

MESSAGE NO: 1251301 MESSAGE DATE: 09/08/2011

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 74 FR 44819 FR CITE DATE: 08/31/2009

REFERENCE MESSAGE # (s): 9273209, 9300203, 9307202

CASE #(s): A-475-201

EFFECTIVE DATE: 09/08/2011 COURT CASE #: 09-00386

PERIOD OF REVIEW: 05/01/2007 TO 04/30/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 09/08/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liq instrs for ball bearings and parts thereof from Italy exp. by Schaeffler Italia S.r.L. or Schaeffler KG (A-475-201-001), CT. NO. 09-00386

NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. SEE PARAGRAPH 3 BELOW.

1. ON 06/22/2011, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED A FINAL DECISION IN THE CASE OF SCHAEFFLER ITALIA S.R.L. ET AL. V. UNITED STATES (09-00386). AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 9273209 DATED 09/30/2009 AS CORRECTED IN MESSAGE 9300203 DATED 10/27/2009 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM ITALY FOR THE PERIOD 05/01/2007 THROUGH 04/30/2008 EXPORTED BY SCHAEFFLER ITALIA S.R.L. (FORMERLY FAG ITALIA) OR SCHAEFFLER KG (FORMERLY FAG KUGELFISCHER AG & CO.) IN GERMANY TO THE UNITED STATES DISSOLVED ON 08/22/2011.

2. FOR ALL SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM ITALY EXPORTED BY SCHAEFFLER ITALIA S.R. L. OR SCHAEFFLER KG (A-475-201-001) AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008, ASSESS AN ANTIDUMPING LIABILITY OF 15.10 PERCENT OF THE ENTERED VALUE.

ITALIAN-ORIGIN BALL BEARINGS MAY HAVE BEEN EXPORTED BY SCHAEFFLER KG. CBP OFFICERS MUST ENSURE THAT ONLY ITALIAN-ORIGIN BALL BEARINGS COVERED BY THESE INSTRUCTIONS ARE ASSESSED AT 15.10 PERCENT. SCHAEFFLER KG ALSO EXPORTS NON-ITALIAN-ORIGIN BALL BEARINGS TO THE UNITED STATES THAT ARE NOT COVERED BY THESE INSTRUCTIONS.

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 BALL BEARINGS AND PARTS THEREOF FROM ITALY 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 WHICH IS 05/15/1989. 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 SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN 19 CFR 351.402(F)(2). 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 SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:YJC).

8. 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