product safety certificate information at the time of entry.

Trump Administration Declines to Institute Section 232 Tariffs on Commercial Aircrafts, Jet Engines, and Aircraft Parts

On July 9, 2026, President Donald Trump issued a proclamation titled Adjusting Imports of Commercial Aircraft, Jet Engines, and Aircraft and Engine Parts into the United States. The proclamation provides that tariffs under Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. § 1862 (Section 232), will not be imposed on imports of commercial aircraft, jet engines, or related parts, notwithstanding allegations that such imports pose a threat to national security.

CBP Issues Guidance on Section 232 Copper Smelt and Cast Reporting Requirements

On July 15, 2026, U.S. Customs and Border Protection (CBP) issued CSMS #69252300, providing guidance on the new reporting requirements for the countries of smelt and cast for imports of certain copper articles under Proclamation 11021. Beginning July 30, 2026, importers of specified copper wire and cable products will be required to submit smelt and cast country information through the Automated Commercial Environment (ACE).

Petition Summary: Welded Stainless Line and Pressure Pipe from India, Türkiye, and the United Arab Emirates

On July 15, 2026, Bristol Pipe and Tube Inc., Felker Brothers Corporation, and Primus Pipe and Tube Inc. (collectively, Petitioners) filed petitions requesting the imposition of antidumping duties on imports of welded stainless line and pressure pipe (WSLPP) from India, the Republic of Türkiye, and the United Arab Emirates, and countervailing duties on imports from India and Türkiye.

CIT Issues Order with Specific Updates Related to CAPE Phase 3 Finally Liquidated Entry Eligibility for IEEPA Refunds

On July 15, 2026, the Court of International Trade (CIT) issued an order which is the clearest indication of the next steps for addressing the status of finally liquidated entries where IEEPA tariffs were paid. Specifically, the CIT expects U.S. Customs and Border Protection (Customs) to launch Phase 3 of its CAPE platform for tariff refunds. The CIT's order states that the court will issue case-specific orders in each of the approximately 3,700 individual IEEPA cases that "directs Customs to reliquidate certain finally liquidated entries in accordance with a procedure that will be outlined in the anticipated order."

Senate Confirms Five New USITC Commissioners, Restoring Full Bench

On July 16, 2026, the U.S. Senate confirmed five nominees to serve as Commissioners of the U.S. International Trade Commission (USITC or Commission) by voice vote, restoring the agency to its full six-member panel for the first time in years. The Senate Finance Committee had approved all five nominations with large bipartisan support the day prior.

USTR Finalizes 25% Section 301 Tariffs on Imports from Brazil

On July 15, 2026, the Office of the United States Trade Representative (USTR) concluded its Section 301 investigation into Brazil's unreasonable acts, policies, and practices by imposing a 25% tariff on most imports from Brazil, effective July 22, 2026. The action follows more than a year of investigation, multiple rounds of negotiations with Brazilian officials, a public comment period that generated over 360 written submissions, and a two-day public hearing held on July 6–7, 2026.

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Trade Law Update

President Trump Imposes 50% Tariffs on Certain Canadian Products Under Section 338 of the Tariff Act

On July 20, 2026, President Trump signed a Presidential Proclamation imposing 50% tariffs on certain Canadian products, including goods that qualify for preferential treatment under the United States-Mexico-Canada Agreement (USMCA), effective **12:01 a.m. Eastern Time** on **August 19, 2026.**

New Section 232 Proclamation Creates Onshoring Incentives for U.S. Primary Aluminum Production

On July 20, 2026, President Trump issued a new Presidential Proclamation aimed at further strengthening the U.S. aluminum industry. The latest Proclamation builds upon the existing Section 232 aluminum tariff regime by introducing a strategic *investment incentive program* designed to bring primary aluminum production back to the United States.

A Billion-Dollar Warning for Importers and Supply Chain Companies

The U.S. Department of Justice (DOJ) and the Department of Homeland Security (DHS) have sent a clear message that the era of treating customs fraud as a manageable cost of doing business is over, and there will be a significant escalation of U.S. trade fraud enforcement policy moving forward.

USTR Imposes New Section 301 Tariffs Targeting Forced Labor Concerns Across 60 Economies

The Office of the United States Trade Representative (USTR) has announced the imposition of new Section 301 tariffs under the Trade Act of 1974. Following investigations into global forced labor policies, the USTR has determined that 60 economies have failed to adequately impose or enforce prohibitions on the importation of goods produced with forced labor. The tariffs take effect at 12:01 a.m. Eastern Time beginning July 24, 2026.

