

Rowley Company Customs Ruling

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A tariff situation threatened the Rowley Company, an importer of extruded aluminum from China.

If the US Commerce Department said your 3% tariff is suddenly a 345% tariff, you would want to fight back.

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Extruded aluminum is widely used in transportation, manufacturing, utilities, and construction industries. In 2009, the U.S. Commerce Department determined that certain Chinese companies were being unfairly supported by the Chinese government, and were dumping cheap extruded aluminum products into United States markets. As a result of this determination, anti-dumping and counter veiling duty tariffs were dramatically increased against a broad range of aluminum products, including consumer goods imported by Rowley Company.

Rowley Company turned to Nexsen Pruet international trade attorneys David Robinson and David Garrett for help.

The 2009 tariff increase had a complex exception, and Rowley Company applied to be allowed to import their extruded aluminium products under that exception. Their application was denied by the Department of Commerce. Nexsen Pruet brought this matter to the Court of International Trade, and that process prompted the Commerce Department to re-think and re-define the standards used in evaluating this exception. The result: the exemption definition changed and the business-stifling tariff rates were avoided.

Ultimately, United States consumers benefited. The Commerce Department's initial decision would have resulted in empty shelves or would have quadrupled product prices. The decision also resulted in a new standard of review which will provide extruded aluminum importers and their suppliers with a better defined, and more favorable, 'playing field' in their dealings with the Commerce Department.

Robinson and Garrett agree that this matter was particularly satisfying. Garrett summed it up with, "Having a Federal agency reverse itself and agree with our logic is a win for business and consumers."