

MESSAGE NO: 6160302 MESSAGE DATE: 06/08/2016
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-929

EFFECTIVE DATE: 05/24/2016 COURT CASE #: 14-00287

PERIOD OF REVIEW: 02/01/2012 TO 01/31/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/08/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for small diameter graphite electrodes from the PRC exported by Fushun Jinly Petrochemical Carbon Co., Ltd. for the period 02/01/2012 through 01/31/2013 (A-570-929)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 03/23/2016, the U.S. Court of International Trade issued a final decision in the case of Fushun Jinly Petrochemical Carbon Co. v. United States (Court No. 14-00287). As a result of this decision, the injunction to which message 4325302 refers enjoining liquidation of entries which are subject to the antidumping duty order on small diameter graphite electrodes from the People's Republic of China for the period 02/01/2012 through 01/31/2013 exported by Fushun Jinly Petrochemical Carbon Co., Ltd. (also known as Fushun Jinli Petrochemical Carbon Co., Ltd.) dissolved on 05/24/2016.

2. In its final ruling, the CIT upheld Commerce's final results, 79 FR 57508, 09/25/2014, wherein Commerce determined that the following exporter is no longer eligible for a separate rate and is considered part of the PRC-wide entity:

Exporter: Fushun Jinly Petrochemical Carbon Co., Ltd. (also known as Fushun Jinli Petrochemical Carbon Co., Ltd.)

For all shipments of small diameter graphite electrodes from the People's Republic of China entered under Fushun Jinly Petrochemical Carbon Co., Ltd.'s former case number, A-570-929-033 (regardless of exporter), entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013 assess an antidumping liability at the PRC-wide rate. The PRC-wide rate is 159.64 percent of the entered value.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of small diameter graphite electrodes from the People's Republic of China you shall

continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

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

5. 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.

6. 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.

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 OI:DV.)

8. 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