

MESSAGE NO: 3205309 MESSAGE DATE: 07/24/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1259303, 2170302
MESSAGE #
(s):

CASE #(s): A-428-201

EFFECTIVE DATE: 08/31/2012 COURT CASE #: 2011-1362

PERIOD OF REVIEW: 05/01/2010 TO 04/30/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/24/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for ball bearings and parts thereof from Germany produced or exported by Schaeffler KG or Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler KG) (A-428-201)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. Commerce has rescinded the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany (A-428-201) covering the period 05/01/2010 through 04/30/2011 in part with respect to Schaeffler KG or Schaeffler Technologies GmbH & Co., KG (formerly Schaeffler KG) (see 77 FR 33159, 06/05/2012).
2. On 08/31/2012, the U.S. Court of Court Appeals for the Federal Circuit denied Schaeffler KG or Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler KG) a preliminary injunction in connection with court case numbers 2011-1362, 2011-1382, 2011-1383, 2011-1454 (appeals from the United States Court of International Trade consolidated case nos. 06-CV-0334, 06-CV-0335, and 06-CV-0336). As a result of this decision, the temporary restraining order to which messages 2170302 refers enjoining liquidation of entries which are subject to the antidumping duty order on ball bearings and parts thereof from Germany for the period 05/01/2010 through 04/30/2011 produced or exported by Schaeffler KG or Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler KG) dissolved on 08/31/2012.
3. For all shipments of ball bearing from Germany that were produced or exported by Schaeffler KG or Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler KG) and entered for consumption on or between 05/01/2010 and 04/30/2011, and which are subject to the antidumping duty order on ball bearing and parts thereof from Germany (A-428-201) for the period 05/01/2010 through 04/30/2011, assess an antidumping liability equal to the cash deposit rate required at the time of entry.

Entries for Schaeffler KG or Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler KG) may have entered under A-428-201-001, 428-201-004, 428-201-091, A-428-201-000, or other company-specific case numbers.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. The antidumping duty order on ball bearings and parts thereof from Germany was revoked, effective 09/15/2011 (see message 1259303 dated 09/16/2011).
5. There are no injunctions applicable to the entries covered by this instruction.
6. 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, as amended. 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.
7. Upon assessment of antidumping duties, CBP shall 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 producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.
8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, 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 O1:CC.)
9. There are no restrictions on the release of this information.

Michael B. Walsh

Message Date: 07/24/2013

Message Number: 3205309

Page 3 of 5

Company Details

*Party Indicator Value:

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