

Trade Law Update



HIGHLIGHTS FROM AUGUST 2025

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](#)

[President Trump Issues New “Reciprocal” Tariff Rates Effective August 7th and Issues a Separate Executive Order Increasing Tariffs on Canada](#)

On July 31, 2025, President Trump issued an [Executive Order](#) establishing revised IEEPA “reciprocal” tariff rates for imports into the U.S. from specific countries. The new rates come after the President’s 90-day pause on the Liberation Day tariffs announced on April 2, 2025.

[Summary of Tariff Requirements Updated: August 4, 2025](#)

Provided within the post is a status update and summary of tariffs that have been implemented since February 1, 2025, and impacts on imports from multiple countries.

[Additional Tariffs of 25% on Indian Origin Goods Effective August 27, 2025](#)

The Trump Administration announced in an executive order that it will institute and impose an additional 25% on imports of goods with a country of origin India effective August 27, 2025 to address India’s imports of Russian oil. The administration instituted these additional tariffs as India purchased Russian oil and the executive order states that the Commerce Secretary, Treasury Secretary and Secretary of State “shall determine whether any other country is directly or indirectly importing Russian Federation oil,” and “shall recommend whether and to what extent I should take action as to that country, including whether I should impose an additional ad valorem rate of duty of 25 percent on imports.”

[The Risks of Trade-Related FCA Enforcement](#)

On July 23, 2025, the Coalition of Freight Coupler Producers (“Petitioners”), filed a petition for the imposition of antidumping duties on U.S. imports of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and the Republic of India and countervailing duties on the Republic of India.

[Petition Summary: High Dissolving Pulp from Brazil and Norway](#)

On August 11, 2025, Rayonier Advanced Materials, Inc. (“RYAM”) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO (“USW”) (collectively “Petitioners”), filed a petition for the imposition of antidumping duties on the U.S. imports of High Dissolving Pulp from Brazil and Norway and countervailing duties on U.S. imports from Brazil.

[China IEEPA Reciprocal Tariff Increases Paused Until November](#)

On August 11, 2025, the Trump Administration issued an [executive order](#) extending the 10% IEEPA reciprocal tariffs on goods from China for an additional 90 days until November 10, 2025. The higher country specific tariffs were originally paused on May 14, 2025, and were set to escalate to 34% on August 12, 2025. The pause on escalation comes as there continue to be negotiations between the U.S. and Chinese governments in addressing the trade imbalances that are the focus on the current administration.

[Commerce Adds Over 400 New HTS Codes to the Section 232 Steel and Aluminum Tariffs Effective August 18](#)

On Friday, August 15th, the U.S. Commerce Department [added](#) 407 HTSUS codes to the lists of steel and aluminum products subject to Section 232 tariffs. *See* Annex I. According to the Federal Register Notice, the steel and aluminum portion will continue to be subject to the Section 232 tariff rate while the remaining content will be subject to the applicable reciprocal tariff rate. The new duties “are effective with respect to certain products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. Eastern Time on August 18, 2025.”

[Expanded Priority Sectors Signals FLETF’s Continued Focus on Enforcement](#)

The Forced Labor Enforcement Task Force (FLETF) recently announced significant updates to the enforcement of the Uyghur Forced Labor Prevention Act (UFLPA). FLETF, led by the Department of Homeland Security, has expanded its efforts to keep goods produced with forced labor—particularly from China’s Xinjiang Uyghur Autonomous Region—out of the U.S. market. UFLPA was enacted in December 2021 to combat China’s systemic use of forced labor, particularly targeting Uyghur and other ethnic minorities.

[CBP Issues Guidance on the Additional 25% Tariffs for Imports from India](#)

On August 26, 2025, U.S. Customs and Border Protection (CBP) issued guidance via CSMS #[66027027](#) regarding the implementation of additional tariffs on certain imports from India, effective August 27, 2025. Under these new measures, an additional 25% tariff will be imposed on specified Indian-origin goods. When combined with the existing 25% reciprocal tariff already applied to Indian imports, the total duty rate on affected products will rise to 50%.

[Federal Circuit Finds IEEPA Fentanyl and Reciprocal Tariffs Illegal but Continue to Be Required at Time of Entry](#)

The U.S. Court of Appeals for the Federal Circuit issued its decision in [VOS Selections Inc. v. United States](#) where the plaintiffs challenged the validity and legality of the Trump administration's tariffs instituted under the International Emergency Powers Act (IEEPA). The full panel of circuit judges who heard oral argument on July 31, 2025, affirmed the [Court of International Trade's earlier decision](#) that while IEEPA grants the executive "authority to 'regulate' imports" it "does not authorize the tariffs imposed by the Executive Orders. The majority opinion was issued by Judge Lourie who was joined by six other Circuit Judges, with additional views provided by four judges, and a dissent led by the remaining four judges on the panel.

