

MESSAGE NO: 9098203 MESSAGE DATE: 04/08/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7143201
MESSAGE #
(s):
CASE #(s): A-570-204

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2004 TO 01/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR HEAVY FORGED HAND TOOLS (AXES/ADZES)
FROM CHINA (A-570-204); SLIP OP. 08-135 DECISION IN CT. NO 06-00345

MESSAGE NO: 9098203

DATE: 04 08 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7143201

REFERENCE DATE: 05 23 2007

CASES: A - 570 - 204

- -

- -

- -

- -

- -

PERIOD COVERED: 02 01 2004 TO 01 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR HEAVY FORGED HAND TOOLS
(AXES/ADZES) FROM CHINA (A-570-204);
SLIP OP. 08-135 DECISION IN CT. NO 06-00345

1. ON 12/10/2008, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION (DISMISSAL) IN THE CASE OF SHANDONG HUARONG MACHINERY CO. ET AL. v. UNITED STATES (SLIP OP. 08-135). THE CIT DISMISSED THIS CASE BECAUSE AS A MATTER OF LAW, THE ENTRIES AT ISSUE IN THE LITIGATION WERE DEEMED LIQUIDATED. THEREFORE, ALL ENTRIES BETWEEN 02/01/2004 THROUGH 01/31/2005 SHOULD BE LIQUIDATED.

MOREOVER, AS A RESULT OF THIS CIT DECISION, THE INJUNCTIONS TO

WHICH MESSAGE NUMBER 7143201 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON HEAVY FORGED HAND TOOLS (AXES/ADZES) FROM THE PEOPLES REPUBLIC OF CHINA FOR PERIOD 02/01/2004 THROUGH 01/31/2005 PRODUCED AND/OR EXPORTED BY ANY FIRM, DISSOLVED ON 12/10/2008.

2. FOR ALL SHIPMENTS OF HEAVY FORGED HAND TOOLS FROM THE PEOPLE'S REPUBLIC OF CHINA PRODUCED AND/OR EXPORTED BY ANY FIRM, AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2004 THROUGH 01/31/2005, YOU ARE TO ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT RATE IN EFFECT ON THE DATE OF ENTRY.

3. NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE COVERED BY PARAGRAPH #2 ABOVE, OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (71 FR 54269, DATED 09/14/2006). FOR ALL OTHER

SHIPMENTS OF HEAVY FORGED HAND TOOLS (AXES/ADZES) FROM THE PEOPLE'S REPUBLIC OF CHINA, 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 CUSTOMS AND BORDER PROTECTION 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 UNDERSECTION 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. 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 ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY GENERATED BY (09:JB).

7. THERE ARE NO RESTRICTION ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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