

Trade Law Update



HIGHLIGHTS FROM SEPTEMBER 2025

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- [U.S. Department of Commerce Decisions](#)
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[BIS Makes 32 Additions to the Entity List](#)

On September 12, 2025, the Bureau of Industry and Security published a final rule announcing additions to the Entity List. 32 new entities across China, India, Iran, Singapore, Taiwan, Turkey, and the United Arab Emirates have been added to the Entity List due to activities deemed contrary to U.S. national security or foreign policy interests.

[Japanese Tariff Reductions to Begin September 16, 2025](#)

On September 15, 2025, Commerce issued a Federal Register [notice](#) announcing that new tariff reductions on imports from Japan—including automobiles, auto parts, civil aircraft, and certain other goods—will take effect beginning September 16, 2025. These measures implement the U.S.-Japan trade agreement, which was finalized on July 22, 2025, and formalized by [Executive Order 14345](#) signed on September 4, 2025. Please see our previous post [here](#) for more details on the U.S.-Japan deal.

[Update Regarding Tariffs on Steel and Aluminum Derivatives: BIS Opens Second Round of Product Inclusion Requests](#)

On September 15, 2025, the Bureau of Industry and Security announced via a Federal Register [notice](#) that it is now accepting requests to include new products under Section 232 tariffs on steel and aluminum derivatives.

[Update Regarding Tariffs on Steel and Aluminum Derivatives: BIS Opens Second Round of Product Inclusion Requests](#)

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[Petition Summary: Fresh Mushrooms from Canada](#)

On September 16, 2025, Fresh Mushrooms Fair Trade Coalition and its individual members, filed a petition for the imposition of antidumping and countervailing duties on imports of Fresh Mushrooms from Canada.

[Trump Finalizes Japan Trade Deal With 15% Tariffs](#)

On September 4, 2025, President Trump, using his authority under the International Emergency Economic Powers Act (“IEEPA”), issued an executive order (“EO”) titled, [Implementing The United States–Japan Agreement](#), to implement the trade agreement with Japan on July 22, 2025.

[SCOTUS to Hear Arguments in Cases Challenging Trump’s Tariffs in Early November](#)

The U.S. Supreme Court has agreed to review the legality of tariffs imposed by President Trump under IEEPA.

[Presidential Executive Order Modifying Reciprocal Tariffs and Tariff Exceptions – Effective September 8, 2025](#)

On Friday September 5, 2025, the Trump Administration issued an [executive order](#) that amended the list of products that are currently exempt from IEEPA Reciprocal tariffs and also significantly modified the processes and procedures for updates to IEEPA Reciprocal Tariffs and Section 232 tariffs.

[CBP Issues Updated Guidance on Resubmission Timeframes for Rejected Trade Remedy Entry Summaries](#)

CBP issued Cargo Security Message Service Message No. 66200760 to clarify the resubmission timeframe for rejected entry summaries subject to trade remedy duties, including antidumping, countervailing duties, and other trade remedy tariffs.

BIS Opens First Submission Window for Section 232 Auto Tariff Inclusions

On September 17, 2025, the Bureau of Industry and Security [announced](#) via an interim final rule that it is now accepting requests to include additional auto parts under Section 232 tariffs. According to the notice, the initial submission window for the requests will open on October 1, 2025, and will remain open for 14 days. Following this period, Bureau of Industry and Security will conduct a 60-day review to evaluate all inclusion requests.

Commerce Integrates European Union Tariff Exemptions into the HTS; Auto Tariff Deal Retroactive to August 1, 2025

On September 25, 2025, Commerce and the Office of the U.S. Trade Representative issued a [notice](#) implementing various changes pursuant to the recent US-European Union trade deal. Retroactive to August 1, 2025, automobiles and automobile parts with a most-favored nation (“MFN”) rate of 15% or higher, will still be subject to that rate with no additional reciprocal rate. However, for those automobiles and automobile parts with an MFN rate below 15% a 15% flat rate will apply to the product.