Federal Courts Issue Critical Rulings on Cargo Theft Claims Following Supreme Court Montgomery Decision

After the May 2026 Supreme Court ruling in *Montgomery v. Caribe Transport II, LLC*, one critical question remained unanswered: whether the safety exception extends to cargo theft and property loss claims. Three recent federal district court decisions have determined that it does not. These rulings provide much needed clarity on how to distinguish property loss claims from the personal injury claims at issue in *Montgomery*.

Commerce Extends Tariff Offset Program to Domestic Engine Manufacturers

On July 28, 2026, the U.S. Department of Commerce (Commerce) published a federal notice stating that U.S. manufacturers of engines for cars and medium- and heavy-duty trucks (MHDVs) can now receive tariff offsets for sectoral duties on imported parts. The U.S. International Trade Administration said the new process sets rules similar to the offsets announced in May for vehicle makers that use imported parts.

Weekly Trade Update: July 20-24, 2026

On July 21, 2026, the United States and Jordan signed a reciprocal trade agreement under which Jordan will receive a preferential 10% U.S. tariff rate, rather than the higher 12.5% rate that may apply to certain countries under the forthcoming forced labor tariff regime. Under the agreement, Jordan will continue to provide duty-free access for nearly all U.S. goods and has committed to removing trade barriers affecting U.S. exporters, including U.S. agricultural products and motor vehicles. Jordan also agreed to strengthen environmental and labor protections, enhance intellectual property enforcement, improve customs procedures, and cooperate with the United States on investment security, export controls, supply chain resilience, and efforts to address non-market policies of third countries and duty evasion. According to the White House, the agreement is expected to expand opportunities for U.S. manufacturers, farmers, ranchers, and other producers. Jordan, in turn, is expected to benefit from enhanced access to the U.S. market through the reduced tariff rate, which may improve the competitiveness of Jordanian exports, particularly in the garment and textile sector, attract additional foreign investment, and support job creation. For a more detailed overview of the agreement, please refer to the full text of the agreement as well as the White House fact sheet.

Petition Summary: Certain Linear Hydraulic Cylinders and Parts Thereof from Canada, China, India, Mexico, and South Korea

On July 29, 2026, the Hydraulic Cylinders Fair Trade Coalition and its individual members, Aggressive Hydraulics, Inc., Hol-Mac Corporation, Ligon Hydraulics, Prince Manufacturing Corporation, PTC Alliance LLC, Rosenboom Machine & Tool, Inc., Scot Industries, Inc., Stillwell Inc., and Texas Hydraulics, Inc. (Petitioners) filed petitions requesting the imposition of antidumping duties on imports of certain linear hydraulic cylinders and parts thereof (Hydraulic Cylinders) from Canada, China, India, Mexico, and South Korea, and countervailing duties on imports from China, India, and Mexico.