[Updates for the Week of August 25, 2025](#)

On August 27, Canada [announced](#) that, effective September 1, 2025, U.S. goods certified as CUSMA (USMCA) qualifying will be exempt from the country's 25% retaliatory tariffs. This decision follows a similar exemption implemented by the United States [earlier this year](#). However, the exemption does not apply to steel, aluminum, or automotive products; these items will continue to be subject to a 25% tariff, mirroring the U.S. rate imposed under Section 232.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Certain Chassis and Subassemblies Thereof From Mexico: On August 1, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination With Final Antidumping Duty Determination.
- Certain Chassis and Subassemblies Thereof From the Kingdom of Thailand: On August 1, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination With Final Antidumping Duty Determination.
- Paper File Folders From Sri Lanka: On August 8, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less-Than-Fair Value.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From India, Indonesia, and the Lao People's Democratic Republic: On August 12, 2025, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- Steel Wire Garment Hangers From the People's Republic of China and the Socialist Republic of Vietnam: On August 12, 2025, Commerce issued its [Initiation](#) of Circumvention of the Antidumping and Countervailing Duty Orders.
- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From India, Indonesia, and the Lao People's Democratic Republic: On August 12, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Overhead Door Counterbalance Torsion Springs From the People's Republic of China: On August 15, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#) and Final Affirmative Critical Circumstances Determination in Part.
- Sol Gel Alumina-Based Ceramic Abrasive Grains From the People's Republic of China: On August 15, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Overhead Door Counterbalance Torsion Springs From the People's Republic of China: On August 15, 2025, Commerce issued its Final Affirmative [Determination](#) Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination, in Part.
- Sol Gel Alumina-Based Ceramic Abrasive Grains From the People's Republic of China: On August 15, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Freight Rail Couplers and Parts Thereof From India: On August 18, 2025, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Certain Freight Rail Couplers and Parts Thereof From the Czech Republic and India: On August 18, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Oil Country Tubular Goods From the People's Republic of China: On August 19, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Circumvention of the Antidumping Duty and Countervailing Duty Orders.
- Temporary Steel Fencing From the People's Republic of China: On August 19, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination and Extension of Provisional Measures.

- Polypropylene Corrugated Boxes From the People's Republic of China: On August 20, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#), and Alignment of Final Determination With Final Antidumping Duty Determination.
- Fiberglass Door Panels From the People's Republic of China: On August 21, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination With Final Antidumping Duty Determination.
- Certain Paper Plates From the People's Republic of China: On August 22, 2025, Commerce issued its [Initiation](#) of Circumvention Inquiries on the Antidumping and Countervailing Duty Orders.
- Unwrought Palladium From the Russian Federation: On August 22, 2025, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Unwrought Palladium From the Russian Federation: On August 22, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigation.
- Slag Pots From the People's Republic of China: On August 28, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Polypropylene Corrugated Boxes From the People's Republic of China: On August 28, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Slag Pots From the People's Republic of China: On August 28, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From Brazil: On August 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Corrosion-Resistant Steel Products From Canada: On August 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Corrosion-Resistant Steel Products From Mexico: On August 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Corrosion-Resistant Steel Products From the Socialist Republic of Vietnam: On August 29, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Certain Monomers and Oligomers From Taiwan: On August 29, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#).
- Certain Corrosion-Resistant Steel Products From Australia: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From Brazil: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From Canada: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From Mexico: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From South Africa: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Certain Corrosion-Resistant Steel Products From Taiwan: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From the Netherlands: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From the Republic of Turkey: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From the Socialist Republic of Vietnam: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Certain Corrosion-Resistant Steel Products From the United Arab Emirates: On August 29, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

Administrative Reviews

- Carbon and Certain Alloy Steel Wire Rod From Mexico: On August 4, 2025, Commerce issued its Final [Results](#) and Partial Rescission of the Antidumping Duty Administrative Review; 2022–2023.
- Certain Softwood Lumber Products From Canada: On August 12, 2025, Commerce issued its Final [Results](#) and Rescission, in Part, of the Countervailing Duty Administrative Review; 2023.
- Certain Superabsorbent Polymers From the Republic of Korea: On August 12, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Light-Walled Rectangular Pipe and Tube From Mexico: On August 12, 2025, Commerce issued its Amended Final [Results](#) and Partial Rescission of Antidumping Duty Administrative Review; 2022–2023.
- Certain Hot-Rolled Steel Flat Products From the Republic of Korea: On August 14, 2025, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Certain Hot-Rolled Steel Flat Products From Japan: On August 15, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Forged Steel Fluid End Blocks From Italy: On August 22, 2025, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Thermal Paper From the Federal Republic of Germany: On August 27, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.

