

MESSAGE NO: 5111203 MESSAGE DATE: 04/21/2005

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

FR CITE: FR FR CITE DATE:

REFERENCE 2281207  
MESSAGE #  
(s):

CASE #(s): A-351-806

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/1994 TO 06/30/1995

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIFTING OF INJUNCTION; LIQUIDATION INSTRUCTIONS FOR SILICON METAL FROM BRAZIL PRODUCED BY COMPANHIA BRASILEIRA CARBURETO DE CALCO (A-351-806-001)

MESSAGE NO: 5111203

DATE: 04 21 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 2281207

REFERENCE DATE: 10 08 2002

CASES: A - 351 - 806

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- - - -

PERIOD COVERED: 07 01 1994 TO 06 30 1995

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIFTING OF INJUNCTION; LIQUIDATION INSTRUCTIONS FOR SILICON METAL FROM BRAZIL PRODUCED BY COMPANHIA BRASILEIRA CARBURETO DE CALCO (A-351-806-001)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE.

1. ON 10/08/2002, THE DEPARTMENT NOTIFIED CBP OF THE PRELIMINARY INJUNCTION ORDERED BY THE U.S. COURT OF INTERNATIONAL TRADE ON LIQUIDATION OF ENTRIES OF SILICON METAL FROM BRAZIL (MESSAGE NUMBER 2281207). ON MAY 13, 2004, THE U.S. COURT OF INTERNATIONAL TRADE ENTERED ITS JUDGEMENT IN THE LITIGATION. THE

LITIGATION IS NO LONGER PENDING, THEREBY LIFTING THE INJUNCTION. THEREFORE, ENTRIES PRODUCED BY COMPANHIA BRASILEIRA CARBURETO DE CALCO SHOULD BE LIQUIDATED AS INSTRUCTED BELOW.

2. FOR ALL SHIPMENTS OF SILICON METAL FROM BRAZIL MANUFACTURED OR EXPORTED BY COMPANHIA BRASILEIRA CARBURETO DE CALCO, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 07/01/1994 THROUGH 06/30/1995, ASSESS AN ANTIDUMPING LIABILITY OF ZERO PERCENT OF THE ENTERED VALUE.

3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF SILICON METAL FROM BRAZIL YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. 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.

5. 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 FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. 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 O9:JDAL).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

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