

Law

# Trump's 10% global tariffs are still firmly in place as appeals court halts judges' ruling

Lower court had ruled that president exceeded his authority with global tariffs



President Donald Trump is under challenge over his tariff policy. Photo: Abe McNatt/White House

**Eric Priante Martin**

TradeWinds US bureau chief

Published 12 May 2026, 23:49

An appeals court has decided that President Donald Trump's 10% global tariff will remain fully in place amid continuing legal disputes over the duties.

The decision by the US Court of Appeals for the Federal Circuit is the latest twist in the Trump administration's efforts to press ahead with its trade policy agenda following [a high-profile legal setback in February](#).

The appeals court ordered a hold on a lower-court decision finding that the global tariffs exceeded presidential authority.



[Read more](#)

**American Steel: Finding the missing ingredient for a US shipbuilding renaissance**

---

The temporary halt was issued in a *per curiam* opinion, an unsigned, unanimous decision by the appellate judges, who are considering two cases decided by the US Court of International Trade in a single 2-1 decision.

In those cases, a coalition of US states and two importers had argued that Trump's use of Section 122 of the Trade Act of 1974 to issue the universal tariffs was unlawful.

**TradeWinds**

American Steel



**American Steel newsletter**

Sign up for a weekly deep dive into the American maritime sector and its impact on global shipping.

[Newsletter](#)

## Partial victory

Their victory was only partial. The trade court determined that the president exceeded his authority, but it only ordered refunds in the case of the importers and the state of Washington.

The judges refused to consider a nationwide injunction, leading legal experts to conclude that the Section 122 tariffs would remain even before the appeals court ruling.

The 10% global tariffs were among a variety of measures put in place by the administration after the US Supreme Court concluded that the president exceeded his authority with [sweeping reciprocal tariffs](#) ordered in 2025.



The US Supreme Court decided against reciprocal tariffs in February. (Photo: Sunira Moses/CC BY-SA 3.0)

In seeking a hold on the trade court decision, lawyers for the administration argued that leaving the ruling in place would have “irreparably” harmed the US.

Partly, that is because the tariffs were meant to deal with international payment problems after the Supreme Court decision, they argued.

“Moreover, importers and foreign producers are likely to take actions exacerbating the problems that led the president to impose the challenged tariffs,” the government’s lawyers wrote.

### **Contest tariffs**

After the trade court’s decision, lawyers at Norton Rose Fulbright said in a note to clients that US officials could continue collecting Section 122 duties from all importers not involved in the dispute.

“As such, the expectation is that, at least in the near term, most imports will remain subject to Section 122 duties at entry,” they said.

“Because, however, the opinion clearly held that imposing these tariffs exceeded the president’s authority, we recommend that impacted importers formally contest any continued imposition of the Section 122 tariffs.”

(Copyright)

Published 12 May 2026, 23:49 Updated 13 May 2026, 10:28

US Tariffs Donald Trump

 Copy link

 Be notified

## Read more



# Iran demands documents after floating armoury seizure