

International Trade Group Of The Year: Crowell & Moring

By Alyssa Aquino

Law360 (February 22, 2024, 2:46 PM EST) -- Crowell & Moring LLP saw success on both sides of the Atlantic this year, with its attorneys successfully representing Indian steel importers in a trade matter involving dozens of European enforcement agencies and winning the quick remand of American steel anti-dumping duties, landing it a spot among Law360's 2023 International Trade Practice Groups of the Year.

The trade group is composed of 60 lawyers and trade professionals spread across the practice's main offices in Washington, D.C., and Brussels, and outposts in Los Angeles, Chicago, London, Shanghai, and Doha, Qatar. Subgroups focus on specific areas of trade law, including export sanctions, trade remedies, market access and forced labor, according to group vice chair DJ Wolff and practice co-chair Nicole Simonian.

"One of our specialties is really looking across the global supply chain and working together as a group," Simonian said.

"You can't advise clients if you only can do one of the areas. You need to have a group that has both specialists that are deep in every area that work really, really well together," Wolff said. "We know when to bring in our colleagues, and we're really comfortable all being on the calls together."

In the U.S., the group successfully represented a Siemens Energy AG subsidiary's challenge to an anti-dumping investigation into wind towers from Spain, India and Malaysia, which exposed Siemens to a 73% duty.

Siemens argued that the U.S. Department of Commerce unreasonably narrowed its probe to just one company, eventually persuading the U.S. Court of International Trade to order a redo in February 2023 and again in October, after trade officials stood by their initial approach. Looking back, Daniel Cannistra, a partner, said Commerce's recalcitrance prolonged the case.

"It's unfortunate for practitioners, because essentially, it means you need to go to the court two or three or sometimes four times to get to the right answer, as opposed to Commerce simply doing what it is that they're ordered to do in the first place," Cannistra said.

In contrast, Crowell was able to speedily unravel anti-dumping duties up to 16.44% for Italian steel plate manufacturer Officine Tecnosider SRL. After the firm submitted Tecnosider's brief, the government



agreed in May to voluntarily redo the calculations, which resulted in their eventual elimination.

"In some ways, that highlights the way that it could be, or perhaps even should be, rather than is, which is, if it's clear that we're right, let's save everybody the cost of additional litigation and hearings and effectively settle these cases," Cannistra said.

The group's European team similarly found success in the past year, steering Cerame-Unie, the European Ceramic Industry Association, through a dumping investigation against Turkish and Indian ceramic tile producers. The association was able to secure anti-dumping duties stretching up to 20.9% on their rivals.

Although that win came in a petitioner-side affair, trade partner Vassilis Akritidis noted that the Brussels team also takes on respondent work, making it "one of the very few firms" that does both.

Over the past year, Crowell's European team guided Maxim Tubes, a stainless steel pipes and tubes manufacturer, through an investigation into claims that it was routing Chinese products through India to avoid a 71.9% duty. Several companies had fallen under the investigation's scope, but Maxim was the biggest exporter, accounting for roughly two-thirds of total exports, Akritidis said.

The case played out before customs authorities in 17 member states, as well as in OLAF, the European Anti-Fraud Office, whose penalties could expose parties to up to a €100 million liability.

Maxim made it through the circumvention investigation by OLAF and national authorities unscathed; the Court of Justice of the European Union accepted arguments that Maxim had raised in a similar case brought by another party.

"I can't remember another case where I had anywhere near this number of state customs authorities involved," Akritidis said. "And then the liability — €100 million is an enormous liability for customers. So very big case, meaning the authorities were also very eager in winning, because then they know if they lose that the consequences are also big for them."

The European practice is growing, and the firm intends to foster that growth. However, Simonian said they're not focusing on certain cities for expansion, so much as on the people involved.

"We're really looking at talent," Simonian said. "All of a sudden, you may see a lead partner sitting in the West Coast that we hadn't expected, just depending on who's available."

--Editing by Kat Weaver.