

MESSAGE NO: 5341307 MESSAGE DATE: 12/07/2015
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 4177303
MESSAGE #
(s):

CASE #(s): A-428-840

EFFECTIVE DATE: 12/04/2015 COURT CASE #: 14-00143

PERIOD OF REVIEW: 11/01/2011 TO 10/31/2012

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 12/07/2015

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 exported by Papierfabrik August Koehler AG or Papierfabrik August Koehler SE for the period 11/01/2011 - 10/31/2012

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

1. On 09/17/2015, the U.S. Court of International Trade issued a final decision in the case of Appvion, Inc v. United States (court no. 14-00143). As a result of this decision, the injunction to which message 4177303 refers enjoining liquidation of entries which are subject to the antidumping duty order on lightweight thermal paper from Germany for the period 11/01/2011 through 10/31/2012 produced and exported by Papierfabrik August Koehler AG or Papierfabrik August Koehler SE dissolved on 11/16/2015.

2. For all shipments of lightweight thermal paper from Germany produced and exported by Papierfabrik August Koehler AG or Papierfabrik August Koehler SE, imported by or sold to (as indicated on the commercial invoice or Customs documentation) the firms listed below, and entered, or withdrawn from warehouse, for consumption during the period 11/01/2011 through 10/31/2012, liquidate without regard to antidumping duties:

Importer or customer: Papierfabrik August Koehler AG

Case number: A-428-840-001

Importer or customer: Papierfabrik August Koehler SE

Case number: No case number was in place for this company during the period 11/01/2011 through 10/31/2012. Entries may have been made under A-428-840-000 or A-428-840-001.

3. 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thermal paper from Germany, produced by Papierfabrik August Koehler AG or Papierfabrik August Koehler SE, entered, or withdrawn from warehouse, for consumption during the period 11/01/2011 through 10/31/2012, entered under case number A-428-840-001, and not covered by paragraph 2,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 lightweight thermal paper from Germany is 6.50 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.

5. Effective 11/24/2013, the antidumping duty order on lightweight thermal paper from Germany was revoked. The revocation was published in the Federal Register on 01/30/2015 (80 FR 5083).

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

7. 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.

8. 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.

9. 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/BJC.)

10. 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