Commerce Announces Broad Section 232 Investigations into Medical Goods, Machine Tools, and Industrial Robots

On September 24, 2025, Commerce issued an unpublished [notice](#), regarding a Section 232 investigation into the import and supply chains covering personal protective equipment (“PPE”), medical consumables, medical equipment, and medical devices. According to the unpublished notice, the investigation is focused on specifically:

Section 232 Tariffs on Timber, Lumber, and Certain Wood Products Take Effect on October 14

President Trump has issued a [proclamation](#) under Section 232 of the Trade Expansion Act of 1962 that sets October 14, 2025 as the effective date for Section 232 tariffs on softwood timber and lumber, upholstered wooden furniture, kitchen cabinets and vanities.

BIS Adds 50% Ownership Rule to Entity List and Military End User List

The Bureau of Industry and Security released an [interim final rule](#) that automatically applies Entity List and Military End User (“MEU”) List restrictions to any entity that is 50% or more owned by one or more listed entities, MEUs, or other sanctioned parties. This IFR will be known as the “Affiliates Rule” and is effective September 29, 2025.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- High Purity Dissolving Pulp From Brazil: On September 8, 2025, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- High Purity Dissolving Pulp From Brazil and Norway: On September 8, 2025, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Certain Monomers and Oligomers From Taiwan: On September 9, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances.
- Methylene Diphenyl Diisocyanate From China: On September 16, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less-Than-Fair-Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Certain Monomers and Oligomers From Taiwan: On September 22, 2025, Commerce issued its Preliminary Affirmative Critical Circumstances [Determination](#) in Countervailing Duty Investigation.
- Hexamethylenetetramine From India: On September 23, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#) and Final Affirmative Critical Circumstances Determination, in Part.
- Hexamethylenetetramine From Germany: On September 23, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less-Than- Fair-Value and Final Affirmative Determination of Critical Circumstances.
- Hexamethylenetetramine from India: On September 23, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- Hexamethylenetetramine From the Kingdom of Saudi Arabia: On September 23, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances.
- Silicon Metal From Australia: On September 26, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#), and Alignment of Final Determination With Final Antidumping Duty Determination.
- Silicon Metal From Norway: On September 26, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#), and Alignment of Final Determination with Final Antidumping Duty Determination.

- Silicon Metal from Thailand: On September 26, 2025, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#).
- Silicon Metal From the Laos: On September 26, 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 Mexico: On September 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Certain Chassis and Subassemblies Thereof From Thailand: On September 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Certain Chassis and Subassemblies Thereof From Vietnam: On September 29, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Silicon Metal From the Kingdom of Thailand: On September 30, 2025, Commerce issued its Alignment of Final Countervailing Duty [Determination](#) With Final Less-Than-Fair-Value Determinations.
- Thermoformed Molded Fiber Products From China: On September 30, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#).
- Thermoformed Molded Fiber Products From Vietnam: On September 30, 2025, Commerce issued its Final Affirmative Countervailing Duty [Determination](#) and Final Affirmative Critical Circumstances Determination.
- Thermoformed Molded Fiber Products From Vietnam: On September 30, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Silicon Metal From Angola: On September 30, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Silicon Metal From Laos: On September 30, 2025, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Thermoformed Molded Fiber Products From China: On September 30, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- Thermoformed Molded Fiber Products From Vietnam: On September 30, 2025, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.

Administrative Reviews

- Steel Concrete Reinforcing Bar From Mexico: On September 4, 2025, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Certain Oil Country Tubular Goods From Mexico: On September 5, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Certain Aluminum Foil From the Sultanate of Oman: On September 9, 2025, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2022.
- Chlorinated Isocyanurates From China: On September 11, 2025, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2022.
- Welded Stainless Pressure Pipe From India: On September 11, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Certain Aluminum Foil From Brazil: On September 12, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Certain Aluminum Foil From the Sultanate of Oman: On September 12, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Circular Welded Non-Alloy Steel Pipe From Korea: On September 12, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Steel Concrete Reinforcing Bar From Türkiye: On September 12, 2025, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2022.
- Large Diameter Welded Pipe From Türkiye: On September 15, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Certain Carbon and Alloy Steel Cut-to- Length Plate From Italy: On September 16, 2025, Commerce issued its Final Results and Final Partial Rescission of Antidumping Duty Administrative Review; 2023–2024.
- Wooden Bedroom Furniture From China: On September 17, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023.
- Granular Polytetrafluoroethylene Resin From India: On September 19, 2025, Commerce issued its Final Results of the Countervailing Duty Administrative Review; 2023.
- Multilayered Wood Flooring From China: On September 19, 2025, Commerce issued its Final Results of Countervailing Duty Administrative Review; 2022.
- Certain Cut-to-Length Carbon-Quality Steel Plate Products From Korea: On September 22, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.
- Forged Steel Fittings From Korea: On September 22, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2022–2023.
- Stainless Steel Plate in Coils From Belgium: On September 25, 2025, Commerce issued its Final Results of Antidumping Duty Administrative Review; 2023–2024.

