

MESSAGE NO: 2174302 MESSAGE DATE: 06/22/2012
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: PARRES-Partial Rescission

FR CITE: 77 FR 33159 FR CITE DATE: 06/05/2012

REFERENCE 2170302
MESSAGE #
(s):

CASE #(s): A-428-201

EFFECTIVE DATE: 06/05/2012 COURT CASE #:

PERIOD OF REVIEW: 05/01/2010 TO 04/30/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/05/2012

TO: { Directors Of Field Operations, Port Directors }

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

RE: Rescission of administrative review in part of antidumping duty order on ball bearings and parts thereof from Germany (A-428-201)

1. COMMERCE HAS RESCINDED THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM GERMANY (A-428-201) COVERING THE PERIOD 05/01/2010 THROUGH 04/30/2011 IN PART WITH RESPECT TO THE FIRMS LISTED BELOW. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2010 THROUGH 04/30/2011 AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY.

LIQUIDATE ALL ENTRIES FOR THE FOLLOWING FIRMS:

SKF GMBH

CASE NUMBER: A-428-201-012, A-428-201-000, OR OTHER COMPANY-SPECIFIC CASE NUMBERS.

AUDI AG

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

KONGSKILDE LIMITED

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

VOLKSWAGEN AG

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

VOLKSWAGEN ZUBEHOR GMBH

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

2. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ENTRIES OF MERCHANDISE PRODUCED AND/OR EXPORTED BY THE COMPANIES LISTED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2010 THROUGH 04/30/2011 AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY UNLESS THE ENTRIES WERE MADE UNDER THE COMPANY NAMES AND/OR CBP CASE NUMBERS FOR THE SPECIFIC COMPANIES LISTED BELOW. ALL ENTRIES PRODUCED AND/OR EXPORTED BY THE FOLLOWING COMPANIES AND ENTERED UNDER THE FOLLOWING COMPANY NAMES OR CASE NUMBERS MUST REMAIN SUSPENDED UNTIL FURTHER NOTICE BECAUSE COMMERCE HAS NOT RESCINDED OR COMPLETED ITS REVIEW OF THESE COMPANIES:

COMPANY: BAYERISCHE MOTOREN WERKE AG

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: BOSCH REXROTH AG

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: BSH BOSCH UND SIEMENS HAUSGERATE GMBH

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: CATERPILLAR S.A.R.L.

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: MYONIC GMBH

CASE NUMBER: A-428-201-029 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: ROBERT BOSCH GMBH

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

COMPANY: ROBERT BOSCH GMBH POWER TOOLS AND HAGGLUNDS DRIVES

CASE NUMBER: ENTRIES MAY HAVE BEEN MADE UNDER A-428-201-000 OR OTHER COMPANY-SPECIFIC NUMBERS.

3. FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY AUDI AG ARE SUSPENDED UNDER MYONIC GMBH AS THE PRODUCER, SUCH ENTRIES MUST REMAIN SUSPENDED UNTIL COMMERCE COMPLETES ITS REVIEW OF MYONIC GMBH AND CBP MUST NOT LIQUIDATE SUCH ENTRIES PURSUANT TO THESE INSTRUCTIONS BECAUSE, ALTHOUGH COMMERCE HAS RESCINDED ITS REVIEW OF AUDI AG, IT HAS NOT RESCINDED OR COMPLETED ITS REVIEW OF MYONIC GMBH.

FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY AUDI AG ARE SUSPENDED UNDER VOLKSWAGEN AG AS THE PRODUCER, CBP SHOULD LIQUIDATE THEM PURSUANT TO THESE INSTRUCTIONS AT THE CASH-DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY BECAUSE COMMERCE HAS RESCINDED THE REVIEW OF BOTH AUDI AG AND VOLKSWAGEN AG.

4. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2010 THROUGH 04/30/2011 OCCURRED WITH THE PUBLICATION OF THE PRELIMINARY RESULTS OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEWS AND RESCISSION OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEWS IN PART (77 FR 33159, 06/05/2012). FOR ALL OTHER SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM GERMANY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE TEMPORARY RESTRAINING ORDERS WITH COURT NUMBERS 2011-1362, 2011-1382, 2011-1383, 2011-1454 DISCUSSED IN MESSAGE NUMBER 2170302 DATED 06/18/2012 ARE APPLICABLE TO THE ENTRIES OF BALL BEARING FROM GERMANY THAT WERE PRODUCED OR EXPORTED BY SCHAEFFLER KG OR SCHAEFFLER TECHNOLOGIES GMBH & CO. KG (FORMERLY SCHAEFFLER KG) AND ENTERED FOR CONSUMPTION ON OR BETWEEN 05/01/2010 AND 04/30/2011, AND WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BALL BEARING AND PARTS THEREOF FROM GERMANY (A-428-201) FOR THE PERIOD 05/01/2010 THROUGH 04/30/2011. ACCORDINGLY, CONTINUE TO SUSPEND LIQUIDATION OF SUCH ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE ISSUED.

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 MANUFACTURER, 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, IMPORT ADMINISTRATION, 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 O1:CC.)

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