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

FR CITE: 80 FR 18602 FR CITE DATE: 04/07/2015

REFERENCE MESSAGE # (s): 9042201, 5050304

CASE #(s): A-428-840

EFFECTIVE DATE: 04/07/2015 COURT CASE #: CAFC 2012 1161

PERIOD OF REVIEW: 11/01/2012 TO 10/31/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 04/07/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for lightweight thermal paper from Germany produced and/or exported by Papierfabrik August Koehler SE for the period 11/01/2012 through 10/31/2013 (A-428-840)

1. For all shipments of lightweight thermal paper from Germany produced and/or exported by Papierfabrik August Koehler SE (A-428-840-002), imported by the firm listed below, and entered, or withdrawn from warehouse, for consumption during the period 11/01/2012 through 10/31/2013, assess an antidumping liability equal to the percentage listed below of the entered value:

Importer: Papierfabrik August Koehler SE

Final rate: 0.00%

Case number A-428-840-002 was not in place during the period. Merchandise produced and/or exported by Papierfabrik August Koehler SE may have entered under A-428-840-001 or A-428-840-000.

2. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of lightweight thermal paper from Germany produced by Papierfabrik August Koehler SE, entered, or withdrawn from warehouse, for consumption during the period 11/01/2012 through 10/31/2013, and not covered by paragraph 1, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for lightweight thermal paper from Germany is 6.50 percent.

3. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 1 and 2 occurred with the publication of the final results of administrative review (80 FR 18602, 04/07/2015).

4. There are no injunctions applicable to the entries covered by this instruction. On 03/22/2013, the Court of Appeals for the Federal Circuit issued a final decision in the case Papierfabrik August Koehler SE et al v. United States (CAFC Ct. No. 2012 1161) (associated with CIT Ct. No. 08-00430). As a result of this decision, the injunction to which message number 9042201, dated 02/11/2009, refers enjoining liquidation of entries which are subject to the antidumping duty order

on lightweight thermal paper from Germany which were entered, or withdrawn from warehouse, for consumption on or after 11/20/2008 and were produced and exported by Papierfabrik August Koehler AG or Koehler America, Inc., dissolved on 06/21/2013.

5. Please note that Commerce revoked the antidumping duty order on Lightweight Thermal Paper from Germany effective 11/24/2013 (see 80 FR 5083, dated 01/30/2015 and message number 5050304, dated 02/19/2015). Do not collect cash deposits on any entries on or after 11/24/2013.

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 O2:TKS.)

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