Sunset Reviews

- Chlorinated Isocyanurates From People's Republic of China: On August 4, 2025, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Countervailing Duty Order.
- Quartz Surface Products From India and the Republic of Turkey: On August 19, 2025, Commerce issued its Final [Results](#) of the Expedited First Sunset Reviews of the Countervailing Duty Orders.
- Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: On August 25, 2025, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Antidumping Duty Order.
- Ceramic Tile From People's Republic of China: On August 25, 2025, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: On August 26, 2025, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Countervailing Duty Order.
- Ceramic Tile From the People's Republic of China: On August 27, 2025, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Quartz Surface Products From India: On August 28, 2025, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Antidumping Duty Order.
- Silicon Metal From the Russian Federation: On August 29, 2025, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Review of the Antidumping Duty Order.

Scope Ruling

- None

Circumvention

- None

INTERNATIONAL TRADE COMMISSION

Investigations

- Brake Drums From China and Turkey; On August 7, 2025, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Low Speed Personal Transportation Vehicles From China; On August 7, 2025, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Oleoresin Paprika From India (Preliminary); On August 14, 2025, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Tungsten Shot From China (Final); On August 25, 2025, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Small Diameter Graphite Electrodes From China (Third Review); On August 29, 2025, the ITC issued its [determination](#) to continue the antidumping order as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.

U.S. CUSTOMS AND BORDER PROTECTION

Enforce and Protect Act

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

On August 20, 2025, U.S. Customs and Border Protection (CBP) issued its notification of initiation of investigation and interim measures as to evasion by the Greenbrier Companies, Inc. (Greenbrier). CBP is investigating whether Greenbrier evaded antidumping (AD) duty order A-201-857 on certain freight rail couplers and parts thereof (FRCs) from Mexico and/or AD and countervailing (CVD) duty orders A-570-145 and C-570-146 on FRCs from the People's Republic of China (China). CBP found there was a reasonable suspicion that Greenbrier is evading AD/CVD duties on entries of FRCs originating from China and Mexico.

[EAPA Cons. Case 8052: Various Importers](#)

On August 25, 2025, U.S. Customs and Border Protection (CBP) issued its Notice of Determination as to Evasion for Lollicup USA Inc., Lifeguard Gloves (also known as DuroSafe Inc.), FAV Holdings LLC, Direct Marketing USA, E Merchant Supplies, Quality Paper Distributors, Inc., and Top Traders, Inc. (hereinafter collectively referred to as "the Importers") in Enforce and Protect Act (EAPA) investigation 8052, investigating evasion of antidumping (AD) duty orders A-570-920, A-428-850, A-588-880, and A-580-911 on lightweight thermal paper from the People's Republic of China (China), Germany, Japan,

and/or Republic of Korea (South Korea) and countervailing duty (CVD) order C-570-921 on thermal paper from China. CBP found there was substantial evidence that the Importers had been entering covered merchandise from China, Germany, South Korea, and Japan that was transshipped through Malaysia. As a result, applicable duties were not collected for the merchandise.

[EAPA Cons. Case 8093: Various Importers](#)

On August 25, 2025, U.S. Customs and Border Protection (CBP) issued its Notice of Determination as to evasion by Strong Medical doing business as Strong Manufacturers and Vesta Global Trading doing business as Vesta STL LLC (hereinafter collectively referred to as “the Importers”) in Enforce and Protect Act (EAPA) investigation 8093, investigating evasion of antidumping duty (AD) order A-570-920 and countervailing duty order A570-921 on lightweight thermal paper from the People’s Republic of China (China). CBP found there was substantial evidence that the Importers had been entering covered merchandise from China that was transshipped through Malaysia. As a result, applicable duties were not collected for the merchandise.

Customs Bulletin Weekly

On August 27, 2025, CBP published a [notice](#) seeking public comments on a proposed rule and related information collections for the ongoing eBond pilot program. The new rule would require that only sureties or their authorized filers submit bonds to CBP using electronic data interchange (EDI), and that all bonds, riders, terminations, and power of attorney changes be transmitted electronically via eBond. Comments are due by September 29, 2025.

On August 26, 2025, CBP via CSMS # [66027027](#) issued guidance regarding the implementation of additional tariffs on certain imports from India, effective August 27, 2025. Notably, the CSMS introduced the new HTS subheadings applicable to Indian imports.

