

MESSAGE NO: 8108211 MESSAGE DATE: 04/17/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4078205
MESSAGE #
(s):

CASE #(s): A-427-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2001 TO 04/30/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR BALL BEARINGS FROM FRANCE PRODUCED BY SKF FRANCE S.A. OR SARMA (A-427-201-008, A-427-201-012) (INJUNCTION IN MSG 4078205 LIFTED)

MESSAGE NO: 8108211

DATE: 04 17 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4078205

REFERENCE DATE: 03 18 2004

CASES: A - 427 - 201

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- - - -

PERIOD COVERED: 05 01 2001 TO 04 30 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR BALL BEARINGS FROM FRANCE PRODUCED BY SKF FRANCE S.A. OR SARMA (A-427-201-008, A-427-201-012) (INJUNCTION IN MSG 4078205 LIFTED)

1. ON AUGUST 31, 2007, THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) ISSUED A FINAL DECISION IN THE CASE OF SKF USA, INC, SKF FRANCE S.A., AND SARMA V. UNITED STATES, COURT NO. 2007-1039. AS A RESULT OF THIS DECISION, THE CAFC DETERMINED THAT NO INJUNCTION EXISTED AS TO THE ENTRIES TO WHICH MESSAGE 4078205, DATED 03/18/2004, REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM FRANCE FOR

THE PERIOD 05/01/2001 THROUGH 04/30/2002 PRODUCED AND/OR EXPORTED BY SKF FRANCE S.A. AND SARMA.

2. THESE INSTRUCTIONS CONSTITUTE NOTICE THAT THERE IS NO LONGER ANY QUESTION THAT ANY INJUNCTION EXISTS AS TO THE ENTRIES DESCRIBED IN PARAGRAPH 1. THE CAFC DETERMINED THAT NOTICE OF THE REMOVAL OF SUSPENSION OF LIQUIDATION ON SUCH ENTRIES OCCURRED ON JUNE 16, 2003. ACCORDINGLY, CBP IS TO TAKE APPROPRIATE ACTION TO LIQUIDATE ALL ENTRIES OF SUBJECT MERCHANDISE WHICH WAS PRODUCED BY SKF FRANCE S.A. OR SARMA, EXPORTED TO OR IMPORTED INTO THE UNITED STATES WITH THE KNOWLEDGE AND AUTHORIZATION OF SKF USA INC., SKF FRANCE S.A., OR SARMA, AND WHICH WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2001 THROUGH 04/30/2002.

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (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 WHICH IS MAY 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.

4. 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.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT 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: DV).

6. 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