

MESSAGE NO: 0291310 MESSAGE DATE: 10/18/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 4083201, 5199201
MESSAGE #
(s):

CASE #(s): A-423-808

EFFECTIVE DATE: 10/18/2010 COURT CASE #: 05-00444

PERIOD OF REVIEW: 11/04/1998 TO 04/30/2000

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 10/18/2010

TO: { Directors Of Field Operations, Port Directors }

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

RE: RE: LIQUIDATION INSTRUCTIONS FOR STAINLESS STEEL PLATE IN COILS FROM BELGIUM PRODUCED BY UGINE & ALZ BELGIUM, N.V. FOR THE PERIOD 11/04/1998 THROUGH 04/30/2000 (A-423-808-001)

1. ON 12/18/2007, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL JUDGMENT AND ORDER IN THE CASE OF UGINE & ALZ BELGIUM, N.V. V. UNITED STATES AND ALLEGHENY LUDLUM CORPORATION, AK STEEL CORPORATION, UNITED AUTO WORKERS LOCAL 3303, UNITED STEELWORKERS OF AMERICA, AFL-CIO/CLC, AND ZANESVILLE ARMCO INDEPENDENT ORGANIZATION (COURT NO. 05-00444). AS A RESULT OF THIS DECISION, THE INJUNCTIONS TO WHICH MESSAGE 6243201 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON STAINLESS STEEL PLATE IN COILS (SSPC) FROM BELGIUM FOR THE PERIOD 11/04/1998 THROUGH 04/30/2000 PRODUCED AND/OR EXPORTED BY UGINE & ALZ BELGIUM, N.V. DISSOLVED ON 04/24/2009.

2. ON 01/07/2009, THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT (FEDERAL CIRCUIT) IN CASE NUMBER 2008-1213 AFFIRMED THE FINAL JUDGMENT OF THE CIT. THE FEDERAL CIRCUIT ISSUED ITS FINAL MANDATE IN CASE NUMBER 2008-1213 ON 04/24/2009.

3. THEREFORE, U.S. CUSTOMS AND BORDER PROTECTION (CBP) MAY NOW IMPLEMENT THE INSTRUCTIONS IN MESSAGE NUMBER 5199201 DATED 07/18/2005 WHICH WERE A CORRECTION TO MESSAGE 4083201 DATED 03/23/2004. SPECIFICALLY, FOR ALL SHIPMENTS OF STAINLESS STEEL PLATE IN COILS FROM BELGIUM EXPORTED BY ALZ, N.V. (A-423-808-001), AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIODS LISTED BELOW, CBP IS NOW DIRECTED TO LIQUIDATED SUBJECT MERCHANDISE AT THE RATES SPECIFIED BELOW. THIS IS A CORRECTION TO THE PREVIOUS MESSAGES:

CASE NUMBER: A-423-808-001

PERIOD RATE

11/04/1998-03/30/1999 3.44 PERCENT

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03/31/1999-05/02/1999 9.86 PERCENT

05/03/1999 - 05/20/1999 LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES

05/21/1999 - 04/30/2000 24.43 PERCENT

SHIPMENTS OF SSPC FROM BELGIUM ENTERED BEFORE 11/04/1998 SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES.

4. PARAGRAPH NUMBER 5 IN MESSAGE 5199201 DATED 7/18/2005 HAS BEEN REVISED TO READ:

ENTRIES OF SSPC HOT ROLLED IN GERMANY AND NOT FURTHER COLD ROLLED IN BELGIUM ARE NOT SUBJECT TO THE ANTIDUMPING DUTY ORDER ON SSPC FROM BELGIUM. THEREFORE, ALL ENTRIES OF SSPC HOT ROLLED IN GERMANY AND NOT FURTHER COLD ROLLED IN BELGIUM SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS).

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 11/04/1998 THROUGH 04/30/2000. FOR ALL OTHER SHIPMENTS OF SSPC FROM BELGIUM YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE INJUNCTION WITH COURT NUMBER 08-00434, REFERENCED IN MESSAGE NUMBERS 9028207 AND 0267305 DATED 01/28/2009 AND 09/24/2010 RESPECTIVELY, IS APPLICABLE TO THE ENTRIES PRODUCED AND EXPORTED BY UGINE & ALZ BELGIUM N.V., ITS PREDECESSOR-IN-INTEREST, ALZ N.V., AND/OR ITS SUCCESSOR-IN-INTEREST, ARCELORMITTAL STAINLESS BELGIUM N.V.. ACCORDINGLY, UNTIL FURTHER NOTICE, CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE PROVIDED.

7. NOTWITHSTANDING THE INJUNCTION WITH COURT-NUMBER 08-00434 DESCRIBED IN PARAGRAPH 7, ENTRIES OF SSPC HOT ROLLED IN GERMANY AND NOT FURTHER COLD ROLLED IN BELGIUM ARE NOT SUBJECT TO THE ANTIDUMPING DUTY ORDER ON SSPC FROM BELGIUM PURSUANT TO A FINAL JUDGMENT OF THE CIT. THEREFORE, ALL UNLIQUIDATED ENTRIES OF SSPC HOT ROLLED IN GERMANY AND NOT FURTHER COLD ROLLED IN BELGIUM SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS).

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. 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 SHOULD 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 AND/OR COUNTERVAILING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING AND/OR INCREASE THE ANTIDUMPING DUTY BY THE AMOUNT OF THE COUNTERVAILING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATIONS. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING AND/OR INCREASE THE ANTIDUMPING DUTY BY THE AMOUNT OF THE COUNTERVAILING DUTIES.

10. 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 OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O6:TP).

11. 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