

MESSAGE NO: 3176302 MESSAGE DATE: 06/25/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 9082203
MESSAGE #
(s):

CASE #(s): A-428-840

EFFECTIVE DATE: 06/21/2013 COURT CASE #: 2012-1161

PERIOD OF REVIEW: 11/01/2010 TO 10/31/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/25/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for lightweight thermal paper from Germany produced and/or exported by Mitsubishi HiTec Paper Europe GmbH et al for the period 11/01/2010 through 10/31/2011 (A-428-840)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On March 22, 2013, the Court of Appeals for the Federal Circuit issued a final decision in the case Papierfabrik August Koehler SE et al v. United States (Ct. No. 2012-1161). As a result of this decision, the injunction to which message number 9082203 (03/23/09) refers enjoining liquidation of entries which are subject to the antidumping duty order on lightweight thermal paper from Germany which were entered, or withdrawn from warehouse, for consumption on or after 11/20/2008 and were produced and/or exported by Mitsubishi HiTec Paper Flensburg GmbH or Mitsubishi HiTec Paper Bielefeld GmbH, dissolved on 06/21/2013.

2. On April 16, 2012, Commerce rescinded the administrative review of the antidumping duty order on lightweight thermal paper from Germany (A-428-840) covering the period 11/01/2010 through 10/31/2011 in part with respect to the firms listed below (77 FR 22560). Given the dissolution of the injunction referenced in paragraph 1, you are to assess antidumping duties on this merchandise entered, or withdrawn from warehouse, for consumption during the period 11/01/2010 through 10/31/2011 at the cash deposit or bonding rate required at the time of entry.

Liquidate all entries for the following firms:

Mitsubishi HiTec Paper Europe GmbH
Mitsubishi HiTec Paper Flensburg GmbH
Mitsubishi HiTec Paper Bielefeld GmbH
Mitsubishi International Corp

No case numbers were in place for these companies during the period of review.

For the companies listed above entries may have been made under A-428-840-000 or other company-specific case numbers.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of lightweight thermal paper from Germany you shall 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, 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.
6. 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.
7. 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 O2:TKS.)
8. There are no restrictions on the release of this information.

Michael B. Walsh

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Company Details

*Party Indicator Value:

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