
Hughes Hubbard & Reed

Hughes Hubbard Garner Huge Win for ThyssenKrupp

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Hughes Hubbard & Reed sealed a huge win for German steelmaker ThyssenKrupp when the U.S. International Trade Commission (USITC) effectively revoked an antidumping duty order on corrosion-resistant carbon steel flat products ("CORE") from Germany, a product primarily used for auto manufacturing.

On Feb. 15, 2013, all six members of the USITC agreed with Hughes Hubbard that revocation of the order would not likely lead to a continuation or recurrence of material injury to domestic steel mills within a reasonably foreseeable time.

As a result of the negative determination in this third review, the antidumping order on CORE from Germany, which has been in existence for 20 years, will finally be extinguished. The USITC also revoked an existing order on imports of the product from Korea.

The action came under the five-year "sunset" review process required by the Uruguay Round Agreements Act. The USITC instituted the reviews concerning CORE from Germany and Korea in January 2012. Three months later, the USITC voted to conduct full reviews.

The case marks the end of a litigious era. In 1993, the US steel industry brought a conglomeration of trade cases seeking antidumping and countervailing duty orders for cold-rolled, hot-rolled, cut-to-length plate and corrosion resistant steel against 16 different countries. The USITC's no-injury vote for Germany and Korea last month ended the last remaining steel antidumping orders started in the 1993 investigations.

Hughes Hubbard brought the challenge to the order on CORE from Germany in the third sunset review at the USITC. Hughes Hubbard conducted the case, start to finish, including gathering from ThyssenKrupp all the questionnaire responses (massive amounts of data), filing pre-hearing and post-hearing briefs, presenting hearing testimony from several witnesses, and delivering final comments.

The Hughes Hubbard team included Ken Pierce, Alex Hess and Cynthia Liu.

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Kenneth Pierce

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