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**RECENT COURT DECISION REFUNDING 100% PUNITIVE DUTY**  
**COLLECTED BY CUSTOMS ON GOODS FROM THE EU**

By Robert B. Silverman

June 18, 2009

On June 16, 2009, the U.S. Court of International Trade issued a decision (Slip-Op. 09-58) which holds that the authority of Customs to collect 100% duties on goods from the EU under the “Beef Hormone War” expired on July 29, 2007. The court ordered Customs to refund any of these punitive duties that were paid by this imported after that date. This case is sure to be appealed to the U.S. Court of Appeals for the Federal Circuit, and possibly to the U.S. Supreme Court.

Any importer seeking to take advantage of this court decision must file an action in the U.S. Court of International Trade under 28 U.S.C. 1581(i). This provision of law gives the court jurisdiction to refund any duties paid within two years of the date that the cause of action arose. Any action filed on or before July 29, 2009 can obtain the full benefits provided by this court decision. The failure to commence an action to protect your rights will result in the forfeiture of these potential refunds.

If you have any questions, or if you have an interest in pursuing this matter, please do not hesitate to contact our office.