Foreign-Produced Robots, Power Inverters Added to FCC Covered List

On July 29, the Federal Communications Commission (FCC) updated its Covered List to add two new categories of foreign-produced equipment: advanced robotic devices and power inverters. The move follows determinations by a White House-convened Executive Branch interagency body with national security expertise, which found that these foreign-made products "pose unacceptable risks to the national security of the United States or the safety and security of United States persons." Notably, if applicable, these Covered List restrictions will apply to advanced robotic devices or power inverters produced in any country outside of the United States.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Carbon and Alloy Steel Wire Rod From Algeria: On July 8, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination.
- Stilbenic Optical Brightening Agents From Taiwan: On July 14, 2026, Commerce issued its Preliminary Affirmative Determination of Antidumping Duty Administrative Review; 2024–2025.
- Fresh Mushrooms From Canada: On July 17, 2026, Commerce issued its Preliminary Affirmative Determination of Sales at Less Than Fair Value and Extension of Provisional Measures.
- Certain Choline Salts From the People's Republic of China: On July 20, 2026, Commerce issued its Initiation of Countervailing Duty Investigation.
- Certain Choline Salts From the People's Republic of China: On July 20, 2026, Commerce issued its Initiation of Less-Than-Fair-Value Investigation.
- Hardwood and Decorative Plywood From Indonesia: On July 21, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination.
- Hardwood and Decorative Plywood From the Socialist Republic of Vietnam: On July 21, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part.
- Hardwood and Decorative Plywood From the People's Republic of China: On July 21, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination.
- Hardwood and Decorative Plywood From Indonesia: On July 21, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value.
- Hardwood and Decorative Plywood From the People's Republic of China: On July 21, 2026, Commerce issued its Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances.
- Hardwood and Decorative Plywood from the Socialist Republic of Vietnam: On July 21, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances.
- Certain Fatty Acids From Indonesia: On July 23 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination.
- Certain Fatty Acids From Malaysia: On July 23, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination.
- L-Lysine From the People's Republic of China: On July 23, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination.
- L-Lysine From the People's Republic of China: On July 23, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value.
- Large Diameter Graphite Electrodes From India: On July 30, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination.
- Large Diameter Graphite Electrodes From the People's Republic of China: On July 30, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination.
- Steel Concrete Reinforcing Bar From Egypt: On July 30, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination.
- Steel Concrete Reinforcing Bar From the Socialist Republic of Vietnam: On July 30, 2026, Commerce issued its Final Affirmative Countervailing Duty Determination.
- Steel Concrete Reinforcing Bar From Bulgaria: On July 30, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value.
- Steel Concrete Reinforcing Bar From Egypt: On July 30, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value.
- Steel Concrete Reinforcing Bar From the Socialist Republic of Vietnam: On July 30, 2026, Commerce issued its Final Affirmative Determination of Sales at Less Than Fair Value.
- Truck Bed Covers From China: On July 31, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty Determination.

Administrative Reviews

- Steel Concrete Reinforcing Bar From the Republic of Türkiye: On July 1, 2026, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2023.
- Carbon and Certain Alloy Steel Wire Rod from Mexico: On July 6, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Polyethylene Terephthalate Film, Sheet, and Strip From India: On July 8, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Certain Cold-Rolled Steel Flat Products From the Republic of Korea: On July 13, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Certain Corrosion-Resistant Steel Products From the Republic of Korea: On July 13, 2026, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2023.
- Passenger Vehicle and Light Truck Tires From the Republic of Korea: On July 13, 2026, Commerce issued its Final Results of the Antidumping Duty Administrative Review; 2023–2024.
- Polyethylene Terephthalate Film, Sheet, and Strip From India: On July 13, 2026, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2023.
- Certain Steel Nails From the Sultanate of Oman: On July 14, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023– 2024.

- Xanthan Gum From the People's Republic of China: On July 16, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review.
- Alloy and Certain Carbon Steel Threaded Rod From the People's Republic of China: On July 17, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2024–2025.
- Certain Lined Paper Products From India: On July 17, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023– 2024.
- Passenger Vehicle and Light Truck Tires From Thailand: On July 20, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Certain Pasta From Italy: On July 24, 2026, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2023.
- Hydrofluorocarbon Blends From the People's Republic of China: On July 30, 2026, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023-2024.
- Ripe Olives From Spain: On July 30, 2026, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2023.

Sunset Reviews

- Standard Steel Welded Wire Mesh From Mexico: On July 1, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Countervailing Duty Order.
- Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Türkiye: On July 6, 2026, Commerce issued its Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Common Alloy Aluminum Sheet From Bahrain, India, and the Republic of Türkiye: On July 6, 2026, Commerce issued its Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders.
- Diamond Sawblades and Parts Thereof From the People's Republic of China: On July 6, 2026, Commerce issued its Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Czech Republic, Republic of Korea, the Russian Federation, and Ukraine: On July 6, 2026, Commerce issued its Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea and the Russian Federation: On July 6, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Countervailing Duty Orders.
- Silicon Metal From Bosnia and Herzegovina, Iceland, and Malaysia: On July 6, 2026, Commerce issued its Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders.
- Diamond Sawblades and Parts Thereof From the People's Republic of China: On July 6, 2026, Commerce issued its Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Certain Non-Refillable Steel Cylinders From the People's Republic of China: On July 17, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Antidumping Duty Order.
- Mattresses From the People's Republic of China: On July 24, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Countervailing Duty Order.
- Certain Chassis and Subassemblies Thereof From the People's Republic of China: On July 29, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Countervailing Duty Order.
- Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: On July 31, 2026, Commerce issued its Final Results of the Expedited Sunset Review of the Antidumping Duty Order.
- Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof (Small Vertical Engines) From the People's Republic of China: On July 31, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Antidumping Duty Order.
- Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof From the People's Republic of China: On July 31, 2026, Commerce issued its Final Results of the Expedited First Sunset Review of the Countervailing Duty Order.
- Mattresses From Cambodia, Malaysia, Serbia, Thailand, the Republic of Türkiye, and the Socialist Republic of Vietnam: On July 31, 2026, Commerce issued its Final Results of the Expedited First Sunset Reviews of the Antidumping 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

