

MESSAGE NO: 3094205 MESSAGE DATE: 04/04/2003
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-475-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2000 TO 04/30/2001

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION OF BALL BEARINGS FROM ITALY EXPORTED BY VARIOUS COMPANIES (A-475-201)

MESSAGE NO: 3094205 DATE: 04 04 2003

CATEGORY: ADA TYPE: LIQ

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CASES: A - 475 - 201 - -

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PERIOD COVERED: 05 01 2000 TO 04 30 2001

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION OF BALL BEARINGS FROM ITALY EXPORTED BY VARIOUS COMPANIES (A-475-201)

1. ON AUGUST 30, 2002, THE DEPARTMENT OF COMMERCE (COMMERCE) PUBLISHED IN THE FEDERAL REGISTER ITS FINAL RESULTS OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEWS WITH RESPECT TO BALL BEARINGS AND PARTS THEREOF (BALL BEARINGS) FROM VARIOUS COUNTRIES, INCLUDING ITALY. AMONGST MANY COMPANIES, COMMERCE REVIEWED SEVEN RESELLERS.

2. THREE OF THE REVIEWED RESELLERS DID NOT RESPOND TO COMMERCE'

S REQUEST FOR INFORMATION. AS A RESULT, COMMERCE DETERMINED TO APPLY AN ADVERSE FACTS-AVAILABLE RATE TO ALL IMPORTS OF MERCHANDISE FROM THOSE THREE COMPANIES.

THEREFORE, AS A RESULT OF COMMERCE'S DETERMINATION, YOU SHOULD REVIEW SUPPORTING DOCUMENTATION (E.G. COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) FOR ALL ENTRIES OF BALL BEARINGS FROM ITALY THAT WERE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 5/01/2000 THROUGH 04/30/2001. IF YOU FIND THAT ANY OF THE COMPANIES LISTED BELOW HAD SHIPMENTS OF BALL BEARINGS DURING THIS PERIOD, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO 68.29 PERCENT OF THE ENTERED VALUE.

COMPANY-SPECIFIC CASE NUMBER	COMPANY
A-475-201-046	BEARING DISCOUNT INTERNATIONAL
A-475-201-045	DCD
A-475-201-047	REPRESENTACIONES INDUSTRIALES RODRIQUEZ, S.A. DE C.V.

COMMERCE COMPLETED ITS FIRST REVIEW OF DCD ON 07/12/2001 AND COMPLETED ITS FIRST REVIEW OF BEARING DISCOUNT INTERNATIONAL AND REPRESENTACIONES INDUSTRIALES RODRIQUEZ, S.A. DE C.V. ON, 08/30/2002. UNTIL COMMERCE COMPLETED ITS FIRST REVIEW OF THESE FIRMS, IT WAS NOT APPROPRIATE TO CREATE CASE NUMBERS AND CASH-DEPOSIT RATES IN THE CUSTOMS MODULE. THEREFORE, THE ABOVE CASE NUMBERS DID NOT EXIST AND WERE NOT APPLICABLE TO ENTRIES DURING THE PERIOD OF REVIEW (05/01/2000 THROUGH 04/30/2001). AS A RESULT, PRIOR TO 07/12/2001 (WITH RESPECT TO DCD) AND 08/30/2002 (WITH RESPECT TO BEARING DISCOUNT INTERNATIONAL AND REPRESENTACIONES INDUSTRIALES RODRIQUEZ, S.A. DE C.V.), ENTRIES INVOLVING THE ABOVE COMPANIES MAY HAVE BEEN MADE UNDER ANY OTHER CASE NUMBER APPLICABLE TO BALL BEARINGS FROM ITALY (A-475-201).

3. THE FOUR OTHER RESELLERS REPORTED TO COMMERCE THAT THEY MADE NO SHIPMENTS OF SUBJECT MERCHANDISE DURING THE PERIOD 5/01/2000 THROUGH 04/30/2001. AS A RESULT COMMERCE HAS NOT ESTABLISHED A DUMPING MARGIN OR CASH-DEPOSIT RATE FOR THESE COMPANIES AND THERE IS NO CASE NUMBER FOR THEM IN THE MODULE. AS COMMERCE EXPLAINED IN THE NOTICE OF FINAL RESULTS OF REVIEW, HOWEVER, THAT CLAIM WAS DIFFICULT TO VERIFY USING TRADITIONAL SOURCES OF IMPORT DATA. IF IN FACT THESE FOUR COMPANIES WERE INVOLVED IN THE SHIPMENT OR IMPORTATION OF SUBJECT MERCHANDISE, COMMERCE DETERMINED THAT APPLICATION OF AN ADVERSE FACTS-AVAILABLE RATE IS APPROPRIATE FOR LIQUIDATION OF ENTRIES DURING THE PERIOD OF REVIEW.

THEREFORE, AS A RESULT OF COMMERCE'S DETERMINATION, YOU SHOULD REVIEW SUPPORTING DOCUMENTATION FOR ALL ENTRIES OF BALL BEARINGS FROM ITALY THAT WERE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 5/01/2000 THROUGH 04/30/2001. IF YOU FIND THAT ANY OF THE COMPANIES LISTED BELOW HAD SHIPMENTS OF BALL BEARINGS DURING THIS PERIOD, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO 68.29 PERCENT OF THE ENTERED VALUE.

COMPANY

EURO-LATIN EXPORT SERVICES LIMITED

RODAMIENTOS ROVI C.A.

ROVI-MARACAY

ROVI-VALENCIA

ENTRIES ALSO MAY HAVE BEEN MADE UNDER ANY CASE NUMBER APPLICABLE TO BALL BEARINGS FROM ITALY (A-475-201).

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE, COMPANIES, AND PERIOD DESCRIBED IN ITEMS 2 AND 3 ABOVE. FOR

ALL OTHER SHIPMENTS OF BALL BEARINGS FROM ITALY FOR THE PERIOD 5/01/2000 THROUGH 04/30/2001 YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED

ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER.

INTEREST SHALL BE CALCULATED FROM THE DATE

PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. WHENEVER THE USE OF THE ABOVE INSTRUCTIONS RESULTS IN THE ASSESSMENT OF ANTIDUMPING DUTIES, YOU SHOULD REQUIRE OF THE IMPORTER PRIOR TO LIQUIDATION THE REIMBURSEMENT STATEMENT DESCRIBED IN 19 CFR 351.402(f)(2). IMPORTERS WERE ADVISED OF THIS REQUIREMENT WHEN THE NOTICE OF FINAL RESULTS OF REVIEW WAS PUBLISHED IN THE FEDERAL REGISTER. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING

DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT LYN JOHNSON AT 202-482-5287, AD/CVD

ENFORCEMENT III, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party