

MESSAGE NO: 4281301 MESSAGE DATE: 10/08/2014
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 68 FR 23954 FR CITE DATE: 05/06/2003

REFERENCE 9148201
MESSAGE #
(s):

CASE #(s): C-533-821

EFFECTIVE DATE: 09/25/2014 COURT CASE #: 2013-1416

PERIOD OF REVIEW: 01/01/2007 TO 12/31/2007

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 10/08/2014

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain hot-rolled carbon steel flat products from India produced and exported by Essar Steel Ltd. (Essar) for the period 01/01/2007 through 12/31/2007 (C-533-821)

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

1. On 06/12/2014, the Court of Appeals for the Federal Circuit issued a final decision in the case of Essar Steel, Limited v. United States (Court No. 2013-1416). As a result of this decision, the injunction to which message 9148201 refers enjoining liquidation of entries which are subject to the countervailing duty order on certain hot-rolled carbon steel flat products from India for the period 01/01/2007 through 12/31/2007 produced by Essar Steel Ltd. (Essar) and exported by Essar Steel Ltd. (Essar) dissolved on 09/25/2014.

2. For all shipments of certain hot-rolled carbon steel flat products from India produced by Essar Steel Ltd. (Essar) and exported by Essar Steel Ltd. (Essar) (C-533-821-002), and entered, or withdrawn from warehouse, for consumption during the period 01/01/2007 through 12/31/2007, assess a countervailing duty liability equal to the percentages listed below of the entered value:

Producer: Essar Steel Ltd. (Essar)

Exporter: Essar Steel Ltd. (Essar)

Case number: C-533-821-002

Final Rate: 76.88

3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of certain hot-rolled carbon steel flat products from India, entered, or withdrawn from warehouse, for consumption during the period 01/01/2007 through 12/31/2007, entered under case number C-533-821-002, and not covered by paragraph 2, assess countervailing duties at the all-others rate in effect on the date of entry. The all-others rate for certain hot-rolled carbon steel flat products from India is 16.10 percent.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of
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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 certain hot-rolled carbon steel flat products from India you shall continue to collect cash deposits of estimated countervailing 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 countervailing 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 countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing 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 countervailing 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 countervailing duties, CBP shall double the countervailing 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 countervailing 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 OIII:EBG.)

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