Sunset Reviews

- Electrolytic Manganese Dioxide From China: On September 19, 2025, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order

Scope Ruling

- None

Circumvention

- None

INTERNATIONAL TRADE COMMISSION

Investigations

- Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules From India, Indonesia, and Laos (Preliminary); On September 5, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Hexamine (Hexamethylenetetramine) From China (Final); On September 8, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Sugar From Mexico (Second Review); On September 9, 2025, the ITC issued its [determination](#) to continue the suspended investigations as termination would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Wooden Cabinets and Vanities From China (Review); On September 9, 2025, the ITC issued its [determination](#) to continue the countervailing and antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Freight Rail Couplers and Parts Thereof From Czech Republic and India (Preliminary); On September 11, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Unwrought Palladium From Russia (Preliminary); On September 18, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Hot-Rolled Steel Products From China, India, Indonesia, Taiwan, Thailand, and Ukraine (Fourth Review); On September 23, 2025, the ITC issued its [determinations](#) to continue the countervailing and antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Paper File Folders From Sri Lanka (Final); On September 24, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Sol Gel Alumina-Based Ceramic Abrasive Grains From China (Final); On September 24, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- High Purity Dissolving Pulp From Brazil and Norway (Preliminary); On September 30, 2025, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

U.S. CUSTOMS AND BORDER PROTECTION

Enforce and Protect Act

[EAPA Case 8150: Various Importers](#)

On September 10, 2025, CBP issued the notice of initiation of investigation and interim measures for EAPA consolidated case 8150, based on allegations filed by Agri-Fab, Inc. against Amin World Inc., Jiangshan Zhiyuan Import & Export, LXQ Trading Inc., Nanjing Fengjiao Import & Export, New Wayn Inc., Shaoxing Youcheng Import and Export, Shenzhen Wushida Industry Co., Ltd., SSG Group Imports Co., and Super Blooming Star Inc. (collectively, the Importers), for evasion of AD order A-570-939 on tow-behind lawn groomers (TBLGs) from China. The allegations suggested that the Importers entered China-origin tow-behind lawn groomers into the United States under several evasion schemes - incorrectly describing the merchandise on shipping documentation (i.e., describing the product as something other than TBLGs), misclassification, failure to declare China-origin TBLGs on entry documentation separately from other types of merchandise entered on the same shipment, and/or abuse of the Section 321/Type 86 de minimis exemption to enter covered merchandise that is ineligible for this exemption - thereby failing to pay adequate cash deposits associated with the aforementioned AD order.

[EAPA Cons. Case 8163: Waaree and Waaree Americas](#)

On August 25, 2025, 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 EAPA investigation 8052, investigating evasion of antidumping duty orders A-570-920, A-428-850, A-588-880, and A-580-911 on lightweight thermal paper from China, Germany, Japan, and/or South Korea and countervailing duty 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 7950: Various Importers](#)

On September 15, 2025, CBP issued the notice of determination as to evasion for EAPA cons. case 7950 filed by Ajinomoto Health & Nutrition North America, Inc. against CPF Legacy, LLC, doing business as C. Pacific Foods (CPF); Handylee Enterprises (USA) Corp. (Handylee); Jefe Enterprise (USA) Inc. (Jefe); and Highland USA International Inc. for evasion of antidumping duty order A-570-992 on monosodium glutamate from China. Substantial evidence demonstrates that the Importers entered Chinese-origin MSG by transshipping it through Malaysia and did not declare that the merchandise was subject to the AD order on entry.

