



SEPTEMBER 2025

# BR INTERNATIONAL TRADE REPORT

BLANKROME



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## Note from the Editor

By Anthony Rapa

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Welcome to this month's issue of *The BR International Trade Report*, Blank Rome's monthly digital newsletter highlighting international trade, cross-border investment, and geopolitical risk issues impacting businesses domestically and abroad. We invite you to share this resource with your colleagues and visit Blank Rome's International Trade [webpage](#) for more information about our team.

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## Recent Developments

**Tariff dispute headed to the Supreme Court.** On August 29, the U.S. Court of Appeals for the Federal Circuit (“CAFC”) affirmed the U.S. Court of International Trade’s (“CIT”) decision in *V.O.S. Selections, Inc. v. United States*, finding that the President cannot impose broad and unlimited tariffs under authority of the International Emergency Economic Powers Act (“IEEPA”), but vacating and remanding the CIT’s issuance of a universal injunction. The U.S. Department of Justice (“DOJ”) [appealed](#) the case to the U.S. Supreme Court, the Court granted the DOJ’s petition for a writ of certiorari and consolidated *V.O.S.* with *Learning Resources, Inc., et al. v. Trump*, another case challenging tariffs. Oral argument is set for the first week of November. For additional analysis, see Blank Rome’s [September 3 alert](#).

### **Trump Administration rounds out sanctions and export control relief for Syria.**

- The U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) issued a [rule](#) on August 26, formally removing the Syrian Sanctions Regulations (“SSR”) from the U.S. Code of Federal Regulations, thus officially ending the longstanding OFAC embargo under the SSR while leaving in place [sanctions](#) against remnants of the ousted Assad regime and other malign actors.
- In a related action, on August 28, the U.S. Department of Commerce’s Bureau of Industry and Security (“BIS”) issued a [rule](#), effective September 2, providing for extensive export control relief for Syria under the Export Administration Regulations (“EAR”). Specifically, the rule authorizes exports to Syria of EAR99 items, creates a favorable licensing policy for other exports in support of economic development in Syria, and broadens the availability of certain license exceptions.
- For additional analysis, see Blank Rome’s [September 8 alert](#).

**DOJ launches “Trade Fraud Task Force.”** On August 29, the DOJ [announced](#) the creation of a cross-agency task force with U.S. Customs and Border Protection and Homeland Security Investigations to pursue tariff

evasion and the importation of prohibited goods. In its press release, the DOJ also highlighted the task force’s collaboration with domestic industries most affected by unfair trade practices and fraud. For additional analysis, see Blank Rome’s [September 4 alert](#).

### **Canada removes many retaliatory tariffs on imports from the United States.**

Effective September 1, [U.S.-origin items](#) that comply with the United States-Mexico-Canada Agreement (“USMCA”) are no longer subject to 25 percent counter-tariffs. The decision to remove certain retaliatory tariff measures comes as Canada works to [achieve a trade deal](#) with the United States and the Trump Administration [prepares to renegotiate](#) the USMCA.

### **President Trump signs law requiring BIS to disclose export license information to Congress.**

On August 20, President Trump signed into law the [Maintaining American Superiority by Improving Export Control Transparency Act](#), requiring BIS to submit annual reports to Congress containing details about license applications, end use checks, and aggregate statistics on all license applications and requests for authorization.

### **U.S. Geological Survey proposes changes to critical minerals list.**

The U.S. Geological Survey (“USGS”) unveiled a [draft](#) of its updated critical minerals list on August 26. While still only a proposal, the update adds six minerals to the list (*i.e.*, potash, silicon, copper, silver, rhenium, and lead), while removing two (*i.e.*, arsenic and tellurium). Notably, updates to the critical minerals list will likely affect ongoing and future actions relying on the list to define “critical minerals,” such as the [ongoing Section 232 investigation](#) into critical minerals and derivative products, as well as foreign investment subject to review by the Committee on Foreign Investment in the United States (“CFIUS”).

### **Trump Administration calls for Section 232 investigation into imports of wind turbines.**

The Trump Administration recently [directed](#) the U.S. Department of Commerce (“Commerce”) to begin an investigation under [Section 232](#) of the Trade Expansion Act into imports of wind turbines and their components. A 232 investigation requires Commerce to evaluate the national security risks

associated with the imported product under investigation. Commerce has until May 2026 to issue its report and tariff suggestion for wind turbines.

