

## FURTHER UPDATE: Actions to Recover Duties Paid Under Section 301 List 4 on China Imports – Statute of Limitations Begins on Friday

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We previously alerted domestic importers on the option of litigating to recover List 4A duties, and that bulletin is available [here](#). At the time one year ago domestic industry had taken note of a lawsuit before the Court of International Trade “CIT” challenging the Section 301 tariffs on imports from China. Approximately 4,000 lawsuits were filed in the days that followed. The sense of urgency in 2020 was due to application of the statute of limitations restricting claims for List 3 recovery to, most conservatively, September 18, 2020.

Now, importers who have not filed before the CIT and yet paid the List 4A duties on imports from China could face a similar statute of limitations on that \$300 Billion trade action. The conservative course of action is to file for recovery of any List 4A by August 20, 2021 - **this Friday**. Filing suit after this date risks losing the right to recover some or all of the List 4A duties paid. As with the List 3 claims, a suit seeking recovery of duties paid under List 4A will similarly alleged that the United States Trade Representative violated the Trade Act and the Administrative Procedures Act. Essentially, List 4A was unlawful and the duties collected by U.S. Customs must be refunded.

Benesch is representing many importers before the CIT in order to preserve rights to potential recovery. Our CIT litigation and U.S. Customs team is standing by to assist in determining appropriate courses of action for pursuing List 4A claims.

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