

TRADE LAW UPDATE



October 2018

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PRESIDENTIAL ACTIONS

[U.S. Mexico Canada Agreement \(USMCA\)](#)

On September 30, 2018, the U.S., Mexico, and Canada reached a new trilateral agreement to replace NAFTA. The new agreement, U.S. Mexico Canada Agreement (USMCA), resulted in key provisional changes. Major changes include increased access for U.S. farmers to dairy and agriculture markets, rules of origin for automobiles and automobile parts, increased De Minimis Levels, mutual commitment to not change currency levels, increased protections for intellectual property, and a restructuring of the Sunset Clause. According to the Trump administration the USMCA will purportedly, “strengthen the middle class, and create good, well-paying jobs and new opportunities for the nearly half billion people who call North America home.”

[Trade Negotiations with Japan, European Union, and the United Kingdom](#)

On October 16, 2018, the Trump Administration announced its intent to negotiate three separate bilateral trade agreements with Japan, the European

Union, and the United Kingdom. Many of the issues that will be discussed will revolve around issues that affect, “American workers, farmers, ranchers, and businesses.” The USTR will publish its objectives for negotiations at least 30 days before formal trade talks begin.

[U.S. Statement on the United States – Central Asia Trade and Investment Framework Agreement \(TIFA\)](#)

On October 16, 2018 senior officials from the U.S., Uzbekistan, Kazakhstan, Kyrgyzstan, and Turkmenistan met in Uzbekistan to discuss trade and investment in Central Asia and the United States. Highlights from the meeting include the launching of the Intellectual Property Working Group and the Group on Women’s Economic Empowerment. Additional Working Groups discussed customs, standards, sanitary and phytosanitary measures. The next meeting will take place in Washington, DC in 2019.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Forged Steel Fittings from the People's Republic of China: On October 5, 2018, Commerce issued the Final Affirmative Countervailing Duty [determination](#) .
- Forged Steel Fittings from the People's Republic of [China](#) and [Italy](#): On October 5, 2018, the Final Determination of Sales at Less than Fair Value was released.
- Glycine from India, Japan, and Thailand for Glycine from the People's Republic of China: On October 23, 2018 the Alignment of Final Countervailing Duty [determination](#) with Final Antidumping Duty Determinations were released.

Administrative Reviews

- Certain Stilbenic Optical Brightening Agents from Taiwan: On October 1, 2018, the final [results](#) for the Antidumping Duty Administrative Review (2016-2017) were released.
- Circular Welded Carbon Steel Pipes and Tubes from Thailand: The final [results](#) of the Antidumping Duty Administrative Review (2016-2017) were released on October 15, 2018.
- Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan: On October 16, 2018 the final [results](#) of the Antidumping Duty Administrative Review and Final Determination of No Shipments (2016-2017) were released.
- Certain Uncoated Paper from Indonesia: On October 17, 2018 the final [results](#) of the Countervailing Duty Administrative Review (2015-2016) were released.
- Certain Uncoated Paper from [Brazil](#) and [Portugal](#): On October 18, 2018, the final results of the Antidumping Duty Administrative Review (2015-2017) for released.
- Certain Activated Carbon from the People's Republic of China: On October 22, 2018, the final [results](#) of the Antidumping Duty Administrative Review (2016-2017) were released.
- Steel Wire Garment Hangers from the People's Republic of China: On October 23, 2018 the final [results](#) of the Antidumping Duty Administrative Review (2016-2017) were released.
- Chlorinated Isoyancurates from Spain: On October 24, 2018 the final [results](#) of the Antidumping Duty Administrative Review (2016-2017) were released.
- Crystalline Silicon Photovoltaic Cells, whether or not assembled into modules, from the People's Republic of China: On October 30, 2018, the Amended final [results](#) of the Countervailing Duty Administrative Review (2015) were released.

Changed Circumstances Reviews

- Certain Frozen Warm Water Shrimp from India: The International Trade Administration issued a Notice of the final [results](#) of Antidumping Duty Changed Circumstances Review on October 3, 2018.
- Stainless Steel Butt-Weld Pipe Fittings from the Philippines: On October 10, 2018, the final [results](#) of the Changed Circumstances Review were released.

Sunset Reviews

- Sodium Hexametaphosphate from the People’s Republic of China: On October 5, 2018, the ITC issued the final [results](#) of the Expedited Second Sunset Review of the Antidumping Duty Order.
- Steel Concrete Reinforcing Bars from Belarus, the People’s Republic of China, Indonesia, Latvia, Moldova, Poland, and Ukraine: On October 5, 2018, the final [results](#) for the Expedited Third Sunset Reviews of the Antidumping Duty Orders were released.
- Large Residential Washers from the Republic of Korea: On October 18, 2018, the final [results](#) of the First Five-Year Sunset Review of the Antidumping Duty Order for were released.