Customs Bulletin Weekly

On October 1, 2025, CBP officials [assured](#) trade stakeholders that the agency will proceed with implementing new Section 232 tariffs, including those on lumber and furniture set for October 14, 2025 even if the government shutdown persists. On a call with industry, CBP emphasized that nearly all personnel are considered exempt and normal operations will continue, including processing fines, ruling requests, and customs broker exams. However, while CBP staff can process refunds, disbursements depend on the Department of Treasury, which may be impacted by the shutdown. CBP advised importers to contact local port officials for clearance issues and said conditional releases may apply if partner agencies are affected. CBP said it would host further calls if there are significant operational changes.

On September 26, 2025, CBP issued ruling [HQ H347879](#), emphasizing stricter scrutiny of evidence submitted by importers to prove a bona fide sale for customs valuation. Merely listing delivery terms on invoices isn't sufficient; importers must show that a middleman held title or bore risk of loss. CBP reiterated that importers must provide comprehensive documentation, such as contracts and proof of payment, to establish a legitimate transaction. Transactions showing only a "flash title" transfer invite greater scrutiny. Without adequate evidence, the value for customs remains the price paid by the U.S. importer.

On September 26, 2025, CBP announced via a Federal Register [notice](#) that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain unchanged for the calendar quarter beginning October 1, 2025. Specifically, the interest rate for underpayments will continue at 7% for both corporations and non-corporations. For overpayments, the rate will remain at 7% for non-corporations and 6% for corporations.

On September 25, 2025, CBP via CSMS #[66336270](#) issued updated guidance for applying modified duty rates on EU goods. Section 232 tariffs on EU automobiles and parts now require a combined 15% duty if the original Column 1 rate is below 15%, and zero additional duty if the rate is 15% or higher, using designated HTSUS headings. Civil aircraft, as well as certain products like cork and generic pharmaceuticals from the EU, are newly exempt from reciprocal tariffs effective September 1, 2025. Filers must update their entries using the specified HTSUS codes and make corrections within 10 days of CSMS release to avoid refund delays. The CSMS also clarifies that the general reciprocal tariff structure remains unchanged for other products, with all existing reciprocal tariff and exemption rules in force.

On September 15, 2025, CBP via CSMS #[66216857](#) announced it has expanded the list of parties qualified to handle the payment of duties on international mail shipments. These authorized parties can pay duties on behalf of international mail carriers or designated entities. As a reminder, the CBP-qualified parties were designated following the end of the de minimis exemption on August 29, 2025 under Executive Order [Suspending Duty-Free De Minimis Treatment for All Countries](#).

On September 11, 2025, CBP via CSMS # [66200760](#) provided guidance regarding the resubmission time frame for rejected entry summaries involving trade remedy duties. Important Changes to the Resubmission Timeframe are noted below:

- Rejection Time Limits: CBP may reject AD/CVD and trade remedy entry summaries within 60 days of filing, or up to 300 days with supervisory approval.
- Resubmission Window: Once an entry summary is rejected, filers have 10 working days to correct and resubmit the entry.
- Scope: Trade remedy entry summaries include those subject to tariffs under IEEPA, Section 232 (steel/aluminum), Section 301 (China tariffs), and Section 201 of the Trade Act of 1974.

On September 10, 2025, CBP updated its [FAQ](#) webpage to clarify that goods subject to IEEPA tariffs may be eligible for refunds via post-importation claims under USMCA, provided importers of record file a valid and substantiated claim within one year of importation. The update explains that 1520(d) claims can include IEEPA duties paid under Executive Orders 14193 and 14194, and must be submitted through the ACE protest module, by paper, or as an FTA reconciliation entry. If an entry is flagged for FTA reconciliation, filing an FTA reconciliation entry is the only way to make a 1520(d) claim, and the appropriate SPI should be added to the relevant line items. Classification changes are not allowed on FTA reconciliation entries.

On September 6, 2025, CBP issued CSMS # [66151866](#), providing guidance on the recent changes to reciprocal tariff exemptions announced on September 5, 2025 under the updated "Annex II" list. The guidance specifically addresses goods that have been newly added or removed from Annex II. CBP advised that for entries pre-filed under subheading 9903.01.32 for consumption on or after September 8, 2025, importers must take necessary actions to correct their entries to accurately reflect the new reciprocal tariff applicability. Corrections should be made as soon as possible, and no later than ten days after the cargos' release from CBP custody.