On August 21, 2025, CBP via CSMS # [66033571](#) issued updated guidance on the elimination of the de minimis exemption under 19 U.S.C. § 1321(a)(2)(C). Effective August 29, 2025, CBP will reject all de minimis clearance requests for shipments. As part of this change, ACE will no longer accept Section 321 manifest filings through EDI, will eliminate the Truck Manifest Trade Portal filing option for Section 321 shipments, and will reject entry type 86 cargo release EDI transactions. The CSMS further notes that updated implementation guides for manifest and cargo release procedures will soon be available on the ACE CATAIR webpage. Finally, the CSMS clarifies that informal paper entries will no longer be accepted. For international postal shipments that previously benefited from the de minimis exemption, entry processing will be suspended until CBP develops and announces a new procedure via the Federal Register. In the meantime, for all postal shipments, transportation carriers or other CBP-qualified parties are responsible for collecting and remitting duties to CBP.

On August 21, 2025, CBP via CSMS # [65990231](#) published a list of qualified parties authorized to collect and pay duties on international mail shipments that previously qualified for the de minimis exemption.

On August 21, 2025, CBP updated its [FAQ](#) on IEEPA to clarify tariff stacking rules. The update explains that products facing autos/auto parts Section 232 tariffs are not subject to other Section 232 tariffs (copper, aluminum, steel), reciprocal tariffs, or additional tariffs on Brazilian goods, Indian goods, or IEEPA tariffs on Canada and Mexico. Similarly, goods under Section 232 aluminum or steel tariffs are exempt from these other tariffs, and goods under Section 232 copper tariffs are exempt from reciprocal, Brazil, and India/Russian oil tariffs. The FAQ makes clear that Section 232 on steel and aluminum derivatives will apply to the steel or aluminum content while IEEPA tariffs will apply to the non-steel and non-aluminum content.

On August 15, 2025, CBP via CSMS # [65934463](#) issued guidance on collecting duties from international mail shipments that previously qualified for de minimis duty-free treatment. CBP has introduced an International Mail Duty worksheet on Pay.gov to declare shipment details, including country of origin. This worksheet must be completed and submitted for all international mail shipments, with duties due by the seventh business day of the month following entry. Qualified parties assuming liability for these duties must hold a sufficient entry bond and have a CBP Form 5106 on file. These parties may include companies working with or independently of carriers, foreign postal operators, or USPS. Additionally, the guidance clarifies that shipments subject to antidumping and countervailing duties or quotas must use a formal or informal entry process, not the new worksheet system.

On August 15, 2025, CBP via CSMS # [65936615](#) issued guidance, regarding additional goods now subject to Section 232 tariffs for steel and aluminum derivatives, following an earlier announcement that the tariffs—currently set at 50%—would be expanded to cover 407 new HTS subheadings as of August 18, 2025. For steel derivatives, CBP clarified that the non-steel content of an article, reported on a separate entry line, is subject to reciprocal tariffs under HTS 9903.01.25, while the steel content subject to Section 232 duties is not subject to these reciprocal tariffs under HTS 9903.01.33. The guidance also details smelt and cast reporting requirements for newly added aluminum derivatives.

On August 4, 2025, CBP via CSMS # [65807735](#) issued guidance regarding the implementation of an additional 40% duty on certain imports from Brazil, which is in addition to the existing 10% reciprocal tariff. This new duty will not apply to goods that are loaded for shipment before 12:01 a.m. EDT on August 6 and are already in transit when the measure takes effect, provided they enter the U.S. before 12:01 a.m. EDT on October 5. Moreover, certain products are exempt from the new duties, including items subject to Section 232 tariffs steel, aluminum, copper, lumber, automobiles, and semiconductors.

On August 4, 2025, CBP via CSMS # [65829726](#) issued updated guidance on reciprocal tariffs, clarifying exemptions and procedural details. As of August 7, 2025, at 12:01 a.m. EDT, goods from countries listed in Annex I of the July 31, 2025, EO, “[Further Modifying the Reciprocal Tariff Rates](#),” will be subject to new HTSUS classifications. Goods in transit before this time, and entered before October 5, 2025, will still be subject to the previous 10% tariff. If CBP determines that goods were transshipped to avoid tariffs, they may reclassify entries and impose a 40% duty, plus any other applicable penalties. CBP also provided instructions for properly associating duties to the correct HTSUS numbers in entry summaries, emphasizing that duties should not be combined across different classifications. For products with at least 20% U.S. content, importers must break out U.S. and non-U.S. content into separate entry lines to ensure the correct application of reciprocal tariffs.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 25-98: Jindal Poly Films Ltd. v. United States](#)

