

MESSAGE NO: 4266202 MESSAGE DATE: 09/22/2004

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3043204  
MESSAGE #  
(s):

CASE #(s): A-428-815

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/1999 TO 07/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NON REV./AUTO. LIQ. INSTR. CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY MFR'D/EXP'D BY THYSSEN KRUPP STAHL. INJUNCTION IS NO LONGER IN EFFECT.

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CASES: A - 428 - 815

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PERIOD COVERED: 08 01 1999 TO 07 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NON REV./AUTO. LIQ. INSTR. CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY MFR'D/EXP'D BY THYSSEN KRUPP STAHL. INJUNCTION IS NO LONGER IN EFFECT.

REF: MESSAGE 3043204 (02/12/2003), MESSAGE 2123202 (05/03/2002), MESSAGE 3066205 (03/07/2003), AND MESSAGE 4078201 (03/18/2004)

1. MESSAGE NUMBER 3043204 DATED 02/12/2003 REFERENCED AN INJUNCTION ENJOINING LIQUIDATION OF ENTRIES OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY, MANUFACTURED

OR EXPORTED BY THYSSEN KRUPP STAHL AG THAT WERE ENTERED OR

WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 01/01/2000, AND THAT REMAINED UNLIQUIDATED AS OF 5 O'CLOCK P.M. 01/21/2003. THE ORDER FROM THE UNITED STATES COURT OF INTERNATIONAL TRADE THAT ENJOINED LIQUIDATION INDICATED THAT THE INJUNCTION SHALL EXPIRE UPON THE ENTRY OF A FINAL JUDGMENT UPON THE MERITS OF THE CASE IN QUESTION. THE COURT MADE ITS FINAL JUDGMENT ON 06/09/2004, THE DECISION HAS NOT BEEN APPEALED BY ANY PARTY, AND THE INJUNCTION IS NO LONGER IN EFFECT.

2. THE DEPARTMENT OF COMMERCE DID NOT RECEIVE A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY (A-428-815) FOR THE PERIODS COVERING 08/01/1999 THROUGH 07/31/2003.

3. ALL ENTRIES DURING THE PERIODS COVERING 08/01/1999 THROUGH 07/31/2003 OTHER THAN THOSE MEETING THE CRITERIA NOTED IN PARAGRAPH 1 ABOVE HAVE CONTINUED TO BE COVERED BY PREVIOUS LIQUIDATION INSTRUCTIONS (SEE MESSAGE NUMBER 2123202 DATED 05/03/2002 FOR THE PERIOD 08/01/1999 THROUGH 07/31/2000; SEE MESSAGE NUMBER 3066205 DATED 03/07/2003 FOR THE PERIOD 08/01/2000 THROUGH 07/31/2001 AND THE PERIOD 08/01/2001 THROUGH 07/31/2002; AND SEE MESSAGE NUMBER 4078201 DATED 03/18/2004 FOR THE PERIOD 08/01/2002 THROUGH 07/31/2003).

4. BECAUSE THE INJUNCTION REFERENCED IN PARAGRAPH 1 ABOVE TOOK EFFECT AS OF 01/01/2000, ALL MERCHANDISE MANUFACTURED OR EXPORTED BY THYSSEN KRUPP STAHL AG AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, DURING THE PERIOD PERIOD 08/01/1999 THROUGH 12/31/1999 CONTINUED TO BE COVERED BY PREVIOUS LIQUIDATION INSTRUCTIONS (SEE MESSAGE NUMBER 2123202 DATED 05/03/02).

5. BECAUSE THERE WAS NO ADMINISTRATIVE REVIEW REQUESTED FOR ANY OF THE PERIODS FALLING BETWEEN 08/01/1999 THROUGH 07/31/2003, AND BECAUSE THE INJUNCTION REFERENCED IN PARAGRAPH 1 ABOVE IS NO LONGER IN EFFECT, FOR ALL MERCHANDISE MANUFACTURED OR EXPORTED BY

THYSSEN KRUPP STAHL AG THAT WERE ENTERED, OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION, DURING THE PERIOD 01/01/2000 THROUGH 07/31/2003, YOU ARE TO ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

6. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIODS LISTED ABOVE. PARAGRAPHS 3, 4, AND 5 ABOVE COLLECTIVELY COVER THE LIQUIDATION OF ALL ENTRIES OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY FROM 08/01/1999 THROUGH 07/31/2003. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON SHIPMENTS OR 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 OR 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 OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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.

8. 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.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 07:SB)).

10. 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