

Wiley Wins International Trade Dispute on Behalf of Coalition of American Millwork Producers

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Washington, DC – Sept. 15, 2022 – Wiley represented the Coalition of American Millwork Producers (CAMP) in a win before the U.S. Court of International Trade (CIT) in a Chinese producer’s appeal of the final determination in the countervailing duty investigation of *Wood Mouldings and Millwork Products from China*. Consistent with arguments made on behalf of CAMP, Judge M. Miller Baker upheld the U.S. Department of Commerce decision to impose countervailing duties on Chinese wood mouldings and millwork imports, citing the court’s requirement to defer to the agency and the Government of China’s “stonewalling” of the agency’s investigation into certain export subsidies.

“Because the Chinese government failed to cooperate, CIT found that the Commerce Department was justified in applying adverse inferences in filling gaps in the record,” said Wiley International Trade partner Tim Brightbill, who represented the coalition along with Laura El-Sabaawi. “The court also noted the need to defer to Commerce on highly technical issues, rather than micromanaging the agency. We commend the court for upholding this important legal principle, consistent with the statute.”

At the request of CAMP, the Department of Commerce opened an investigation into Chinese millwork imports in 2020 and set a 20.56% countervailing tariff on Chinese producer Yinfeng's imports. The company appealed the decision, claiming that they had not benefited from China’s Export Buyer’s Credit Program (EBCP), in addition to other arguments. However, due to a refusal to provide information on Yinfeng’s loan requirements by Chinese officials,

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including a list of partner banks and other key details, the CIT deferred to the Commerce Department's original tariff determination, as CAMP argued, in *Fujian Yinfeng Imp & Exp Trading Co. v. United States*, No. 21-00088 (Ct. Int'l Trade 2022).