

MESSAGE NO: 8038207 MESSAGE DATE: 02/07/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6069205
MESSAGE #
(s):

CASE #(s): A-485-803

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2003 TO 07/31/2004

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQ. INST. FOR CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA PRO'D BY ISPAT SIDEX S.A. (MITTAL STEEL) (A-485-803-000/001)

MESSAGE NO: 8038207

DATE: 02 07 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 6069205

REFERENCE DATE: 03 10 2006

CASES: A - 485 - 803

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PERIOD COVERED: 08 01 2003 TO 07 31 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INST. FOR CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA PRO'D BY ISPAT SIDEX S.A. (MITTAL STEEL) (A-485-803-000/001)

1. ON 10/15/2007, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) ISSUED A FINAL DECISION IN THE CASE OF MITTAL STEEL GALATI S.A. (FORMERLY KNOWN AS ISPAT SIDEX S.A.) V. UNITED STATES (CAFC COURT NUMBER 2007-1480). AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE NUMBER 6069205 (DATED 03/10/2006) REFERS ENJOINING LIQUIDATION OF CERTAIN ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN CUT-TO-LENGTH STEEL PLATE FROM ROMANIA (A-485-803), MANUFACTURED BY MITTAL STEEL GALATI S.A. (FORMERLY ISPAT SIDEX S.A.) AND EXPORTED BY

METAEXPORTIMPORT S.A. FOR THE PERIOD 08/01/2003 THROUGH 07/31/2004 DISSOLVED ON 10/15/07. THE DEPARTMENT OF COMMERCE (COMMERCE) PUBLISHED IN THE FEDERAL REGISTER THE FINAL RESULTS OF ADMINISTRATIVE REVIEW ON 02/10/2006 (71 FR 7008).

2. FOR ALL SHIPMENTS OF CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA WHICH WERE PRODUCED BY ISPAT SIDEX S.A. (MITTAL STEEL GALATI S.A.'S NAME AT THE TIME THE ENTRIES WERE MADE) AND EXPORTED BY METAEXPORTIMPORT S.A., AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2003 THROUGH 07/31/2004, ASSESS AN ANTIDUMPING LIABILITY OF 75.04 PERCENT OF THE ENTERED VALUE.

3. NOTE THAT ISPAT SIDEX S.A. (MITTAL STEEL GALATI S.A.'S NAME AT THE TIME THE ENTRIES WERE MADE) ENTRIES MAY HAVE ENTERED UNDER A-485-803-000 OR A-485-803-001. NOTE THAT METAEXPORTIMPORT S.A. ENTRIES MAY HAVE ENTERED UNDER A-485-803-000.

4. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), SHIPMENTS OF CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA WHICH WERE PRODUCED BY ISPAT SIDEX S.A. (MITTAL STEEL GALATI S.A.'S NAME AT THE TIME THE ENTRIES WERE MADE) AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2003 THROUGH 07/31/2004, AND NOT COVERED BY PARAGRAPHS 2 OR 3, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY. THE ALL-OTHERS RATE FOR CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA IS 75.04 PERCENT.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2003 THROUGH 07/31/2004. FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2004 THROUGH 07/31/2005, REFER TO MESSAGE NUMBERS 5305206 (DATED 11/01/2005), 7095207 (DATED 04/05/2007), AND 7094202 (DATED 04/04/2007). FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2005

THROUGH 12/14/2005, REFER TO MESSAGE NUMBERS 6317205 (DATED 11/13/2006), 7360210 (DATED 12/26/2007), AND 7360209 (DATED 12/26/2007).

6. AS A RESULT OF A FIVE-YEAR ("SUNSET") REVIEW, COMMERCE HAS REVOKED THE ANTIDUMPING DUTY ORDER ON CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM ROMANIA (A-485-803). THIS REVOCATION WAS PUBLISHED IN THE FEDERAL REGISTER ON 02/12/2007 (72 FR 6519). THE EFFECTIVE DATE OF THE REVOCATION IS 12/15/2005. THEREFORE, ALL ENTRIES OF THE SUBJECT MERCHANDISE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 12/15/2005 SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES, AND U.S. CUSTOMS AND BORDER PROTECTION (CBP) IS DIRECTED NOT TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES ON THE SUBJECT MERCHANDISE. SEE MESSAGE NUMBER 7045205 (DATED 02/14/2007).

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON 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 AND 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.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT 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.

9. 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 07:JD)

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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