

MESSAGE NO: 2158304 MESSAGE DATE: 06/06/2012
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 72 FR 12758 FR CITE DATE: 03/19/2007

REFERENCE 4067111
MESSAGE #
(s):
CASE #(s): A-122-822, A-423-108

EFFECTIVE DATE: 03/19/2007 COURT CASE #:

PERIOD OF REVIEW: 08/01/2004 TO 07/31/2005

PERIOD COVERED: 08/01/2004 TO 07/31/2005

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liq instr for certain corrosion resistant carbon steel flat products from Canada produced in and/or exported from Belgium for all others for the period 08/01/2004 thru 07/31/2005 (A-423-108)

1. IN MESSAGE NUMBER 4067111, DATED 03/08/1994, THE DEPARTMENT OF COMMERCE ASSIGNED CASH DEPOSIT RATES APPLICABLE TO MERCHANDISE ORIGINALLY PRODUCED IN OTHER COUNTRIES, BUT EXPORTED AS SUBJECT MERCHANDISE FROM CANADA. PARAGRAPH 11 OF MESSAGE NUMBER 4067111 STATES THAT FOR PURPOSES OF ANTIDUMPING DUTIES, GALVANIZING CONSTITUTES SUBSTANTIAL TRANSFORMATION (E.G., U.S. ORIGIN STEEL PLATE GALVANIZED IN ANOTHER COUNTRY IS SUBJECT TO THE AD VALOREM CASH DEPOSIT FOR CORROSION RESISTANT STEEL FROM THE SUBJECT COUNTRY.) PLEASE REFER TO PARAGRAPHS 6 AND 9B OF MESSAGE NUMBER 4067111 FOR A DISCUSSION OF SUBSTANTIAL TRANSFORMATION FOR PURPOSES OF ANTIDUMPING DUTIES.

2. IN MESSAGE NUMBER 4067111, THE DEPARTMENT ESTABLISHED A SPECIFIC FORMAT FOR U.S. CUSTOMS AND BORDER PROTECTION (CBP) TO IDENTIFY AND ASSIGN CASH DEPOSIT RATES FOR MERCHANDISE ORIGINALLY PRODUCED IN OTHER COUNTRIES BUT EXPORTED AS SUBJECT MERCHANDISE FROM CANADA. THIS IDENTIFICATION NUMBER (A-XXX-108-ZZZ) DENOTES THE COUNTRY OF ORIGIN (-XXX), AS DETERMINED BY CBP, THE SUBJECT MERCHANDISE (-108), AND THE UNIQUE COMPANY CODE (-ZZZ), WHICH CORRESPONDS TO THE CANADIAN COMPANY THAT SUBSTANTIALLY TRANSFORMED THE MERCHANDISE THAT WAS ORIGINALLY PRODUCED IN OTHER COUNTRIES INTO SUBJECT MERCHANDISE FROM CANADA. IN GENERAL, THE CASH DEPOSIT RATE REQUIRED ON EACH ENTRY WILL BE THAT ASSIGNED FOR THAT REVIEW PERIOD TO THE CANADIAN COMPANY (MANUFACTURER OR EXPORTER) THAT SUBSTANTIALLY TRANSFORMED THE PRODUCT FOR ANTIDUMPING PURPOSES, OR THE ALL OTHERS RATE IF THE COMPANY HAS NO RATE SPECIFICALLY ASSIGNED TO IT.

3. THE DEPARTMENT IS NOW INSTRUCTING CBP TO LIQUIDATE ENTRIES FROM CANADA SUSPENDED UNDER

A-423-108-000 AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION

DURING THE PERIOD 08/01/2004 THROUGH 07/31/2005 AT THE ALL OTHERS RATE.

CASE NUMBER: A-423-108-000

ALL OTHERS RATE: 18.71%

4. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE COVERED BY PARAGRAPHS 1, 2, AND 3 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (72 FR 12758, 03/19/2007).

5. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

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 O6:JA.)

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