### Washington continues to pursue and finalize trade agreements.

- **President Trump authorizes tariff modifications necessary to implement agreements with trading partners.** On September 5, President Trump signed an [Executive Order](#) (“EO”) on *“Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements.”* Notably, [Annex II](#) to the EO amends the list of goods not subject to “reciprocal” tariff orders while Annex III contains a list of imports *“for which [President Trump is] willing to provide a zero percent reciprocal tariff rate”* during trade negotiations, including aircraft and aircraft parts, certain agricultural products, non-patented items for use in pharmaceutical applications, and other items that cannot be grown or produced in the United States.
- **United States and European Union publish joint statement outlining framework of trade agreement.** Per the [joint statement](#), tariffs on EU-origin items imported into the United States will generally not exceed 15 percent. In exchange, the European Union agreed to loosen regulations relating to U.S. agricultural goods, procure \$750 billion in U.S. energy products and \$40 billion in artificial intelligence (“AI”) chips, and invest \$600 billion “across strategic sectors in the United States through 2028,” although the details of how this will take place remain unclear. Notably, following President Trump’s recent threat to impose an [additional tariff](#) on *“all Countries with Digital Taxes, Legislation, Rules or Regulations,”* EU leaders have [suggested](#) that the trade deal may be [revised](#).
- **President Trump signs EO implementing the U.S.-Japan framework trade deal.** Per the terms of the [September 4 EO](#), tariffs on Japanese-origin items imported into the United States will generally not exceed 15 percent, although automobiles, aerospace, pharmaceuticals, and resources unavailable in the United States will receive sector-specific treatment. In exchange, the Japanese government has agreed

*“to invest \$550 billion into the United States”* and provide *“American manufacturing, aerospace, agriculture, food, energy, automobile, and industrial goods producers with breakthrough openings in market access across key sectors.”*

**Leaders from China, India, and Russia meet at the 2025 SCO summit.** Chinese President Xi Jinping hosted the annual summit of the [Shanghai Cooperation Organization](#) (“SCO”), a regional security and cooperation organization that positions itself as an alternative to Western-aligned institutions.

- The summit was attended by the leaders of more than 20 countries—including China, Russia, India, Iran, and North Korea—and [resulted](#) in the announcement of a new development bank run by the organization, something China reportedly has sought for years.
- Indian Prime Minister Narendra Modi’s [warmer relationship with China](#) and complementary remarks towards Russia, as showcased at the summit, come on the heels of President Trump’s [additional tariffs](#) on India for its purchases of Russian oil, which has raised the effective tariff rate on the country to 50 percent.
- Notably, on September 9, President Trump announced that negotiations with his *“dear friend”* Modi were continuing, despite reports suggesting he asked the EU to increase its tariffs on China and India to 100 percent to put pressure on Russia.

**Poland shoots down Russian drones over Polish airspace.** Overnight into the early morning hours of September 10, at least 19 drones of alleged Russian-origin entered Poland’s airspace during an attack on Ukraine. Polish forces shot down several of the drones which, according to reports, may have come directly from Belarus. Belarus has since claimed the incident was an accident. In response, Polish Prime Minister Donald Tusk activated Article 4 of the NATO treaty—just the eighth time in NATO’s history that a member state has taken such a step—which provides for security consultations with the full alliance and is a possible initial step towards invocation of Article 5, which is the core mutual defense pillar of the NATO alliance.

**Canada and Germany increase coordination.** On August 26, Canadian Prime Minister Mark Carney and German Chancellor Friedrich Merz signed a non-binding [Joint Declaration of Intent](#) (“JDI”) to *“deepen co-operation to secure critical mineral supply chains, increase collaboration on research and development, and co-fund new critical mineral projects that contribute to a range of industries.”* The Department of Natural Resources of Canada (“NRCan”) and the Federal Ministry for Economic Affairs and Energy of Germany (“BMWE”) will lead efforts under the JDI.