On September 5, 2025, CBP issued CSMS #[66146676](#), providing guidance regarding the retroactive enforcement of the Executive Order implementing the U.S.-Japanese trade agreement, which takes effect at 12:01 a.m. Eastern Daylight Time on August 7, 2025. CBP clarified that any refunds will be administered according to applicable laws and CBP's standard refund procedures. In light of this provision, CBP has instructed the trade community not to submit Post Summary Corrections or protests until further guidance is provided on the refund submission process.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip Op. 25-116: Officine Tecnosider Srl v. United States](#)

The Court sustained Commerce's second remand results in its 2020–2021 administrative review of the antidumping order on steel plate from Italy. The plaintiff challenged Commerce's decision to utilize a quarterly cost methodology, arguing that the use of only a single quarter's worth of U.S. sales data could compromise the reliability and accuracy of the results. In response, Commerce acknowledged that the confined scope of U.S. sales data—limited to just one quarter—precluded any meaningful correlation analysis between sales prices and costs in the U.S. market. To address this limitation, however, Commerce turned to home market data and broadened its analysis by increasing the number of home market control numbers considered from the top five to the top ten. By doing so, Commerce captured a majority of plaintiff's home market sales, thereby providing a more comprehensive and representative dataset for assessing the relationship between price and cost. The Court found that Commerce's approach was reasonable, supported by substantial evidence, and in compliance with the Court's remand order. Accordingly, the Court sustained Commerce's determinations.

[Slip Op. 25-117: Chen v. United States](#)

This summary is omitted because it is not concern trade-law related matters.

[Slip Op. 25-118: China Cornici Co.v. United States](#)

The Court sustained in part and remanded in part Commerce's final results of the 2020–2021 and 2020–2022 antidumping and countervailing duties on wood moulding and millwork products from China. Plaintiffs, China Cornici Co., Ltd. ("China Cornici") and RaoPing HongRong Handicrafts Co., Ltd. ("RaoPing") challenged Commerce's decision to rescind its administrative of after concluding that there were no entries of subject merchandise during the period of review. The Court found this conclusion flawed, explaining that a review should only be rescinded if there were no entries of the merchandise at all—not just no entries that were suspended or flagged in a certain way. Here, evidence showed that entries had occurred, even if they were mislabeled or not correctly identified. The Court also disagreed with Commerce's denial of RaoPing's separate antidumping duty rate to its unaffiliated reseller, Chen Chui, finding that Commerce failed to adequately explain its refusal despite established procedures permitting such treatment. Accordingly, the Court ordered Commerce to reconsider whether the reviews were improperly rescinded and to reexamine the application of RaoPing's separate rate application.

The Court dismissed Pipe & Piling Supplies' challenge to the 2022–2023 antidumping duty review of large diameter welded pipe from Canada for lack of subject-matter jurisdiction. The Court found that Pipe & Piling had failed to notify other interested parties of its lawsuit within the mandatory 20-day period required by USMCA and 19 U.S.C. § 1516a(g)(3)(B). Pipe & Piling argued that the notice requirement was non-jurisdictional and sought equitable tolling, but the Court rejected those arguments. The Court noted that under the USMCA, judicial review is available only if no country requests a binational panel and proper notice is given. The Court emphasized that the notice provision is essential to preserving the jurisdictional framework between U.S. courts and binational panels and to fulfilling international obligations. Consequently, the Court granted the government's motion to dismiss and denied Pipe & Piling's motion for a statutory injunction.

[Slip Op. 25-120: American Kitchen Cabinet All. v. United States](#)

The Court sustained CBP's remand redetermination in an EAPA investigation that found that Scioto Valley Woodworking Inc. ("Scioto") evaded antidumping and countervailing duties on Chinese wooden cabinets by transshipping them through Malaysia. Scioto challenged the results, arguing that CBP's redetermination was not supported by substantial evidence and that it was denied due process with respect to access to confidential information. Despite these arguments, the Court held that CBP reasonably determined, and properly relied on the fact, that Scioto's Malaysian supplier, Alno Industry SDN BHD ("Alno"), commingled Chinese- and Malaysian-origin goods without adequate tracking or labeling them, and that both companies were under the common control of a Chinese parent company. The Court also noted that, although Scioto was initially denied access to certain confidential information, this procedural error was subsequently remedied and resulted in no prejudice to Scioto. Accordingly, the Court sustained CBP's remand redetermination, finding it was supported by substantial evidence and otherwise complied with the Court's prior instructions.