Customs Bulletin Weekly

On July 31, 2026, DHS announced the addition of 43 companies to its Uyghur Forced Labor Prevention Act ("UFLPA") Entity List, increasing the total to 187. Four companies were added for involvement in recruiting, transporting, or receiving forced labor from persecuted groups in Xinjiang, while 41 were added for sourcing materials from Xinjiang or government-supported poverty alleviation schemes. The new listings, aimed at combating forced labor, will take effect on August 3, 2026.

On July 22, 2026, CBP via CSMS # 69289734 announced that it will deploy enhancements to the ACE to implement the Entry Type 13 (ET13) Test for U.S. Postal Service international mail shipments. These updates, available in the ACE Certification environment starting July 24, 2026, include electronic data interchange ("EDI") impacts. The new Entry Type 13 allows for electronic submission of USPS international mail shipment data, replacing the de minimis exemption for mail shipments. CBP has published ACE implementation guides for Cargo Release, Entry Summary, and Manifest systems to support the rollout.

On July 20, 2026, CBP issued guidance via CSMS # 69302472 on USTR's 25% tariffs on Brazilian imports, effective July 22, 2026, with several exemptions. Goods loaded and in transit before 12:01 a.m. ET on July 22, 206, and entered before July 29, 2026, are exempt, along with items like certain fruits, oils, civil aircraft parts, pharmaceuticals, and aluminum, steel, or copper articles. Products subject to the tariff entering foreign-trade zones must be admitted under privileged foreign status unless eligible for domestic status. Importers must report the entered value of products under the Chapter 1-97 HTS classification.

On July 15, 2026, CBP issued CSMS #69252300 detailing new reporting requirements for imports of copper articles subject to Section 232 tariffs. Effective July 30, 2026, importers must report the primary country of smelt and country of cast for copper products classified under HTSUS subheadings 8544.42.10, 8544.42.20, 8544.42.90, and 8544.49.10. Reporting a secondary country of smelt is optional. If the required information is unknown, importers may report "OTH" (other), though repeated use may invite CBP scrutiny. ACE functionality for these requirements will be available for testing starting July 16, 2026, and mandatory reporting begins July 30, 2026. Importers should confirm product classifications, gather supplier data, and coordinate with brokers to ensure compliance and avoid delays.

On July 13, 2026, CBP via [CSMS # 69241265](#) announced updates to its ACE development and deployment schedule, including the rollout of a new "Inactive for Entry Purposes" status for importer records starting July 16, 2026. Importer of record ("IOR") numbers inactive for 366 days will be deactivated for entry-related functions but remain eligible for non-entry activities like drawback claims and reconciliations. This change follows President Trump's June 3, 2026, executive order on customs enforcement.

On July 8, 2026, the U.S. Consumer Product Safety Commission's ("CPSC") new eFiling requirement took effect, mandating importers of consumer products to electronically submit product safety certificate information through CBP's ACE at the time of entry. This rule applies to all consumer products subject to CPSC regulations, regardless of shipment value, and replaces the previous system of providing certificates only upon request. Importers can submit certificate data with each entry or preload information into the CPSC Product Registry, streamlining compliance for repeat shipments. While the CPSC does not currently plan to deny entry for missing certificate data, it may enforce compliance through seizures or penalties. Importers are advised to review product portfolios, confirm certification requirements, and establish processes to meet the new reporting obligations.

