

MESSAGE NO: 5226301 MESSAGE DATE: 08/14/2015
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 8113204, 8262205, 0229303,
MESSAGE # 0250302, 5218301, 5219318
(s):

CASE #(s): C-570-913

EFFECTIVE DATE: 07/18/2015 COURT CASE #: 08-00285

PERIOD OF REVIEW: 12/17/2007 TO 12/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 08/14/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for new pneumatic off-the-road tires from the PRC exported by Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC) for the period 12/17/2007 - 12/31/2008 (C-570-913)

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

This message replaces message numbers 5219318 and 5218301.

1. On 03/13/2015, the U.S. Court of Appeals for the Federal Circuit issued a final decision in the case GPX International Tire Corporation v. United States (CAFC No. 2014-1188). On 05/18/2015, the U.S. Court of International Trade (CIT) issued a final order enforcing judgment of the CIT's 10/30/2013 decision in the case of GPX International Tire Corporation v. United States (Consol. Court No. 08-00285), which was appealed in GPX International Tire Corporation v. United States (CAFC No. 2014-1188). As a result of the latter 05/18/2015 decision, the injunction to which message number 0229303 dated 08/17/2010, and message number 0250302 dated 09/07/2010, refer enjoining liquidation of entries which are subject to the countervailing duty order on new pneumatic off-the-road tires from the People's Republic of China exported by Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC) which were entered, or withdrawn from warehouse, for consumption beginning 12/17/2007, dissolved on 07/18/2015.

2. As a result of the CIT 05/18/2015 order enforcing its 10/13/2013 final decision, for all shipments of new pneumatic off-the-road tires from the People's Republic of China exported by Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC) (C-570-913-002), and entered, or withdrawn from warehouse, for consumption during the period 12/17/2007 through 12/31/2008, assess countervailing duties at the rate of 3.93 percent unless paragraph 3 applies.

3. Shipments of the merchandise described in paragraph 2, entered, or withdrawn from warehouse, on or after 04/15/2008 and on or before 09/04/2008 should be liquidated without regard to countervailing duties. See message number 8113204 dated 04/22/2008, and message number 8262205 dated 09/18/2008.

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 new pneumatic off-the-road tires from the People's Republic of China, you shall continue to collect cash deposits or bonds of estimated countervailing duties for the merchandise at the current rates.
5. The injunction applicable to the entries covered by this instruction has dissolved. See paragraph 1.
6. The assessment of countervailable 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 countervailable duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailable duties before the date of publication of the countervailable duty order. Interest shall be calculated from the date payment of estimated countervailable 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. 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 O7:DL.)
8. There are no restrictions on the release of this information.

Sherri L. Hoffman

Company Details

*Party Indicator Value:

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