[Slip Op. 25-121: ArcelorMittal Tubular Prods. v. United States](#)

The Court upheld Commerce's decision not to collapse two affiliated entities when calculating the dumping margin in the fourth administrative review of the antidumping order on mechanical tubing from Italy. The plaintiffs, U.S. producers of the subject merchandise, had contested Commerce's refusal to treat Dalmine, an Italian manufacturer, and its Romanian affiliate, Silcotub, as a single entity because it had determined that Silcotub could not produce the subject merchandise without significant retooling and that there was no meaningful risk of price or production manipulation between the two affiliates. Plaintiffs argued that Commerce misapplied the relevant regulation by adopting an excessively stringent standard for collapsing affiliated companies. However, the Court clarified that, according to the plain language of the statute, Commerce correctly determined that Silcotub did not qualify as a "producer" due to its inability to manufacture the subject merchandise, and therefore could not be collapsed with Dalmine. Accordingly, the Court ruled that both the statute and the applicable regulations supported Commerce's determination and denied the plaintiffs' motion for judgment on the agency record.

[Slip Op. 25-122: Jiangsu Senmao Bamboo & Wood Inus. Co. v. United States](#)

The Court sustained Commerce's final results of redetermination pursuant to the third remand order in the 2019–2021 administrative review of the antidumping duty order on multilayered wood flooring from China. No party filed comments opposing the third remand redetermination. Finding that the redetermination is supported by substantial evidence, in accordance with law, and fully complies with the Court's remand order, the Court sustained Commerce's third remand redetermination.

[Slip Op. 25-123: BASF Corp. v. United States](#)

The Court denied the United States's motion for reconsideration after granting BASF's motion for summary judgment and denying the government's cross-motion for the same. The United States first argued that the court's interpretation of HTSUS heading 1603 was not in line with the plain meaning of the text or the drafter's intentions, specifically, that "extract" should be construed to "flavoring additives". The Court had considered and rejected that argument, holding previously that flavor components are one factor among many in determining what products qualify as an "extract". Second, the United States argued that the Court's description of BASF's merchandise was inconsistent with those facts already in the record. The Court held that its discussion of BASF's merchandise was well-supported by the statement of undisputed material facts and cited to several instances of the Court referencing the statement of undisputed facts throughout the order. The Court held that the United States was not entitled to reconsideration to effectively relitigate issues it had raised before.

[Slip Op. 25-124: Hyundai Steel Co. v. United States](#)

The Court upheld Commerce's redetermination results in a countervailing duty review of certain hot-rolled steel flat products from Korea. Plaintiff argued that Commerce erred in using the total number of companies operating in the Korean economy as the denominator in its methodology, at the agency should have limited the denominator to the number of subsidy program participants. The Court found that the fact that not every company operating in the Korean economy was eligible for the subsidy program actually weighed in favor of Commerce's finding that it was a specific and countervailable subsidy program. The Court also noted that there is no statutory requirement that recipients of the benefit of the full allocation share some other characteristic with the group comprising the denominator and no such limit should be implied. Because a subsidy with an inherent characteristic that limits the number of recipients is not considered non-specific, and therefore remains countervailable, even if those who did not receive the subsidy were excluded due to that characteristic, the Court sustained Commerce's redetermination results.

[Slip Op. 25-125: Kingtom Aluminio S.R.L. v. United States](#)

The Court vacated Customs' forced labor finding in connection with Plaintiff's facilities in the Dominican Republic. Customs found, after an on-site verification of Plaintiff's facilities that there was "sufficient evidence that forced labor was being used to manufacture Plaintiff's aluminum extrusions and related products bound for the United States." The Court found that Customs' finding was nothing more than a barebones recitation of the statute, did not cite anything in the agency record, and did not describe the circumstances that led to the decision. As such, the Court vacated the Customs' decision and

remanded for further explanation or reconsideration of its determination that Plaintiff's products were manufactured using forced labor.