On July 8, 2026, CBP announced via CSMS #69183472 the indefinite suspension of the de minimis exemption for imports valued at $800 or less arriving through the international postal network, effective July 24, 2026. Under the new postal informal entry process, merchandise valued at $2,500 or less that qualifies for informal entry must follow updated procedures outlined in CBP regulations. The process requires submitting detailed entry information, meeting bond and payment requirements, and adhering to strict deadlines. This change follows the suspension of the de minimis exemption under Executive Order 14324 in July 2025, which had already restricted eligibility for most international mail shipments.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

Slip Op. 26-70: American Brass Rod Fair Trade Coal. v. United States

The Court granted plaintiffs' motion for judgment on the agency record and remanded Commerce's final determination in the antidumping duty investigation of brass rod from India. The plaintiffs, domestic producers, challenged Commerce's acceptance of mandatory respondent Rajhans Metals Private Limited's ("Rajhans") work-in-process ("WIP") inventory adjustment and scrap offset methodology in calculating the cost of manufacturing. The Court agreed with the plaintiffs, finding that Commerce failed to adequately explain why Rajhans' WIP adjustment was appropriate in light of its two-step costing methodology. The Court also found that Commerce inadequately explained its scrap offset methodology by failing to address the plaintiffs' argument that commingled scrap should be valued using a single average value rather than chemical-code-specific values. Accordingly, the Court remanded the final determination for further explanation and reconsideration.

Slip Op. 26-71: United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indust. & Serv. Workers Int'l Union, AFL-CIO, CLC. v. United States

The Court denied Plaintiff's motion for judgment on the agency record and sustained Commerce's final determination in the antidumping duty investigation of truck and bus tires from Thailand. The plaintiff, a coalition of domestic producers, argued that Commerce should have applied an adverse inference after mandatory respondent Prinx Chengshan Tire (Thailand) Co., Ltd. ("Prinx") reported financial expense information using the financial statements of an affiliated company that also operated in a non-market economy. The Court held that Commerce reasonably concluded Prinx cooperated to the best of its ability because it timely submitted complete and verifiable information, reasonably believed the affiliate qualified as a market economy company, and corrected identified errors during the investigation. Although Commerce ultimately rejected the affiliate's financial statements and instead applied facts otherwise available, the Court found that Commerce adequately explained why an adverse inference was unwarranted. Accordingly, the Court sustained Commerce's final determination.

Slip Op. 26-72: Byungmin Chae v. United States

This is a non-trade-related case involving broker exam appeal.

Slip Op. 26-73: Maui and Hector's Dolphin Defenders NZ Inc. v. Nat'l Marine Fisheries Serv.

The Court denied Defendants' motion to dismiss and denied Plaintiff's motion for a preliminary injunction in an action brought by Māui and Hector's Dolphin Defenders NZ Inc. against the National Marine Fisheries Service ("NMFS") and other federal agencies challenging NMFS's 2026 comparability findings under the Marine Mammal Protection Act ("MMPA"). Plaintiff alleged that NMFS unlawfully concluded that New Zealand's commercial set net and trawl fisheries maintained a regulatory program comparable to U.S. standards for protecting Māui and Hector's dolphins, thereby allowing continued imports of New Zealand seafood into the United States. The Court held that Plaintiff had Article III standing because its alleged environmental injuries could be redressed by an import ban under the MMPA. However, the Court concluded that Plaintiff failed to demonstrate a likelihood of success on the merits, finding that NMFS reasonably explained its determinations regarding New Zealand's zero mortality rate goals, bycatch limits, negligible impact standard, scientific evidence, and monitoring program. Accordingly, the Court denied preliminary injunctive relief while allowing the underlying challenge to proceed on the merits.

Slip Op. 26-74: Bio-Lab, Inc. v. United States

The Court sustained in part and remanded in part Commerce's final results in the 2022-2023 administrative review of the antidumping duty order on chlorinated isocyanurates from China. The plaintiffs, domestic producers, challenged Commerce's selection of Romania as the primary surrogate country for valuing factors of production, arguing that Commerce improperly rejected Mexico and incorrectly determined that calcium hypochlorite and sodium hypochlorite were comparable merchandise to chlorinated isocyanurates. The Court upheld Commerce's determination that Mexico was not at the same level of economic development as China during the period of review, finding Commerce reasonably relied on its annual surrogate country selection methodology. However, the Court remanded Commerce's surrogate country analysis because Commerce failed to address plaintiffs' argument that chlorinated isocyanurates are "unusual or unique" merchandise under Policy Bulletin 04.1 and inadequately explained why calcium hypochlorite and sodium hypochlorite were comparable merchandise, including whether chlorinated isocyanurates have a major input and whether the products share similar physical characteristics and production processes. Accordingly, the Court sustained the final results in part and remanded for further explanation or reconsideration

Slip Op. 26-75: OCP S.A. v. United States

This opinion is confidential. The public version will be posted as soon as it is available.

