

# International Trade and Customs Practice Group

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## 2012 Year In Review



# Successful New Investigation



## Large Power Transformers from Korea

- Unanimous ITC Affirmative Decision
- Final AD Margins of 15 to 29 Percent





# ITC Affirmative Decisions in Sunset Reviews



We won cases to retain trade remedy orders for another five years in the following cases:

- Cut-to-Length Plate from India, Indonesia, and Korea
- Stainless Steel Wire Rod from India
- Brass Sheet and Strip from France, Germany, Italy and Japan
- Tin Mill Sheet from Japan





## ITC Affirmative Decisions in Sunset Reviews (cont'd)



- Polyester Staple Fiber from Korea and Taiwan
- Garlic from China
- Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia and the Philippines
- Stainless Steel Bar from Brazil, India, Japan and Spain



- Honey from China





## Favorable Results in Commerce Administrative Reviews



- Activated Carbon from China – Significant margin increase in latest administrative review
- Mushrooms from China – Triple digit calculated margin in 12<sup>th</sup> review
- Russia Hot-Rolled Suspension Agreement – Revision to correct reference price calculation
- 30.92 percent margin in AD review of SS Bar from India (highest since the order was imposed).





# Favorable Results in Commerce Circumvention Reviews



- Wire Rod from Mexico – Finding of circumvention by Deacero through “minor alteration” of wire rod
- Small Diameter Graphite Electrodes – Finding of circumvention against UKCG
- Honey from China – Finding honey made with rice syrup circumvents antidumping order





## Court Victories



- CIT granted the Motions to Dismiss filed by the United States and Kelley Drye in Jinan Farmlady Trading Co. v. United States, involving an appeal by Chinese companies contesting Commerce's respondent selection and the assignment of antidumping duty rates in the garlic from China case.
- CIT affirmed Commerce's Remand Determination in Hebei Foreign Trade and Advertising Corp. v. United States, sustaining favorable results we attained in the first review of the orders on activated carbon from China.
- Kelley Drye successfully represented the U.S. pasta producers as Defendants-Appellees in an appeal before the Court of Appeals for the Federal Circuit, Pastificio Lucio Garofalo S.p.A v. United States, supporting a Commerce finding in a review of the pasta from Italy order.







# Successful Challenges at the WTO



- Kelley Drye and others representing the U.S. steel industry worked with the U.S. Trade Representatives office to support a successful challenge to China's illegal measures related to the exportation of various raw materials
- On behalf of Allegheny Ludlum Corp., Kelley Drye worked with the U.S. Trade Representative's office, which successfully challenged the countervailing and anti-dumping duties on grain oriented flat-rolled electrical steel from the United States as inconsistent with China's international obligations.





# Successes on Capitol Hill



- **GPX-Fix** – Coordinated effort leading to passage of legislation to correct the GPX Court decision and ensure by statute that the CVD law is applicable to China.
- **Buy America:** Legislative and regulatory work to correct the DOD definition of “produced” for steel in the Buy America context.



# Successes in Export Control and Compliance



- Led an export control and economic sanctions audit of over 100 facilities for a major manufacturer of industrial pumps and valves, visiting 45 facilities in an 18 month-span. We are currently conducting Commerce Department ordered follow-up audits at 16 US and global facilities and are representing the company in pending Oil For Food litigation in Federal Court.
- Provided a leading manufacturer of fluid handling systems with trade compliance counseling, including the review and evaluation of substantial newly-acquired entities.
- Provided a leading manufacturer of electronic countermeasure equipment assistance with trade compliance matters including International Traffic in Arms Regulations (ITAR), Export Administration Regulation (EAR), and US Customs issues.
- Provided a specialty chemicals manufacturer assistance with trade compliance matters.

# Successes in Export Control and Compliance (cont'd)

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- Assisted a large carbon and graphite products manufacturer with trade compliance matters, including a substantial US Commerce Department Bureau of Industry & Security (BIS) enforcement matter.
- Assisted a leading provider of legal process outsourcing with trade compliance matters, including multiple international training trips involving expertise in EU and Indian trade compliance laws.
- Represented companies in multiple other industry sectors in enforcement matters, the development and review of compliance systems, due diligence audits for acquisitions or sales, conducted a large number of training sessions, and advised companies and individuals concerning criminal matters.

# Successes in FCPA Matters

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- Prepared multiple policy statements, manuals, training programs and desk-top compliance tools for companies seeking to avoid liability under the Foreign Corrupt Practices Act (FCPA).
- Assisted with due diligence evaluation of multiple intermediary parties, including distributors and sales agents for FCPA compliance, and multiple proposed transactions for the same purpose, including significant proposed transactions in Africa, India, China and other locations.
- Worked closely with our affiliated India office to conduct training for multiple large entities in India, regarding local, UK and US anticorruption laws, including FCPA.



# Successes in Customs Matters



- CDSOA collections following appeals and legislative efforts to address new shipper bonding and surety issues led to distributions of roughly \$60 million to our clients.
- Worked on Trade Agreement Act and Customs country of origin determinations and policies for a wide variety of industries.
- Assisted numerous companies with successful petitions for relief from Customs seizures, getting valuable shipments released and avoiding associated penalties and reputational damage.

# Individual Achievements 2012

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- John Herrmann named a Partner in the Firm



- Greg Rohling obtained his Customs Brokers License



- Kat Wang and Rob Slack passed the Bar



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- The logo for 'The Legal 500' is displayed in the bottom right corner. It features the word 'The' in a small, italicized serif font, followed by 'LEGAL' in a large, bold, white serif font, and '500' in a large, bold, white sans-serif font. The entire logo is set against a dark blue background.





# Client Recognition

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Kelley Drye & Warren LLP's "wide client base verifies the reach of its competence, which allows the team to treat new challenges in context with prevailing authority."

"Thank you so much for securing an overwhelmingly successful outcome in the trade case against the Koreans. I appreciate the leadership and support you provided during the past two years . . . . It was a pleasure to work with you."

"We should all give thanks to KDW for their hard work and to the ITC for their wisdom."

# Other Trade Group Achievements

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- Trade Section Launched a Monthly Newsletter in 2012.
- Kelley Drye attorneys hold leadership positions in CITBA, CSUSTL, and the DC Bar International Trade Committee.
- Numerous publications, speeches and trade advisories presented by Kelley Drye attorneys in 2012.
- Georgetown Economic Services (GES) economists boasted significant accomplishments in data analysis, industry surveys and reports, foreign market research and trade case support.

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