

MESSAGE NO: 4238305 MESSAGE DATE: 08/26/2014
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 3213304
MESSAGE #
(s):

CASE #(s): A-201-838

EFFECTIVE DATE: 08/14/2014 COURT CASE #: 13-00257

PERIOD OF REVIEW: 11/22/2010 TO 10/31/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 08/26/2014

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for seamless refined copper pipe and tube from Mexico produced and/or exported by Nacional de Cobre, S.A. de C.V. for the period 11/22/2010 through 10/31/2011 (A-201-838)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 08/14/2014, the U.S. Court of International Trade issued an order dismissing, with prejudice, the case of Cerro Flow Prods., LLC; Wieland Copper Prods., LLC; Mueller Copper Tube Prods., Inc.; and Mueller Copper Tube Co., Inc. v. United States (Court No. 13-00257). As a result of this order, the injunction to which message 3213304 refers enjoining liquidation of entries which are subject to the antidumping duty order on seamless refined copper pipe and tube from Mexico for the period 11/22/2010 through 10/31/2011 produced and/or exported by Nacional de Cobre, S.A. de C.V. (AKA Nacobre) dissolved on 08/14/2014.

2. For all shipments of seamless refined copper pipe and tube from Mexico produced and/or exported by Nacobre (A-201-838-002), imported by or sold to (as indicated on the commercial invoice or Customs documentation) Copper and Brass International Corp., and entered, or withdrawn from warehouse, for consumption during the period 11/22/2010 through 10/31/2011, refund all deposits and liquidate without regard to antidumping liabilities.

3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of seamless refined copper pipe and tube from Mexico, produced by Nacobre, entered, or withdrawn from warehouse, for consumption during the period 11/22/2010 through 10/31/2011, entered under case number A-201-838-002, and not covered by paragraph 2, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for seamless refined copper pipe and tube from Mexico is 26.03 percent.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of seamless refined copper pipe and tube from Mexico you shall continue to

collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. 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 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 shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's 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 producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OII:EE.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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