Slip Op. 26-76: Saha Thai Steel Pipe Pub. Co. v. United States

The Court sustained Commerce's third remand results in the 2019-2020 administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand. The dispute centered on whether Commerce properly applied partial adverse facts available to determine that Saha Thai Steel Pipe Public Company Limited ("Saha Steel") and its home-market customer BNK Steel Co. Ltd. ("BNK") were affiliated after Saha Thai failed to disclose that the companies shared a human resources manager. The Court held that Commerce reasonably concluded Saha Thai failed to cooperate to the best of its ability by omitting requested information regarding its relationship with BNK and that the omission prevented Commerce from fully investigating the companies' affiliation. The Court further found that Commerce complied with the remand order by acknowledging its change in reasoning, adequately explained its application of partial adverse facts available, and satisfied the notice requirements under the relevant statute. Accordingly, the Court sustained Commerce's third remand results.

Slip Op. 26-77: Comm. Overseeing Action for Lumber Int'l Trade Investigations or Negots. v. United States

The Court sustained Commerce's fourth remand results in the countervailing duty expedited review of certain softwood lumber products from Canada. The dispute centered on whether Commerce was required to investigate alleged upstream subsidies provided to unaffiliated Canadian lumber suppliers before attributing subsidy benefits to Les Produits Forestiers D&G Ltée ("D&G" and its affiliate Portbec under Commerce's trading company regulation. The Court held that D&G/Portbec forfeited their challenge to Commerce's interpretation of the upstream subsidy provision because they failed to timely raise and adequately develop the argument during the prior remand proceedings. The Court further found that Commerce reasonably reopened the record, reduced D&G/ Portbec's subsidy rate by accounting for certain U.S. duty-paid lumber purchases, and otherwise acted in accordance with law. Accordingly, the Court sustained the remand results.

Slip Op. 26-78: U.S. Glass Producers Coal. v. United States

This opinion is confidential. The public version will be posted as soon as it is available.

Slip Op. 26:79: Bridgestone Americas Tire Operations, LLC v. United States

The Court denied Bridgestone Americas Tire Operations, LLC's ("Bridgestone") motion for judgment on the agency record and sustained Commerce's final determination in the antidumping duty investigation of truck and bus tires from Thailand. The dispute centered on whether Commerce properly applied total adverse facts available ("AFA") after finding pervasive deficiencies in Bridgestone's sales reporting and whether Commerce adequately corroborated the resulting 48.39% dumping margin. The Court held that Commerce reasonably concluded Bridgestone failed to cooperate to the best of its ability because its reporting contained widespread and unverifiable errors relating to affiliated sales, rebates, discounts, U.S. sales destinations, and selling expenses, despite multiple supplemental questionnaires and verification opportunities. The Court further found that Commerce lawfully corroborated the AFA rate and that both the application of total AFA and the selected dumping margin were supported by substantial evidence. Accordingly, the Court sustained Commerce's final determination.

Slip Op. 26-80: Galvasid S.A. de C.V. v. United States

The Court remanded Commerce's final determination in the antidumping duty investigation of certain corrosion-resistant steel products ("CORE") from Mexico. The dispute centered on whether Commerce properly applied partial adverse facts available after concluding that Galvasid S.A. de C.V. ("Galvasid") failed to report freight and insurance revenue in its U.S. gross unit prices for DDP and CIF sales. The Court held that Commerce's application of partial adverse facts available was unsupported by substantial evidence because the record consistently showed that Galvasid's U.S. sales were made at a single negotiated DDP or CIF price with no separately negotiated freight or insurance charges. The Court found that Galvasid had fully disclosed its sales terms, reported the associated expenses, and that its internal accounting allocations did not constitute separate freight or insurance revenue requiring additional reporting. Because Commerce had not clearly requested the internal accounting information on which it later relied, the Court concluded that Commerce lacked a basis to find that Galvasid failed to cooperate to the best of its ability and remanded for recalculation of Galvasid's dumping margin without applying facts available or an adverse inference.

