

MESSAGE NO: 4083201 MESSAGE DATE: 03/23/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 2283201
MESSAGE #
(s):
CASE #(s): A-423-808

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 11/04/1998 TO 04/30/2000

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR STAINLESS STEEL PLATE IN COILS FROM BELGIUM (A-423-808)

MESSAGE NO: 4083201

DATE: 03 23 2004

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 2283201

REFERENCE DATE: 10 10 2002

CASES: A - 423 - 808

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PERIOD COVERED: 11 04 1998 TO 04 30 2000

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR STAINLESS STEEL PLATE IN COILS FROM BELGIUM (A-423-808)

1. ON SEPTEMBER 29, 2003, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A JUDGMENT IN ALLEGHENY LUDLUM CORPORATION, ET AL V. UNITED STATES AND ALZ, N.V.(COURT NO. 01-01091) (SLIP OP. 03-126) AFFIRMING THE DEPARTMENT OF COMMERCE'S FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER (A-423-808) ON STAINLESS STEEL PLATE IN COILS FROM BELGIUM FOR THE PERIOD NOVEMBER 4, 1998 THROUGH APRIL 30, 2000, AS PUBLISHED IN THE FEDERAL REGISTER ON NOVEMBER 7, 2001 (FINAL RESULTS). SEE 66 FR 56272.

2. IN ACCORDANCE WITH THE CIT'S SEPTEMBER 29, 2003 JUDGMENT, THE PRELIMINARY INJUNCTION ISSUED BY THE CIT ON MARCH 6, 2002, ENJOINING COMMERCE FROM LIQUIDATING ENTRIES AT THE RATE DETERMINED BY COMMERCE IN THE FINAL RESULTS, THAT WERE EXPORTED BY ALZ, N.V. BETWEEN NOVEMBER 4, 1998 AND APRIL 30, 2000, IS DISSOLVED. SEE MESSAGE NUMBER 2283201, DATED OCTOBER 10, 2002.

3. IN FURTHER ACCORDANCE WITH THIS JUDGMENT, FOR ALL SHIPMENTS OF STAINLESS STEEL PLATE IN COILS FROM BELGIUM EXPORTED BY ALZ, N.V. (A-423-808-001) AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD JANUARY 2, 1999 THROUGH MAY 2, 1999, AND JANUARY 1, 2000 THROUGH APRIL 30, 2000, YOU ARE NOW INSTRUCTED TO LIQUIDATE AT 24.43 PERCENT OF ENTERED VALUE.

4. IN ACCORDANCE WITH THE INJUNCTION ISSUED BY THE CIT DATED DECEMBER 10, 2001 (CASE # 01-00834), ENJOINING LIQUIDATION OF CERTAIN ALZ, N.V. ENTRIES WHICH ARE SUBJECT TO THE COUNTERVAILING DUTY ORDER ON STAINLESS STEEL PLATE IN COILS FROM BELGIUM (C- 423 -

809), DO NOT LIQUIDATE FOR THE PERIOD SEPTEMBER 4, 1998 THROUGH JANUARY 1, 1999 (SEE MESSAGE # 3357201, DATED DECEMBER 23, 2003), AND MAY 11, 1999 THROUGH DECEMBER 31, 1999 (SEE MESSAGE # 3351206, DATED DECEMBER 17, 2003) UNTIL FURTHER NOTICE.

5. FOR THE PERIOD MAY 3, 1999 THROUGH MAY 10, 1999 , YOU ARE INSTRUCTED TO LIQUIDATE WITHOUT REGARD TO ANY ANTIDUMPING DUTIES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP 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.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G307:EB).

9. THERE ARE NO RESTRICTIONS TO THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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