



LEGAL ADVISORY

Likely Revocation of Antidumping Duty Orders from Japan and U.K.

Importers Should Consider Steps to Preserve Potential Refunds

March 29, 2011– U.S Importers of ball bearings from Japan and/or the United Kingdom should act immediately to protect their right to refunds of antidumping duties in light of the probable revocation of the AD duty orders on those goods. These orders have been in place since May 1989. Protests should be filed on all entries that have liquidated and are still within the 180 day protest deadline and as other entries liquidate moving forward pending the final outcome of this court case and any potential appeal.

Responding to remands ordered by the Court of International Trade in *NSK Corp. v U.S.*, the International Trade Commission has issued determinations that would result in the revocation of the AD duty orders on ball bearings from Japan and the U.K. In this case, the Japanese and U.K. respondents challenged the ITC's second sunset review determination that continued these orders. The court ruled in their favor and remanded the case to the ITC, which has recommended that both orders be revoked. The CIT has sustained the remand determination with respect to the U.K. and will likely follow suit with respect to Japan. The AD duty orders on ball bearings from France, Germany and Italy remain in effect.

No decision has been made as to how the remand decisions will be applied to past liquidated and unliquidated entries, but the likely effective date for revocation would be in 2006. While the final decisions on revocation are not final and are likely to be appealed, importers seeking to protect their rights to potential refunds of AD duties should immediately file protests with U.S. Customs and Border Protection on any entries that have liquidated within the past 180 days and as liquidation occurs pending a final outcome. Due to the suspension of most antidumping entries pending final disposition of the administrative reviews, entries from several years ago may just now be liquidating.

For more information on seeking refunds if revocation is affirmed, please contact:

Kristen Smith
Washington, D.C.
(202) 471-3237
ksmith@stratrade.com

Donna Bade
Chicago, Illinois
(312) 641-0000
dbade@strtrade.com

Mark Ludwikowski
Washington, D.C.
(202) 471-3239
mludwikowski@strtrade.com

Sandler, Travis & Rosenberg, P.A. (ST&R) is a customs and international trade law firm concentrating its practice in assisting clients with the movement of goods, personnel and ideas across international borders. ST&R provides governments, manufacturers, importers, exporters and retailers the advice and counsel they require to succeed amid the constantly changing demands of global trade.

Sandler & Travis Trade Advisory Services Inc. (STTAS), which is affiliated with ST&R, is recognized as the leading provider of customs and international trade advisory services to the public and private sectors. STTAS offers hands-on global import/export solutions for multinational companies eager to increase their ability to move merchandise across international borders in an efficient, seamless and compliant manner. STTAS also assists governments throughout the world in building customs agencies and procedures that expand import and export capabilities, reduce risk factors and comply with international standards.

Combined, ST&R and STTAS are currently the largest provider of customs and international trade services worldwide with over 500 global trade professionals located in 12 offices in 6 countries. Our success is based on a combination of unsurpassed domain expertise, proprietary technology and business process best practices.

For more information about ST&R and STTAS, please visit www.strtrade.com.