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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 75 FR 22552 FR CITE DATE: 04/29/2010

REFERENCE 5336202
MESSAGE #
(s):

CASE #(s): A-489-807

EFFECTIVE DATE: 04/29/2010 COURT CASE #: 05-00613

PERIOD OF REVIEW: 04/01/2003 TO 03/31/2004

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 04/29/2010

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN STEEL CONCRETE REINFORCING BARS FROM TURKEY PRODUCED BY HABAS SINAI VE TIBBI GAZLAR ISTIHSAL ENDUSTRISI A.S. FOR PERIOD 4/1/2003, THROUGH 3/31/2004 (A-489-807-000)

1. ON NOVEMBER 23, 2009, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED A FINAL DECISION IN THE CASE OF HABAS SINAI VE TIBBI GAZLAR ISTIHSAL ENDUSTRISI A.S. V. UNITED STATES, COURT NO. 05-00613. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 5336202 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN STEEL CONCRETE REINFORCING BARS FROM TURKEY FOR PERIOD 04/1/2003, THROUGH 03/31/2004, MANUFACTURED AND EXPORTED BY HABAS SINAI VE TIBBI GAZLAR ISTIHSAL ENDUSTRISI A.S. DISSOLVED ON 01/22/2010.

2. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 4/1/2003, THROUGH 3/31/2004, OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF ADMINISTRATIVE REVIEW, 75 FR 22552 (APR. 29, 2010).

3. IN MESSAGE NUMBER 0145303, COMMERCE DIRECTED CBP TO ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY FOR ALL SHIPMENTS OF CERTAIN STEEL CONCRETE REINFORCING BARS FROM TURKEY PRODUCED BY HABAS SINAI VE TIBBI GAZLAR ISTIHSAL ENDUSTRISI A.S., ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 4/1/2003, THROUGH 3/31/2004, ENTERED UNDER CASE NUMBER A-489-807-003, AND NOT COVERED BY PARAGRAPH TWO.

WE ARE NOW DIRECTING CBP TO ALSO ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY FOR ALL SHIPMENTS OF CERTAIN STEEL CONCRETE REINFORCING BARS FROM TURKEY PRODUCED BY HABAS SINAI VE TIBBI GAZLAR ISTIHSAL ENDUSTRISI A.S., ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 4/1/2003, THROUGH 3/31/2004, ENTERED UNDER CASE NUMBER A-489-807-000, UNLESS PARAGRAPH TWO IN MESSAGE

NUMBER 0145303 APPLIES. THE ALL-OTHERS RATE FOR CERTAIN STEEL CONCRETE REINFORCING BARS FROM TURKEY IS 16.06 PERCENT.

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. 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 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, 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: 02:HR).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Message Date: 09/10/2010

Message Number: 0253301

Page 3 of 5

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party