

MESSAGE NO: 8291201 MESSAGE DATE: 10/17/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8280204
MESSAGE #
(s):

CASE #(s): A-475-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2006 TO 04/30/2007

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 AND PART THEREOF FROM ITALY PRODUCED AND/OR EXPORTED BY SOCIETE NEXANS (A-475-201)

MESSAGE NO: 8291201

DATE: 10 17 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8280204

REFERENCE DATE: 10 06 2008

CASES: A - 475 - 201

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PERIOD COVERED: 05 01 2006 TO 04 30 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR BALL BEARINGS AND PART
THEREOF FROM ITALY PRODUCED AND/OR EXPORTED BY SOCIETE
NEXANS (A-475-201)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION
CONTAINED IN THIS E-MAIL MESSAGE.

1. ON SEPTEMBER 30, 2008, THE U.S. COURT OF INTERNATIONAL
TRADE ISSUED A PRELIMINARY INJUNCTION ENJOINING LIQUIDATION IN
CONNECTION WITH COURT CASE 08-00322 WHICH IS STILL IN EFFECT
FOR ENTRIES OF BALL BEARINGS AND PARTS THEREOF WHICH WERE
PRODUCED AND/OR EXPORTED BY SKF INDUSTRIE S.P.A. (INCLUDING ITS
AFFILIATES RFT S.P.A. AND OMVP S.P.A.), IMPORTED BY OR SOLD TO

(AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) SKF USA, INC., SKF USA INC., SKF SEALING SOLUTIONS, SKF SEALING SOLUTIONS AMERICAS, MRC BEARINGS, CHICAGO RAWHIDE, SKF C/O CR INDUSTRIES, OR SKF SPECIALTY PRODUCTS, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007. U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL THE COMMERCE DEPARTMENT INSTRUCTS OTHERWISE. SEE MESSAGE 8280204 (10/06/2008).

2. FOR ALL SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM ITALY PRODUCED AND/OR EXPORTED BY SOCIETE NEXANS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD

5/01/2006 THROUGH 04/30/2007, ASSESS AN ANTIDUMPING LIABILITY OF 69.99 PERCENT OF THE ENTERED VALUE UNLESS ENTRIES ARE COVERED BY THE INJUNCTION DESCRIBED IN PARAGRAPH 1. SOCIETE NEXANS

DID NOT HAVE ITS OWN CASE NUMBER DURING THIS PERIOD. ENTRIES MAY HAVE BEEN MADE UNDER A-475-201-000 OR OTHER COMPANY-SPECIFIC CASE NUMBERS.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007 COVERED BY PARAGRAPH 2 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (73 FR 52823, SEPTEMBER 11, 2008). FOR ALL OTHER SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM ITALY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. 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 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.

5. 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.

6. WITH THE EXCEPTION OF ENTRIES PRODUCED AND/OR EXPORTED BY SKF INDUSTRIE S.P.A. (INCLUDING ITS AFFILIATES RFT S.P.A. AND OMVP S.P.A.) AND IMPORTED BY OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) SKF USA, INC., SKF USA INC., SKF SEALING SOLUTIONS, SKF SEALING SOLUTIONS AMERICAS, MRC BEARINGS, CHICAGO RAWHIDE, SKF C/O CR INDUSTRIES, OR SKF SPECIALTY PRODUCTS WHICH ARE SUBJECT TO THE INJUNCTION DISCUSSED IN PARAGRAPH 1, THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THESE INSTRUCTIONS.

7. 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:CC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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