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U.S. tariffs: Recent developments in refunds; Section 232 measures on metal and pharmaceuticals

U.S. trade policy is currently evolving rapidly, with significant implications for internationally active companies. New tariffs are being introduced, existing measures are being tightened, and at the same time, court decisions are opening up opportunities for the refund of duties already paid.

In this newsletter, we provide an overview of the latest developments: the implementation of refunds of IEEPA tariffs (International Emergency Economic Powers Act; "IEEPA"), the adjustments to Section 232 tariffs on steel, aluminum, and copper products, as well as the new Section 232 tariffs in the pharmaceutical sector.

Refund of IEEPA tariffs

The legal framework for refunds of IEEPA tariffs has been significantly clarified in recent weeks. The U.S. Court of International Trade ("CIT") confirmed that IEEPA tariffs are generally not owed and that overpaid duties must be refunded for ongoing or not yet finally liquidated import entries. A clarification is that the right to refunds also extends to entries that have already been finally liquidated, even if the 180-day protest period has expired (see Euro-Notions Florida, Inc. v. United States, No. 25-00595, April 7, 2026).

The practical implementation will be carried out via the CAPE system (Consolidated Administration and Processing of Entries, a module within the U.S. customs platform ACE), operated by U.S. Customs and Border Protection ("CBP"). Since April 20, 2026, refunds will be processed in a first phase for entries that are not yet liquidated or have been recently liquidated (within a maximum of 80 days after liquidation). Additional cases will follow in subsequent phases.

The CAPE process is conducted entirely digitally via the ACE portal.

• The applicant (U.S. importer or broker) downloads the CAPE declaration template provided.

• The relevant imports are entered (maximum of 9,999 per declaration) and uploaded in CSV format; multiple CAPE declarations can be submitted.

• After successful validation by CBP, the refund is issued via bank transfer to the U.S. bank account of the importer or broker registered in the Automated Clearing House (ACH) within 60 to 90 days.

Useful information is published by CBP on the IEEPA Duty Refunds webpage.

What to do now: U.S. importers or brokers should submit refund claims for affected entries in Phase 1. At the same time, companies should continuously monitor further entries to be prepared for subsequent phases and to submit additional claims when eligible.

Adjustments to Section 232 tariffs on aluminum, steel, and copper products

The United States has significantly revised its Section 232 regime for imports of aluminum, steel, and copper products (see Proclamation No. 11021 of April 2, 2026). Additional tariffs are now levied on the full customs value of a product – including processed goods – regardless of the actual metal content.

The level of additional tariffs depends on the type of product and its degree of processing. Raw materials and semi-finished metal products (Annex I-A) are subject to tariffs of 50%, while processed products or derivatives containing metal (Annex I-B) are subject to 25%. For certain derivative products (Annex II), the measures have been lifted, while selected goods (Annex III) benefit from a temporary reduction of the effective tariff rate to a maximum of 15%. What to do now: While the new rules simplify calculations by removing the need to allocate duties based on metal content, they shift complexity to the correct classification of goods and their allocation to the relevant annexes. Companies should therefore be aware of the potential increase in effective tariff burden as well as the heightened requirements for supply chain analysis and documentation, and adjust their processes accordingly.

Section 232 tariffs on pharmaceutical products

For the first time, the United States has introduced Section 232 measures on pharmaceutical products (see Proclamation No. 11020 of April 2, 2026). The new rules primarily affect patented medicines and their associated ingredients. The tariffs will come into force on a staggered basis beginning July 31, 2026.

The measures generally cover patented pharmaceutical products and their associated ingredients (Annex I). The determining factor is whether a product is considered patented and listed in the relevant U.S. Food and Drug Administration registers (Orange Book or Purple Book). These products are subject to a tariff rate of 100% on the full customs value, unless a reduction or exemption applies. For goods originating in Switzerland, a reduced tariff rate of 15% applies.

Generic drugs and biosimilars, as well as certain specialized or critical products (e.g., orphan drugs, cell and gene therapies, or medically necessary specialty products), are currently excluded.

The effective tariff burden may vary significantly depending on the specific situation. Where agreements with U.S. authorities (such as pricing agreements) and/or onshoring plans are in place, tariff rates typically range between 0% and 20%, in some cases on a temporary basis. For certain companies, a phased implementation also applies. Further details are set out in Annexes II and III to the Proclamation.

What to do now: Swiss pharmaceutical companies should assess the extent to which their products are affected and determine the applicable tariff rates. Key factors include the nature of the product (e.g., patented vs. generic), listing in relevant registers, country of origin, production structure, and any agreements with U.S. authorities.

Conclusion

The U.S. tariff environment remains challenging, and short-term relief is not expected. For companies, this means that core customs topics such as tariff classification, origin of goods, and declared customs value directly determine the effective duty burden. Errors or inconsistencies can quickly lead to additional costs or risks. It is therefore essential that these aspects are managed accurately and remain fully documented internally.

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Publikationsdatum: 27.04.2026