## Global political developments.

- **Japanese Prime Minister resigns.** On September 7, Prime Minister Shigeru Ishiba announced his [resignation](#), which comes after his governing Liberal Democratic Party (“LDP”) coalition lost its majority in parliament amid voter frustration over inflation and regional tension. Prime Minister Ishiba will remain in the role until a successor is elected.
- **French government collapses following no-confidence vote.** On September 8, French Prime Minister François Bayrou [lost a no-confidence vote](#) after his bid to pass an unpopular budgeting plan, much [like his predecessor](#) Michel Barnier in 2024. French President Emmanuel Macron must choose a successor amid a deeply fractured French Parliament.
- **Anutin Charnvirakul named new Prime Minister of Thailand.** Prime Minister Charnvirakul [succeeds](#) former Prime Minister Paetongtarn Shinawatra, who was [removed from office](#) in late August by the country’s Constitutional Court over ethics violations.
- **Nepali Prime Minister resigns amid protests.** On September 9, Nepali Prime Minister Khadga Prasad Oli [resigned](#) as anti-corruption protests swept the country, prompted in part by a since-removed [social media ban](#). After accepting Prime Minister Oli’s resignation, President Ram Chandra Poudel appointed Oli to lead the country’s [caretaker government](#) for the time being.
- **Norwegian left-wing coalition wins reelection.** Norway’s Labor Party, led by Prime Minister Jonas Gahr Støre, maintained its [majority coalition](#) in this year’s general election, although the populist right Progress Party [more than doubled](#) its [seats](#).

**UAW calls for increased tariffs on large trucks.** On August 29th, the United Auto Workers (“UAW”) [called](#) on Commerce to increase the tariff rate on large imported trucks, citing unfair competition and the need to protect domestic manufacturing and union jobs.

**President Trump signals he will extend TikTok ban indefinitely.** After three prior extensions, President Trump indicated he will [continue extending](#) the deadline for the enforcement of the TikTok ban until a U.S. buyer purchases the app from ByteDance, TikTok’s Chinese parent company. President Trump called the security concerns relating to TikTok [“highly overrated”](#) shortly after the White House [launched](#) its own TikTok account.

**For continuous, up-to-date information on the evolving administrative landscape, check out Blank Rome’s [Trump Administration Resource Hub](#). Explore previous BR International Trade Reports [here](#).**

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## In Case You Missed It

### **BIS Amends the Export Administration Regulations to Authorize Certain Exports to Syria, Following OFAC’s Termination of the Syria Sanctions Program**

Blank Rome partner [Anthony Rapa](#) and associate [Rachel D. Evans](#) authored this alert discussing the recently published final rule by Commerce’s BIS, which eases export controls for Syria and could open a path to significant trade between the two countries. [Read More >>](#)

### **DOJ and DHS Launch Cross-Agency Trade Fraud Task Force**

Blank Rome partners [Anthony Rapa](#), [Jennifer A. Short](#), [Bradley L. Henry](#), and associate [Layla S. Najjar](#) authored this alert discussing the recent formation of a cross-agency “Trade Fraud Task Force” created by the DOJ to enhance enforcement against importers and other entities engaged in trade fraud. [Read More >>](#)

### **Court of Appeals Rules That President Lacks Authority for Broad Tariffs**

Blank Rome partners [Joanne E. Osendarp](#), [Eric S. Parnes](#), [Anthony Rapa](#), of counsel [Timothy J. Hruby](#), senior counsel [Alan G. Kashdan](#), and associate [Rachel D. Evans](#) authored this alert discussing the recent ruling by the CAFC which determined that the President cannot impose

broad tariffs of unlimited duration using the IEEPA. [Read More >>](#)

### **Key Takeaways from the CFIUS 2024 Annual Report**

Blank Rome partners [Anthony Rapa](#), senior counsels [George T. Boggs](#) and [Alan G. Kashdan](#), foreign associate [Ekinsu Çebi Elkei](#), and associate [Patrick F. Collins](#) authored this alert examining some key highlights from the CFIUS 2024 Annual Report. [Read More >>](#)

### **Evaluating Trump's Trade Wars: What Has the U.S. Gained and What Are the Economic Costs?**

Blank Rome partner [Anthony Rapa](#) was featured in this *Investopedia* article discussing the potential economic gains and costs amidst the Trump Administration's efforts to rebalance global trade. [Read More >>](#)

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## Upcoming Events

### **Available Now on Demand** 180 Days of the Trump Administration—Quick Hits on Executive Orders, Actions, and Policies

Blank Rome partners [Anthony Rapa](#) and [Bradley L. Henry](#), and of counsel [Timothy J. Hruby](#) served as moderators for a session titled "Trade Changes and Enforcement Updates" as part of the Blank Rome hosted 180 Days of the Trump Administration online webinar. The firm's on-demand webinar series is still available for viewing until Friday, September 12, 2025. [Read More >>](#)

**To learn more about other Recent Developments or Upcoming Events, click [here](#).**

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