The Court remanded Commerce's final results in the 2021 administrative review of polyethylene terephthalate film, sheet, and strip from India. The plaintiff, a mandatory respondent, challenged Commerce's denial of its untimely extension request, Commerce's use of adverse facts available ("AFA"), and the selection of the AFA rate. The Court found that Commerce abused its discretion by failing to consider all relevant information when it denied plaintiff's extension request and rejected the untimely submission. Notably, Commerce did not address important circumstances, such as the medical emergency and the leave of the individual responsible for preparing the required information. Furthermore, Commerce failed to adequately explain why finality should have taken precedence several months prior to the issuance of the preliminary results. Because Commerce's decision to deny the extension served as the sole basis for applying total AFA, the Court determined that this decision must also be remanded for further reconsideration. The Court declined to reach the parties' arguments regarding the propriety of the AFA rate selected by Commerce, but permitted the parties to renew those arguments on remand should they continue to be relevant.

[Slip Op. 25-99: Eteros Techs. USA, Inc. v. United States](#)

The Court granted CBP's motion to dismiss for lack of subject-matter jurisdiction. Plaintiff Eteros Technologies USA, Inc. ("Eteros") alleged that CBP barred its executives from entering the United States in retaliation for the Court's prior decision in which it permitted the importation of marijuana-related equipment ("Eteros I"). However, the Court found it lacked subject-matter jurisdiction under 28 U.S.C. § 1581(i)(1)(D) because Eteros's claims did not arise under any law providing for the administration and enforcement of import laws. Instead, the claims related to immigration actions taken against Eteros's executives, rather than a denial of a protest regarding merchandise exclusion. The Court further concluded that its prior decision in *Eteros I* did not establish a legal basis for jurisdiction over the present action. Accordingly, the Court granted the CBP's motion to dismiss.

[Slip Op. 25-100: POSCO v. United States](#)

The Court remanded Commerce's final determination in the countervailing duty order review of certain carbon and alloy steel cut-to-length plate from Korea. The Court found that Commerce unreasonably concluded that Korea's provision of electricity was de facto specific to the steel industry, as Commerce failed to adequately consider the composition of firms receiving the benefit and did not provide a logical basis for grouping unrelated industries. Additionally, the Court held that Commerce's determination that Korea's Cap and Trade Law provided a countervailable subsidy to POSCO was not supported by substantial evidence, as the allocation of extra permits did not constitute a financial contribution under the relevant statutory provisions. The Court further found that the extra permits were not de jure specific, since the intensity criteria did not expressly restrict access to particular industries. Consequently, the Court ordered Commerce to reconsider its determinations on the specificity of Korea's electricity subsidy, the financial contribution of POSCO's extra emissions permits, and the specificity of the provision of extra permits.

[Slip Op. 25-101: Yingli Energy \(China\) Co. Ltd. v. United States](#)

The Court denied Plaintiff's, Yingli Energy (China) Company Limited ("Yingli"), motion for judgment on the agency record and sustained Commerce's final results of the administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from China. Commerce found that Yingli China remained subject to government control and was therefore ineligible for a separate rate, assigning it the China-wide rate. Yingli argued against the finding of government control and the use of the NME presumption, but the Court found substantial evidence supporting Commerce's decision. The Court also addressed the NME presumption, affirming its validity as an evidentiary practice within Commerce's authority. The Court concluded that Commerce did not err in applying the NME presumption, and judgment was entered accordingly.

[Slip Op. 25-102: Hyundai Steel Co. v. United States](#)

The Court remanded Commerce's specificity redetermination in the 2021 administrative review of the countervailing duty order on certain cut-to-length carbon-quality steel plate from Korea. The Court found that Commerce's conclusion that the Electricity Program subsidy was de facto specific was unsupported by substantial evidence, as Commerce failed to adequately explain its rationale for grouping certain industries together in the disproportionality analysis. The Court noted that Commerce's interpretation of disproportionality was inconsistent with statutory requirements and lacked a rational basis for the industry groupings. Additionally, the Court rejected Commerce's position that higher electricity consumption alone equated to a disproportionate benefit, finding that Commerce improperly conflated the benefit and specificity analyses. Accordingly, the Court remanded the issue back to Commerce for reconsideration.

[Slip Op. 25-103: Edsal Mfg. Co., Ltd. v. United States](#)

The Court sustained Commerce's final affirmative determination in the less-than-fair-value investigation concerning boltless steel shelving units from Thailand. The investigation was initiated based on a petition from Edsal, to determine if the shelving units were being sold in the U.S. at less than fair value. Commerce selected Bangkok Sheet Metal Public Co., Ltd. and Siam Metal Tech Co., Ltd. as mandatory respondents. Due to the lack of viable home or third-country markets for determining normal value, Commerce used constructed value ("CV") based on production costs, selling expenses, and profit. Commerce chose PNS Manufacturing Co., Ltd.'s financial statements as the most appropriate for calculating CV profit and selling expenses, rejecting Sahamitr Pressure Container PLC's statements for their lack of comparability and evidence of countervailable subsidies.