Slip Op. 26-81: Qatar Melamine Co. v. United States

The Court sustained in part and remanded in part Commerce's final determination in the countervailing duty investigation of melamine from Qatar. The dispute centered on whether Commerce properly rejected verification information regarding electricity and water consumption, reasonably selected a 16% adverse facts available subsidy rate for electricity and water provided for less than adequate remuneration, and correctly calculated the benefit associated with land-use and port rights granted to plaintiff. The Court upheld Commerce's decision to reject plaintiff's untimely reconciliation data submitted at verification because it constituted new factual information rather than merely clarifying the existing record. However, the Court remanded Commerce's selection of the 16% adverse subsidy rate, finding that Commerce failed to demonstrate the rate was a reasonably accurate estimate of the actual subsidy received rather than a punitive measure. The Court also remanded Commerce's benefit calculation for the land rights program, concluding that Commerce failed to adequately explain why it treated all rental and port fee revenue as the benefit without considering whether plaintiff's development and management costs should be accounted for. Accordingly, the Court sustained in part and remanding in part Commerce's final determination.

Slip Op. 26-82: Gov't of Canada v. United States

The Court sustained Commerce's remand redetermination in the 2021 administrative review of the antidumping duty order on certain softwood lumber products from Canada. The dispute centered on whether Commerce's revised differential pricing analysis, adopted after the Federal Circuit's decision in *Marmen*, reasonably replaced the Cohen's d test with a new price difference test, while retaining the ratio and meaningful difference tests to determine whether application of the average-to-transaction (A-to-T) methodology was appropriate. The Court held that Commerce reasonably implemented the Federal Circuit's remand by replacing the Cohen's d test with a 2% price difference test, eliminating its prior mixed methodology, and adequately explaining why the revised three-step framework complied with the applicable statute Accordingly, the Court sustained Commerce's remand redetermination.

Slip Op. 26-83: Tube Forgings of Am., Inc. v. United States

The Court sustained Commerce's final results of redetermination pursuant to the second remand order in the final scope ruling in a covered merchandise referral regarding certain carbon steel butt-weld pipe fittings from China. The dispute centered on whether rough pipe fittings produced in China and then sized, heat- or cold-treated, and finished in Vietnam remained subject to the scope of the antidumping duty order or became products of Vietnam through the additional processing. The Court held that Commerce properly applied the 19 C.F.R. § 351.225(k)(2) factors on remand and reasonably concluded that the physical characteristics, ultimate use, expectations of purchasers, and channels of trade demonstrated that the Chinese-origin rough fittings remained unfinished carbon steel butt-weld pipe fittings covered by the order despite the additional processing in Vietnam. Accordingly, the Court sustained Commerce's second remand redetermination, including Commerce's conclusion that the merchandise remained within the scope of the antidumping duty order.

COURT OF APPEALS FOR THE FEDERAL COURT

Summary of Decisions

Appeal No. 25-1411 KG Dongbu Stel Co., Ltd. v. U.S.

The Federal Circuit reversed the CIT's decision and remanded with instructions to reinstate Commerce's original determination in the 2019 administrative review of the countervailing duty order on certain corrosion-resistant steel products from South Korea. The dispute centered on whether Commerce lawfully revisited its prior determination that Dongbu Steel's ("Dongbu") first three debt-to-equity conversions conferred countervailable benefits and whether those benefits passed through following KG Consortium's acquisition of Dongbu. The Federal Circuit held that Commerce reasonably changed its position after explaining why it reconsidered the earlier equity infusions in light of new information from the fourth restructuring and adequately supported its findings that government-controlled creditors dominated the restructuring process, rendering the debt-to-equity conversions countervailable. The Federal Circuit further held that Commerce reasonably found the subsidy benefits were not extinguished by KG Consortium's acquisition because Dongbu failed to rebut the presumption of benefit pass-through and substantial evidence supported Commerce's conclusion that the acquisition was not an arm's-length transaction for fair market value. Accordingly, the Court reversed the CIT's decision and reinstated Commerce's original final results.

Appeal No. 25-1337 Ildico Inc. v. U.S.

The Federal Circuit affirmed the CIT's classification of Richard Mille wristwatches under HTSUS heading 9102, rather than HTSUS heading 9101. The dispute centered on whether the watches, which featured 18-karat gold cases with large synthetic sapphire crystal backs, qualified as watches with cases "wholly of precious metal" under Heading 9101. The Federal Circuit held that the synthetic sapphire crystal back formed part of the watch case, meaning the case was not "wholly of precious metal" as required by Chapter Note 2 to Chapter 91. The Federal Circuit rejected appellant's argument that the crystal back should be treated as a separate "watch glass" excluded from the case and concluded that the watches were properly classified under HTSUS Heading 9102, which covers wristwatches other than those with cases wholly of precious metal. Accordingly, the Federal Circuit affirmed the CIT's judgment.