

MESSAGE NO: 5159301 MESSAGE DATE: 06/08/2015

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

FR CITE: 68 FR 70764 FR CITE DATE: 12/19/2003

REFERENCE MESSAGE # (s): 4015206, 4058211, 4067111,
6006211, 8150202, 9362001

CASE #(s): A-122-822, A-580-108

EFFECTIVE DATE: 06/30/2009 COURT CASE #:

PERIOD OF REVIEW: 08/01/2002 TO 07/31/2003

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 12/28/2009

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain corrosion-resistant carbon steel flat products from Canada (A-122-822) originating in the Republic of Korea (A-580-108)

There are multiple effective dates and “notice of lifting of suspension” dates for this message. See paragraphs 6, 7, and 8 below.

1. In message number 4067111, dated 03/08/1994, the Department of Commerce (Commerce) assigned cash deposit rates to merchandise that originates in one country but undergoes certain further processing in Canada and is considered to have undergone a substantial transformation to become a product of Canada for antidumping purposes, but not for Customs purposes. Please refer to paragraphs 6, 9, and 11 of message number 4067111 to determine what further processing constitutes substantial transformation for the purposes of this case.

2. Also in message number 4067111, Commerce established a specific format for U.S. Customs and Border Protection (CBP) to identify and assign cash deposit rates for merchandise originally produced in third countries but exported to the United States as subject merchandise from Canada (A-XXX-YYY-ZZZ). Accordingly, the identification number in this case (A-580-108-ZZZ) denotes the country of origin of the original merchandise as determined by CBP, the Republic of Korea (-580), the subject merchandise certain corrosion-resistant carbon steel flat products (-108), and the unique company code which corresponds to the Canadian company that substantially transformed the third-country merchandise in Canada (-ZZZ).

3. On 12/19/2003 (68 FR 70764), Commerce rescinded, in part, the administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products from Canada (A-122-822) covering the period 08/01/2002 through 07/31/2003 with respect to the following exporters:

Exporter: Continuous ColourCoat

Note: This company is identified as Continuous ColourCoat under case number A-122-822-004 and CCC under case number A-580-108-005.

Exporter: Ideal Roofing Company, Ltd.

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Exporter: Impact Steel Canada, Ltd.

Commerce issued liquidation instructions on 02/27/2004 (see message number 4015206), but subsequently issued a correction message directing CBP not to liquidate entries exported by these companies during the period 08/1/2002 through 07/31/2003 (see message number 4058211, dated 02/27/2004).

4. Commerce issued liquidation instructions covering some of the entries from the exporters identified in paragraph 3. See message number 6006211, dated 01/06/2006. However, the instructions did not identify all relevant case numbers for merchandise exported by these companies which originated in the Republic of Korea. This message is intended to identify those missing case numbers.

5. In addition, as stated in message 6006211, some of the entries exported by the companies listed in paragraph 3 may have been subject to the injunction referenced in message 5136207, dated 5/16/2005, which dissolved on 4/25/2007 (see message 9362001, dated 12/28/2009), and the injunction referenced in message 5167205, dated 6/16/2005, which dissolved on 1/14/2008 (see message 8150202, dated 5/29/2008). Some of the entries exported by the companies listed in paragraph 3 may also have been subject to the injunction referenced in message 7313201, dated 11/9/2007, which dissolved on 6/30/2009 (see message number 9362001, dated 12/28/2009). As a result, there are multiple effective dates and "notice of lifting of suspension" dates for the entries covered by paragraphs 6, 7, and 8 below. Each paragraph identifies the respective effective and notice of lifting of suspension dates.

6. Effective 12/19/2003, for entries of certain corrosion-resistant carbon steel flat products originally produced in the Republic of Korea, exported to the United States from Canada by the companies listed in paragraph 3, entered, or withdrawn from warehouse, for consumption during the period 08/01/2002 through 07/31/2003, and imported by companies OTHER THAN Parkdale International Ltd. and Russel Metals Export, assess antidumping duties at the cash deposit or bonding rate in effect on the date of entry. Such entries may have been made under the following case numbers: A-580-108-005, A-580-108-000, and A-580-108-020. Notice of the lifting of suspension of such entries occurred on 01/06/2006. See message 6006211, dated 01/06/2006.

7. Effective 06/30/2009, for entries of certain corrosion-resistant carbon steel flat products originally produced in the Republic of Korea, exported to the United States from Canada by the companies listed in paragraph 3, entered, or withdrawn from warehouse, for consumption during the period 08/01/2002 through 07/31/2003, and imported by Parkdale International Ltd., assess

antidumping duties at the cash deposit or bonding rate in effect on the date of entry. See message 9362001, dated 12/28/2009, and message 4015206, dated 01/15/2004. Such entries may have been made under the following case numbers: A-580-108-005, A-580-108-000, and A-580-108-020. Notice of the lifting of suspension of such entries occurred on 12/28/2009. See message 9362001, dated 12/28/2009.

8. Effective 01/14/2008, for entries of certain corrosion-resistant carbon steel flat products originally produced in the Republic of Korea, exported to the United States from Canada by the companies listed in paragraph 3, entered, or withdrawn from warehouse, for consumption during the period 08/01/2002 through 07/31/2003, and imported by Russel Metals Export, assess antidumping duties at the all other rate, 18.71 percent. See message 8150202, dated 05/29/2008. Such entries may have been made under the following case numbers: A-580-108-005, A-580-108-000, and A-580-108-020. Notice of the lifting of suspension of liquidation of such entries occurred on 05/29/2008. See message 8150202, dated 05/29/2008.

9. The antidumping duty order for corrosion-resistant carbon steel flat products from Canada was revoked effective 12/15/2005, see message number 7053202, dated 02/22/2007.

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

11. The assessment of antidumping duties by CBP 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 or assess interest on underpayments of the required amounts deposited on estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of the 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.

12. 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.

13. 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 OVII:JA.)

14. 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