Commerce used the commercial invoice to determine the date of sale, rejecting Edsal's argument that the sales contract date should be used. The Court found Commerce's decision reasonable, as the sales contract did not specify the destination country, which is material for determining U.S. sales. Regarding the total cost of manufacturing, Commerce relied on the reported costs from Bangkok Sheet and Siam Metal, which were based on actual costs recorded in their financial systems, rather than inventory schedules. The Court found no error in Commerce's reliance on the reported costs over the inventory schedules.

[Slip Op. 25-104: Target Gen. Merch., Inc. v. United States](#)

The Court denied Target's motion for summary judgment and granted the government's cross-motion, affirming CBP's classification of LED lamps imported in 2013 and 2017 under heading 9405. Target challenged the classification by CBP, arguing for alternative classifications that would result in lower duties: subheading 8543.70.70 for the 2013 imports and subheading 8539.50 for the lamps imported in 2017. The Court reasoned that the imported LED lamps, which included various models such as candles, string lights, and lanterns, were independently used for household illumination and thus fell under heading 9405, which covers lamps and lighting fittings.

The Court found that Target failed to demonstrate that the merchandise should be classified under chapter 85, which is generally limited to electrical components used within larger equipment. The Court also addressed the classification of string light models, concluding that Target did not provide sufficient evidence to show that these lights were not principally used for Christmas trees, thus supporting CBP's classification under subheading 9405.30.00.

[Slip Op. 25-105: BASF Corp. v. United States](#)

This opinion is not publicly available. A summary will be published as soon as a public version is posted.

[Slip Op. 25-106: Deer Park Glycine, LLC v. United States](#)

The Court sustained Commerce's final results of redetermination because Deer Park Glycine failed to respond to the remand results after providing comments in response to Commerce's draft results. The Court determined that the results comply with its remand order issued on July 9, 2025.

[Slip Op. 25-107: Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd. V. United States](#)

This is a procedural opinion and thus its summary has been omitted.

[Slip Op. 25-108: J.D. Irving, Limited v. United States](#)

The Court granted the defendants' motion to dismiss due to lack of subject matter jurisdiction. J.D. Irving, a Canadian producer and exporter, contested the antidumping duty cash deposit instructions issued by Commerce to CBP following the 2020 administrative review of the antidumping duty order on certain softwood lumber products from Canada. The Court found that jurisdiction under 28 U.S.C. § 1581(c) could have been available if not for the binational panel review requested by other interested parties under the United States-Mexico-Canada Agreement ("USMCA").

The Court concluded that the true nature of J.D. Irving's action was a challenge to the final results of the administrative review, specifically the cash deposit rate assigned, rather than the cash deposit instructions themselves. The Court noted that J.D. Irving was an "interested party" and a "party to the proceeding" in the administrative review, evidenced by its participation and submission of a case brief. The Court emphasized that allowing concurrent jurisdiction with a binational panel would undermine the panel system. The Court then dismissed the case, affirming that the exclusive review by the binational panel precluded the Court's jurisdiction under § 1581(i).

[Slip Op. 25-109: Kumho Tire \(Vietnam Co., Ltd. v. United States](#)

The Court sustained Commerce's remand results in the countervailing duty investigation concerning passenger vehicle and light truck tires from Vietnam. The investigation focused on whether Vietnamese producers benefited from countervailable subsidies, specifically through currency undervaluation and land-use rights acquired for less than adequate remuneration. Commerce used data from the International Monetary Fund as a proxy for currency conversions due to the lack of specific data from the Vietnamese Government. The Court found that Commerce adequately explained its statutory authority for using this data and that Vietnam's failure to provide the requested data justified Commerce's reliance on alternative sources.

Commerce's analysis determined that the traded goods sector was the predominant user of the currency undervaluation subsidy, accounting for 71.94% of USD inflows to Vietnam. The Court agreed with Commerce's methodology, which involved assessing USD inflows through four major channels: exports of goods, exports of services, portfolio, and direct investment, and earned income from abroad. The Court also addressed discrepancies between two Treasury reports on Vietnam's foreign exchange purchases, concluding that Commerce's explanation of the differences was supported by substantial evidence.

[Slip Op. 25-110: Citribel N.V. v. United States](#)

The Court remanded the case for Commerce to reconsider its calculation of Citribel's costs of production in an antidumping review concerning citric acid from Belgium. Commerce used annualized conversion costs, which Citribel argued did not account for significant cost changes during the review period, particularly due to a 50% increase in natural gas and electricity prices. Citribel contended that this approach was distortive and did not reflect the actual cost fluctuations caused by geopolitical events, such as the Russian invasion of Ukraine. The Court found that Commerce failed to adequately address Citribel's evidence and arguments regarding the distortive effects of annualizing conversion costs. The Court instructed Commerce to consider whether annualization of some or all conversion costs produced distorted results and to provide a satisfactory explanation for its decision.

