

MESSAGE NO: 9275207 MESSAGE DATE: 10/02/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8297203
MESSAGE #
(s):

CASE #(s): A-428-815

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/15/2005 TO 07/31/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CORROSION-RESIST CARBON STEEL
FLAT PRODUCTS FROM GERMANY PROD & EXPORTD BY THYSSENKRUPP STEEL OR
STAHL (A-428-815) CT# 07-00071

MESSAGE NO: 9275207

DATE: 10 02 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8297203

REFERENCE DATE: 10 23 2008

CASES: A - 428 - 815

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PERIOD COVERED: 12 15 2005 TO 07 31 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CORROSION-RESIST
CARBON STEEL FLAT PRODUCTS FROM GERMANY PROD & EXPORTD
BY THYSSENKRUPP STEEL OR STAHL (A-428-815) CT# 07-00071

1. ON 12/23/2008, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
ISSUED A FINAL DECISION IN THE CASE OF NUCOR CORP. V. UNITED
STATES, CONSOL. COURT NO. 07-00071.

AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE
7109205 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT
TO THE ANTIDUMPING DUTY ORDER ON CERTAIN CORROSION-RESISTANT
CARBON STEEL FLAT PRODUCTS FROM GERMANY FOR PERIOD 12/15/2005

THROUGH 07/31/2008 PRODUCED AND EXPORTED BY THYSSENKRUPP STEEL AG
OR THYSSENKRUPP STAHL AG DISSOLVED ON 2/21/2009.

NOTE THAT THE INJUNCTION REFERENCE IN MESSAGE 7109205 AFFECTED
SOME OR ALL OF THE PERIODS OF REVIEW REFERENCED IN MESSAGES
6345207 (DATED 12/11/2006), 7334203 (DATED 11/30/2007), 8058202
(DATED 2/27/2008), AND 8297203 (DATED 10/23/2008).

2. FOR ALL SHIPMENTS OF CORROSION-RESISTANT CARBON STEEL FLAT
PRODUCTS FROM GERMANY PRODUCED AND EXPORTED BY THYSSENKRUPP
STEEL AG OR THYSSENKRUPP STAHL AG AND ENTERED, OR WITHDRAWN
FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 12/15/2005
THROUGH 07/31/2008, ASSESS ANTIDUMPING LIABILITY AT THE CASH
DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF
SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE
DURING THE PERIOD 12/15/2005 THROUGH 07/31/2008. FOR ALL OTHER
SHIPMENTS OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS

FROM GERMANY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE
TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR
THE MERCHANDISE AT THE CURRENT RATES.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED
BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR
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, OR 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.

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

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 THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (O7:JD).

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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