

CASE STUDY



Bergwerff Organic India

MUMBAI, MAHARASHTRA OVERVIEW

Bergwerff Organic India Pvt. Ltd. (Bergwerff), a leading Indian exporter of certified organic soybean meal, was named as a mandatory respondent when a coalition of domestic producers filed antidumping and countervailing duty (AD/CVD) petitions with the U.S. Department of Commerce and the U.S. International Trade Commission (ITC), alleging that Indian organic soybean meal imports were being sold at less than fair value and benefiting from countervailable subsidies. Facing the prospect of duty orders that could have effectively shut it out of the U.S. market, Bergwerff retained Husch Blackwell to defend its interests throughout the investigations before both agencies.

Challenges

Defending against AD/CVD petitions as a mandatory respondent requires rapid mastery of unfamiliar U.S. trade remedy procedures, exacting deadlines, and a heavy evidentiary burden. Bergwerff had to respond to detailed Commerce questionnaires covering pricing, cost, and corporate structure data, demonstrate that its sales were not made at less than fair value and that it did not benefit from countervailable subsidies, and rebut the petitioners' injury allegations before the ITC. This required coordinating the collection and translation of extensive business records, preparing the company for on-site verification by Commerce officials, and building a credible, well-documented record under compressed statutory timelines, all while safeguarding

Services

International Trade & Supply Chain
International Trade Remedies

Legal Team

Nithya Nagarajan

commercially sensitive information from disclosure to competitors.

Solution

Husch Blackwell's International Trade Team developed and executed a comprehensive defense strategy on behalf of Bergwerff from the outset of the investigations. When the petitions were filed with Commerce and the ITC, our team immediately engaged to protect Bergwerff's position as a mandatory respondent, analyzing the petitioners' allegations and identifying the key factual and legal vulnerabilities in their less-than-fair-value and subsidy claims.

Throughout the investigations, Husch Blackwell managed all aspects of Bergwerff's defense, from preparing comprehensive and accurate questionnaire responses to conducting rigorous economic analysis rebutting the petitioners' dumping margin and injury calculations. Due to the COVID-19 international travel restrictions, the Husch Blackwell team was faced with the unique situation of having to coordinate multiple sets of data and responses to the Commerce inquiries in the form of a "virtual" verification. This required the team to explain in exhaustive detail through intense document requests Bergwerff's sales and cost data, identify and challenge mischaracterizations of Indian government programs alleged to be countervailable subsidies, and draft comprehensive pre-hearing and post-hearing briefs.

Result

Husch Blackwell's advocacy delivered a favorable outcome for Bergwerff. The company achieved a significantly reduced margin relative to the rates sought by the petitioning coalition, preserving its ability to continue exporting certified organic soybean meal to the United States. This result

allowed Bergwerff to maintain its U.S. customer relationships and market access despite the imposition of AD/CVD orders on the broader class of Indian organic soybean meal imports.