U.S. INTERNATIONAL TRADE COMMISSION

Section 701/731 Proceedings

Investigations

- Large Power Transformers from Korea: On October 2, 2018, the ITC made its [determination](#) to continue antidumping duty order for large power transformers from Korea for another five years.
- Forged Steel Fittings from China and Italy: On October 22, 2018, the ITC released the [schedule](#) for the Final Phase of the ongoing Antidumping and Countervailing Duty Investigations. .
- Polyester Textured Yarn from China and India: On October 25, 2018, the ITC issued its [notice](#) of the Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase.
- Laminated Woven Sacks from Vietnam: On October 29, 2018, the ITC released the [schedule](#) for the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations.

Sunset Review Decisions

- Fresh Tomatoes from Mexico: On October 5, 2018, the ITC issued its [notice](#) to Conduct a Full Five-Year Review of the continuation of the antidumping duty order on fresh tomatoes.
- Sodium Hexametaphosphate from China: On October 10, 2018, the ITC released the [schedule](#) of the Expedited Five-Year Review.
- Clad Steel Plate from Japan: On October 22, 2018 the ITC [cancelled](#) the Hearing for Full Five-Year Review.
- Crystalline Silicon Photovoltaic Cells and Modules from China: On October 26, 2018, the ITC released a [revised schedule](#) for Full Five-Year Reviews.

Section 337 Proceedings

- Certain Self-Anchoring Beverage Containers: On October 12, 2018, the Commission released its [determination](#) to Review in Part an Initial Determination Granting Summary Determination of a Section 337 Violation and Schedule for Filing Written Submissions.

- Certain Non-Volatile Memory Devices and Products Containing Same: On October 15, 2018 ITC gave notice of its final [determination](#) Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation.
- Certain Semiconductor Lithography Systems and Components thereof: On October 23, 2018, the ITC initiated an [investigation](#).

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[18-131](#)

On October 1, 2018, the Court made the decision to remand the U.S. Department of Commerce's redetermination on the scope ruling on Agilent Technologies' mass filter radiator.

[18-132](#)

On October 1, 2018, the U.S. Department of Commerce's Final Results were remanded by the Court and the plaintiff's motion for judgment on the agency record was granted in part. The plaintiff, Midwest Fastener Corp., argued that its anchors were not steel nails and should not fall under Commerce's scope determination.

[18-133](#)

On October 3, 2018, Dong-A Steel Company and Independence Tube Corporation challenged six of Commerce's final antidumping determination. The Court sustained the final determination of sales at less than fair value issued by the U.S. Department of Commerce following the antidumping investigation of heavy walled rectangular welded pipes and tubes from the Republic of Korea.

[18-134](#)

On October 5, 2018, the Court sustained the U.S. Department of Commerce's final determinations on remand in its administrative review of an antidumping duty covering steel nails from China.

[18-135](#)

On October 10, 2018, the Court sustained the U.S. Department of Commerce's Final Results in the 2013-2014 Antidumping Duty Administrative Review on Steel Nails from China and denied the plaintiff's motion for judgment on the agency record.

[18-136](#)

October 11, 2018 Zhejiang Quzhou Lianzhou Refrigerants Co., LTD. and Zhejiang Quhua Fluor-Chemistry Co., LTD: The plaintiff's motion for judgment on the agency record was denied. Commerce's Final Determination was supported by substantial evidence and otherwise in accordance with law; therefore, the Final Determination was sustained and judgment will enter for the Defendant.

[18-137](#)

October 11, 2018 Hitachi Metals, LTD. and Hitachi Metals America LLC: The Court denied the Plaintiffs' Motions for Judgment on the Agency Record. The Commission's finding of a single domestic like product, inclusive of tool steel, was supported by substantial evidence and otherwise in accordance with law. The Commission's determination was sustained and judgment will enter for the Defendant.

[18-138](#)

On October 12, 2018, the Court found a failure to issue statutorily required drawback regulations within the congressionally-mandated time frame; granting relief to expedite promulgation of final regulations. The plaintiff's motion for entry of judgment was granted in part.

[18-140](#)

On October 17, 2018 Guizhou Tyre CO., LTD., Guizhou Tyre Import and Export Co., LTD, and Xuzhou Xugong Tyres Co., LTD: The Court sustained the U.S. Commerce Department's decision to countervail the Import Duty Exemption for Imported Raw Materials Program, but granted the Department's request for voluntary remand to reconsider the VAT export rebate rate and the ad valorem rate for the Program.

18-141

On October 18, 2018 Bell Supply Company LLC, the Court remanded the U.S. Department of Commerce's Final Scope Ruling on Green Tubes Manufactured in the People's Republic of China and Finished in Countries other than the United States and the People's Republic of China because there was no substantial evidence that supported Commerce's determination.

18-142

On October 19, 2018, Midwest Fastener Corp., the court remanded the U.S. Department of Commerce's final scope determination on strike pin anchors subject to the antidumping duty order covering certain steel nails from China.

18-146

October 23, 2018 Diamond Sawblades Manufacturers' Coalition: The court remanded the 2014-15 administrative review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China for failure to support its initial decision on substantial evidence on the record.

18-147

On October 23, 2018 JSW Steel LTD. and JSW Steel Coated Products LTD: The Court sustained the Department of Commerce's remand redetermination on the countervailing duty investigation of corrosion-resistant steel products from India. The Court sustained the reduced JSW AFA rate of 4.24%.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT

There were no opinions with respect to trade remedies for the month of October.