[Slip Op. 25-111: Auxin Solar, Inc. v. United States](#)

The Court granted the Plaintiffs' motion for judgment on the agency record, challenging Commerce's Duty Suspension Rule ("DSR"). The Plaintiffs argued that the DSR, which allowed duty-free importation of Crystalline Silicon Photovoltaic ("CSPV") cells and modules from Southeast Asia, violated 19 U.S.C. § 1318(a) as it exceeded Commerce's authority. The Court found that § 1318(a) did not authorize the duty-free importation of CSPV cells and modules, as these items do not fall under the statutory category of "other supplies" intended for emergency relief work. The Court applied statutory interpretation principles including *noscitur a sociis* and *eiusdem generis* to conclude that "other supplies" should be similar to "medical" or "surgical supplies, which CSPV cells are not.

The Court also addressed procedural issues, noting that the Plaintiffs filed their complaint after Commerce's affirmative circumvention determinations became final. The Court concluded that the DSR was unlawful and vacated it, ordering the defendants to liquidate and collect antidumping and countervailing duties on unliquidated entries circumventing the duty orders on CSPV products from China. The Court further ordered that any entries liquidated prior to the judgment should be identified, duties collected, and reliquidated.

[Slip Op. 25-112: Titan Tire Corp. v. United States](#)

The Court sustained Commerce’s final results in the administrative review concerning certain new pneumatic off-the-road tires from India. The case involved the countervailability of India’s Advance Authorization Scheme (AAS), which excuses manufacturers from import charges on inputs used for exported merchandise. Commerce found that India lacked a systemic process to verify the use of exempted inputs but conducted an examination of actual inputs sufficient to determine that no benefit was provided during the review period. Titan Tire challenged this finding, arguing that the Government of India’s examination was cursory and did not satisfy regulatory requirements. The Court found that Commerce’s determination was supported by substantial evidence and in accordance with law as the Government of India conducted a meaningful examination of Balkrishna Industries Limited’s inputs.

[Slip Op. 25-113: Maui and Hector’s Dolphin Defenders NZ Inc. v. Nat’l Marine Fisheries Serv.](#)

The Court vacated and remanded the National Marine Fisheries Service’s (NMFS) 2024 Decision Memorandum, which had provided a comparability finding for New Zealand’s West Coast, North Island multi-species set-net and trawl fisheries. The purpose of the memorandum was to determine whether New Zealand’s regulatory programs were as effective as those of the United States, particularly with respect to reducing the incidental mortality and serious injury of marine mammals.

Plaintiffs challenged the memorandum, arguing that NMFS failed to properly assess whether New Zealand’s programs met U.S. standards, did not utilize the best available data, inadequately supported its determinations, and overlooked the impacts on marine mammals other than Māui dolphins. The Court agreed, finding that the memorandum lacked sufficient evidence and a reasoned explanation to justify its conclusions. As a result, the Court vacated the memorandum and remanded the matter to NMFS for further consideration.

[Slip Op. 25-114: HyAxiom, Inc. v. United States](#)

The Court granted Plaintiff HyAxiom, Inc.’s (“HyAxiom”) motion for summary judgment in its challenge to CBP’s tariff classification of imported PC50 supermodules. The PC50 is a critical component of the Model 400 hydrogen fuel cell powerplant, which generates electricity and heat. After previously denying summary judgment to both parties due to a genuine dispute over the principal function of the PC50, the Court, upon renewed motions, ruled in favor of HyAxiom. The Court determined that the principal function of the PC50 is gas generation, and accordingly classified it under HTSUS heading 8405. Specifically, the Court noted that the PC50 possesses the essential character of a gas-generating machine, warranting its classification under duty-free HTSUS subheading 8405.10.00. The Court rejected CBP’s alternative proposed classifications under HTSUS heading 8479 (covering machines with individual functions not specified elsewhere), and HTSUS heading 8503 (covering parts of electric generators). Specifically, the Court reasoned that the PC50 is not a standalone machine, but rather a component designed exclusively for the Model 400. Accordingly, the Court granted HyAxiom’s motion for summary judgment and denied the CBP’s cross-motion.