[Slip Op. 25-126: Blue Pipe Steel Ctr. Co. v. United States](#)

The Court denied Plaintiff's motion for judgment on the agency record regarding Customs' determination that it was evading the antidumping order on circular welded carbon steel pipes and tubes from Thailand. Plaintiff first argued that because Customs relied entirely on Commerce's scope ruling to issue its determination, the effective date of the evasion determination should be November 22, 2019, the date Commerce initiated its inquiry and not October 18, 2018, the date Customs began to suspend liquidation of Plaintiff's entries. The Court did not find this argument persuasive, noting that limiting Customs' authority in this way runs contrary to statutory language and legislative history.

Plaintiff then argued that any importer of its dual stenciled pipe would not have had any reasonable notice that dual stenciled pipe was in scope merchandise in an order issued in 1986. The Court, relying on its opinion in *Saha Thai*, held that the Order at issue does not contain any exclusionary language upon which to challenge the scope did not include dual stenciled pipe. The Court also noted that 19 U.S.C. § 1517 does not entitle importers to "reasonable notice" and denied Plaintiff's motion for judgment on the agency record.

[Slip Op. 25-127: Compania Valenciana de Aluminio Baux, S.L.U. v. United States](#)

The Court sustained Commerce's administrative review of the antidumping duty order on common alloy aluminum sheet from Spain. Plaintiffs first argued that Commerce's regulatory test for determining levels of trade was in conflict with its accompanying statute. The Court found that Commerce closely scrutinized the Plaintiffs' evidence to determine whether they were entitled to an additional adjustment for differences in level of trade, which complied with the statute. The Court also found that Plaintiffs failed to provide additional support for the levels of trade they reported when Commerce requested it, and Commerce had addressed their remaining claims. Because substantial evidence supported Commerce's analysis of Plaintiffs' selling functions in the home market and its determination that only one level of trade existed in the home market, the Court sustained Commerce's final results.

COURT OF APPEALS FOR THE FEDERAL COURT

Summary of Decisions

[Appeal No. 23-2094: Corinth Pipeworks Pipe Industry SA v. United States](#)

The U.S. Court of Appeals for the Federal Circuit (“CAFC”) affirmed the Court of International Trade’s decision upholding Commerce’s final determination in the first administrative review of the antidumping duty order on certain large diameter welded pipes from Greece. Appellant Corinth Pipeworks challenged Commerce’s rejection of its cost reconciliation data after Commerce found the company’s submissions to be incomplete, inconsistent, and unreliable, leading it to apply adverse facts available. The CAFC agreed with Commerce, noting that Corinth Pipeworks was given multiple opportunities to correct its cost data but failed to resolve significant deficiencies, including double counting, the inclusion of out-of-period costs, and discrepancies with audited financial statements. The CAFC also found that Corinth Pipeworks had not fully cooperated with the investigation, and rejected its claim that it was denied an opportunity to respond to Commerce’s internal analysis. Concluding that Commerce acted reasonably and followed proper procedures, the CAFC found no legal or procedural errors and upheld Commerce’s final determination.

[Appeal No. 23-1891: HMTX Industries LLC v. US \(Opinion\)](#)

The U.S. Court of Appeals for the Federal Circuit (“CAFC”) issued its decision upholding tariffs imposed during President Trump’s first administration pursuant to Section 301 on goods imported from China. Specifically, the CAFC held that Section 301 Lists 3 and 4A tariffs were appropriate and a valid use of the government’s authority to “modify or terminate any action” taken under Section 301. According to the CAFC, “modify is indifferent to degrees of change and contains no inherent limitations...[and] is indifferent to the direction of change and encompasses both escalations and de-escalations in trade actions.” Because of this, the U.S. Trade Representative (“USTR”) acted appropriately when it increased Section 301 tariffs. The CAFC also stated that the granted authority did not violate the non-delegation doctrine or the major questions doctrine. The CAFC also found that the USTR acted in accordance with the Administrative Procedures Act in implementing Lists 3 and 4A and properly responded to comments received on Lists 3 and 4A on remand at the Court of International Trade.