

MESSAGE NO: 6012302 MESSAGE DATE: 01/12/2016  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1153305, 4045301  
MESSAGE #  
(s):

CASE #(s): A-570-967

EFFECTIVE DATE: 12/23/2015 COURT CASE #: 14-00043

PERIOD OF REVIEW: 11/12/2010 TO 04/30/2012

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 01/12/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for aluminum extrusions from the People's Republic of China exported by Guangdong Zhongya Aluminum Company Limited for the period 11/12/2010 through 04/30/2012 (A-570-967)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 6 below.

1. On 5/27/2015 the U.S. Court of International Trade issued a decision in Zhaoqing New Zhongya Aluminum Co., Ltd. v. United States (14-00043) affirming Commerce's determination that Zhaoqing New Zhongya Aluminum Co., Ltd. a.k.a. Guangdong Zhongya Aluminum Company Limited ("Zhongya"); Guangya Aluminum Industrial Co., Ltd., Foshan Guangcheng Aluminum Co., Ltd. ("Guang Ya Group"); and Foshan Nanhai Xinya Aluminum & Stainless Steel Products Co., Ltd. ("Xinya") should be treated as a single entity. The CIT also affirmed Commerce's determination that the Zhongya/Guang Ya Group/Xinya entity was not eligible for a separate rate and should be treated as part of the PRC-wide entity.

2. On 12/09/2015 the Court of Appeals for the Federal Circuit issued an order and mandate dismissing the appeal in Zhaoqing New Zhongya Aluminum Co., Ltd. v. United States (2015-1877). As a result of this dismissal and mandate, the injunction to which message 4045301 refers enjoining liquidation of entries which are subject to the antidumping duty order on aluminum extrusions from the People's Republic of China ("PRC") for the period 11/12/2010 through 04/30/2012 exported by Zhaoqing New Zhongya Aluminum Co., Ltd., a.k.a. Guangdong Zhongya Aluminum Company Limited., dissolved on 12/23/2015.

3. Because the CIT's decision is now final, the Zhongya/Guang Ya Group/Xinya entity lost its separate rate and is part of the PRC-wide entity, effective 01/02/2014 (70 FR 96). For all shipments of aluminum extrusions from the PRC exported by Zhaoqing New Zhongya Aluminum Co., Ltd., a.k.a. Guangdong Zhongya Aluminum Company Limited., entered, or withdrawn from warehouse, for consumption during the period 11/12/2010 through 04/30/2012, assess an antidumping liability equal to 33.28 percent (the PRC-wide entity rate) of the entered value, except if paragraphs 4 or 5 are applicable. Entries of subject merchandise may have been made under case numbers A-570-967-000 and A-570-967-001.

4. If a bond or cash deposit was collected as security for an estimated antidumping duty for any shipment of merchandise described in paragraph 3 that was entered, or withdrawn from warehouse, for consumption during the period 11/12/2010 through 05/10/2011, assess antidumping liabilities equal to the amount resulting from application of paragraph 3 or equal to the amount of the bond or cash deposit, whichever is less.

5. Entries for the period 05/11/2011 through 05/18/2011 should be liquidated via message 1153305, dated 06/02/2011.

6. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of aluminum extrusions from the PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

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

8. 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.

9. 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 and/or countervailing duties, CBP shall double the antidumping duty and/or increase the antidumping duty by the amount of 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 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.

10. 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 O3:PS)

11. There are no restrictions on the release of this information.

Alexander Amdur

## Company Details

\*Party Indicator Value:

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