

MESSAGE NO: 3316303 MESSAGE DATE: 11/12/2013
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE 9014207, 9028207, 0267305,
MESSAGE # 1140303, 1154303, 3186303
(s):

CASE #(s): C-423-809

EFFECTIVE DATE: 05/29/2013 COURT CASE #: 2011-1578, 08-00434

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 11/12/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Amended Scope Ruling on the Countervailing Duty Order on Stainless Steel Plate in Coils from Belgium (C-423-809)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 7 below.

1. On 09/07/2012, the United States Court of Appeals for the Federal Circuit (Federal Circuit) issued a decision in ArcelorMittal Stainless Belgium N.V. v. United States, Court No. 2011-1578, not in harmony with the final scope ruling issued by the Department of Commerce (Commerce) on 12/03/2008 that stainless steel plate in coils (SSPC) with a nominal thickness of 4.75 mm, regardless of its actual thickness, is subject to the Countervailing Duty Order on Stainless Steel Plate in Coils (SSPC CVD Order) from Belgium (C-423-809) and referenced in message number 9014207 (01/14/2009).

2. Subsequently, on 02/15/2013, in response to a remand order from the United States Court of International Trade (CIT) in ArcelorMittal Stainless Belgium N.V. v. United States, Court No. 08-00434, issued on 01/04/2013, and based upon the Federal Circuit's 09/07/2012 holding, Commerce issued a final scope redetermination pursuant to remand determining that SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the SSPC CVD Order from Belgium (C-423-809).

3. On 03/26/2013, the CIT issued a final order in ArcelorMittal Stainless Belgium N.V. v. United States, Court No. 08-00434, sustaining Commerce's final scope redetermination that SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the SSPC CVD Order from Belgium (C-423-809).

4. On 05/22/2013, Commerce published in the Federal Register a notice of the Court Decision Not in Harmony (78 FR 30271), reflecting the Federal Circuit's decision invalidating Commerce's original scope ruling. In accordance with Section 516A of the Tariff Act of 1930, as amended, the effective date of that notice was 09/17/2012, 10 days after entry of decision by the Federal Circuit.

5. The injunction with Court Number 08-00434, referenced in message number 9028207, dated 01/28/2009 and modified by message number 0267305, dated 09/24/2010, which was applicable to entries produced and exported by Ugine & ALZ Belgium, N.V. (C-423-809-001), and/or Ugine and ALZ Belgium (C-423-809-002), its predecessor-in-interest, ALZ N.V., and/or its successors-in-interest, ArcelorMittal Stainless Belgium N.V. (C-423-809-003), and/or Aperam Stainless Belgium N.V. (Aperam), dissolved on 05/29/2013.

6. For all shipments of SSPC from Belgium with an actual thickness of less than 4.75 mm, regardless of nominal thickness, that remain unliquidated on or after 09/17/2012, CBP shall terminate suspension, refund any cash deposits, and liquidate those entries without regard to countervailing duties.

7. These instructions constitute notice of the lifting of suspension of entries of SSPC from Belgium as described in paragraph 6 above. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. The SSPC CVD Order from Belgium was revoked effective 07/18/2010. (See message number 1140303, dated 05/20/2011 and message number 1154303, dated 06/03/2011).

8. Liquidation instructions for merchandise with an actual thickness of 4.75 mm and above that was subject to the injunction referenced in paragraph 5 above and remains subject to the SSPC CVD Order from Belgium were issued in message number 3186303 (07/05/2013).

9. The assessment of countervailing 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 countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty orders. Interest shall be calculated from the date payment of estimated countervailing 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.

10. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement & Compliance, 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 O8: JT).

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