

AEC Update

AEC and the Curtain Wall Coalition applaud the recent Commerce decision on Curtain Wall Scope Appeal

The Aluminum Extruders Council (AEC) and the Curtain Wall Coalition (CWC) jointly applaud the U.S. Commerce Department's decision in the U.S. Court of International Trade (CIT) for the recent decision in the Shenyang Yuanda Aluminum Industrial Eng'g Co. v. United States scope case.

Parties filed comments on the draft Third Remand Decision on January 6, 2017, and Commerce filed their Final Third Remand Redetermination with the Court on January 19, 2017. Commerce maintained its position in the final Third Remand Decision, despite responding to all the parties' comments in nearly 50 pages of the final 80-page decision. This means that Yuanda's curtain wall unit imports are still covered by the AD and CVD orders.

The decision concerns the Commerce Department's March 27, 2014, scope ruling regarding the antidumping duty (AD) and countervailing duty (CVD) orders

on aluminum extrusions from the People's Republic of China in which Yuanda USA Corporation, and Shenyang Yuanda Aluminum Industry Engineering Co., Ltd.'s (collectively, Yuanda) curtain wall units that are produced and imported as complete curtain wall systems were within the scope of the orders.

Yuanda challenged the decision three times, each time noting that the curtain wall was "unitised and imported in phases pursuant to a sales contract" to supply complete curtain wall, and was not within the scope of the antidumping and countervailing duty orders on aluminum extrusions imported from China. In the Final Third Remand Determination, the court upheld the Curtain Wall Coalition's argument that the unitised curtain wall sections were indeed covered by the scope of the orders.

"It's important to remember that the China tariffs remain in place while our

litigation is pending," said David Spooner, Partner with Barnes & Thornburg LLP, and attorney for the Curtain Wall Coalition's trade case. "These tariffs, which we are fighting to keep, currently range from 49% to 229%, depending on the identity of the Chinese exporter," he said.

Jeff Henderson, AEC President, said the Council is pleased with the decision in this case. "These Chinese extruders will not simply give up. They will continue to appeal this case and challenge the orders until they find a sympathetic judge who will rule in their favor," he said.

"The Chinese are currently focused on the U.S. West Coast curtain wall market but the rest of the country is likely to feel the pressure soon. If curtain wall extrusions are not subject to the tariffs carried by our orders, they will simply overrun domestic production." ■