[Slip Op. 25-115: Pastificio Gentile S.r.l. v. United States](#)

The Court remanded in part and sustained in part Commerce’s final results in the administrative review of the countervailing duty order on certain pasta from Italy. Commerce applied total AFA to Pastificio Gentile S.r.l. (“Gentile”) due to its failure to report all affiliates, information Commerce found necessary to determine the full scope of subsidies received. The Court found that the use of AFA was supported by substantial evidence, as Gentile did not act to the best of its ability in providing complete and accurate information. The Court also upheld Commerce’s decision to terminate verification early, given Gentile’s omissions, which prevented the agency from verifying the accuracy of its submissions. With respect to Gentile’s Eighth Amendment claim, the Court held that the application of AFA did not constitute an excessive fine because trade remedy laws are remedial rather than punitive. However, the Court remanded the case for Commerce to reconsider or further explain its inclusion of subsidy programs—specifically those verified as unused during the period of review—in Gentile’s AFA rate.

COURT OF APPEALS FOR THE FEDERAL COURT

Summary of Decisions

[Appeal No. 22-2204: Tau-Ken Temir LLP v. United States](#)

The case concerns an appeal by Tau-Ken Temir LLP (“Tau-Ken”) challenging a decision by the CIT, which upheld Commerce’s determination that Kazakhstan subsidized Tau-Ken’s silicon metal production, resulting in a 160% countervailing duty rate. This determination was based, in part, on Commerce’s rejection of a critical submission from Tau-Ken that was filed 1 hour and 41 minutes late. Tau-Ken attributed the delay to technical issues and requested reconsideration, but Commerce declined, citing the submission’s untimeliness and alleged incompleteness. On appeal, the Federal Circuit found that Commerce abused its discretion by rejecting the late submission, as it contained essential information necessary for accurately determining the subsidy rate. The Federal Circuit vacated the CIT’s judgment and remanded the case, instructing Commerce to accept the late-filed submission and continue its investigation. Judge Hughes dissented, arguing that Commerce’s enforcement of deadlines was within its discretion.

[Appeal No. 24-1189: Valeo North America, Inc. v. United States](#)

The Federal Circuit upheld the CIT’s decision finding that Valeo North America, Inc.’s (“Valeo”) T-series aluminum sheets are within the scope of the antidumping and countervailing duty orders on common alloy aluminum sheet from China, and that the suspension of liquidation instructions to Customs was appropriate. Valeo argued that the orders unambiguously excluded its T-series sheets because the language “as designated by the Aluminum Association” refers only to registered alloys, and Valeo’s T-series sheets are not registered. Valeo also asserted exclusion was warranted because its T-series products are heat-treated, whereas 3XXX-series alloys are classified as non-heat-treatable.

The Federal Circuit disagreed with Valeo’s interpretation and found the term “as designated by the Aluminum Association” to be ambiguous, noting that the Teal Sheets do not clearly distinguish between registered and designated alloys. The Federal Circuit further upheld Commerce’s finding that Valeo’s T-series sheets do not undergo solution heat treatment, making them consistent with non-heat-treatable alloys and thus within the scope of the orders. Accordingly, the Federal Circuit affirmed the CIT’s decision sustaining Commerce’s scope ruling, concluding that Valeo’s arguments were unpersuasive and unsupported by substantial evidence.

[Appeal No. 25-1812: V.O.S. Selections, Inc. v. Trump \(Opinion\)](#)

The U.S. Court of Appeals for the Federal Circuit issued its decision where the plaintiffs challenged the validity and legality of the Trump administration's tariffs instituted under the International Emergency Powers Act ("IEEPA"). The full panel of circuit judges who heard oral argument on July 31, 2025, affirmed the Court of International Trade's earlier decision that while IEEPA grants the executive "authority to 'regulate' imports" it "does not authorize the tariffs imposed by the Executive Orders. The majority opinion was issued by Judge Lourie who was joined by six other Circuit Judges, with additional views provided by four judges, and a dissent led by the remaining four judges on the panel.

In sum, the Court found that the majority of the IEEPA tariffs were illegal and the Trump administration had exceeded its authority in imposing such tariffs. The Court stated that it discerns "no clear congressional authorization by IEEPA for tariffs of the magnitude of the Reciprocal Tariffs and Trafficking Tariffs." However, in determining whether the CIT abused its discretion in vacating and permanently enjoining the IEEPA executive orders, the Court remanded the case back to the CIT and instructed the lower court to specifically consider whether the universal and permanent injunction issued "comports with the standards outlined by the Supreme Court" in *Trump v. CASA* where the Supreme Court instructed lower courts to determine if individual plaintiffs met the four part test for injunctive relief.

In the interim, the CIT's permanent injunction is vacated, and IEEPA Fentanyl and IEEPA Reciprocal tariffs will continue to be required to be posted pending remand to the CIT and further consideration by the Federal Circuit.