

MESSAGE NO: 2288207 MESSAGE DATE: 10/15/2002
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/1999 TO 11/30/2000

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR PENCILS FROM CHINA (A-570-827)

MESSAGE NO: 2288207

DATE: 10 15 2002

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 827

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PERIOD COVERED: 12 01 1999 TO 11 30 2000

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR PENCILS FROM CHINA
(A-570-827)

1. LIQUIDATE ALL SHIPMENTS OF CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA (SUBJECT MERCHANDISE) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 12/01/1999 THROUGH 11/30/2000 FROM ALL MANUFACTURERS AND EXPORTERS EXCEPT FOR THE FOLLOWING FIRMS:

CHINA FIRST PENCIL CO., LTD. A-570-827-004

ORIENT INTERNATIONAL HOLDING SHANGHAI A-570-827-002

FOREIGN TRADE CO., LTD.

SUBJECT MERCHANDISE EXPORTED BY THE FIRMS LISTED ABOVE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 12/01/1999 THROUGH 11/30/2000 SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS.

2. FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 12/01/1999 THROUGH 11/30/2000 THAT WAS EXPORTED BY A FIRM OTHER THAN THE ABOVE COMPANIES, ASSESS AN ANTIDUMPING LIABILITY OF 114.90 PERCENT OF THE ENTERED VALUE.

3. PLEASE NOTE THAT CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA MANUFACTURED BY SHANGHAI THREE STAR STATIONERY INDUSTRY CORP. (ALSO REFERRED TO AS SHANGHAI THREE STAR STATIONERY COMPANY, LTD., AND THREE STAR STATIONERY INDUSTRY CO. LTD. IN THE DEPARTMENT'S FEDERAL REGISTER NOTICES RELATING TO THE PERIOD 12/01/1999 THROUGH 11/30/2000) AND EXPORTED BY GUANGDONG STATIONERY SPORTING GOODS IMPORT AND EXPORT CORPORATION (ALSO REFERRED TO AS GUANGDONG PROVINCIAL STATIONARY SPORTING GOODSIMPORT AND EXPORT CORPORATION IN THE DEPARTMENT'S FEDERAL REGISTER NOTICES RELATING TO THE PERIOD 12/01/1999 THROUGH 11/30/2000) (A-570-827-001) WERE EXCLUDED FROM THE ANTIDUMPING ORDER. ON 07/25/2002, THE DEPARTMENT PUBLISHED A DETERMINATION IN THE FEDERAL REGISTER (67 FR 48612) IN WHICH IT FOUND THAT CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA MANUFACTURED BY SHANGHAI THREE STAR STATIONERY INDUSTRY CORP., AND EXPORTED BY GUANGDONG STATIONERY SPORTING GOODS IMPORT AND EXPORT CORPORATION (A-570-827-001) ARE NO LONGER EXCLUDED FROM THE ORDER AND WE DIRECTED U.S. CUSTOMS TO BEGIN SUSPENDING LIQUIDATION OF SHIPMENTS MANUFACTURED BY SHANGHAI THREE STAR STATIONERY INDUSTRY

CORP. AND EXPORTED BY GUANGDONG STATIONERY SPORTING GOODS IMPORT AND EXPORT CORPORATION (A-570-827-001) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 07/25/2002. SEE MESSAGE NUMBER 2228202 DATED 08/16/2002.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD IDENTIFIED IN ITEM 2 ABOVE. FOR ALL OTHER SHIPMENTS OF CERTAIN CASED PENCILS 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.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS 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 UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS 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 EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT PAUL STOLZ OR MICHELE MIRE, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE AT 202-482-4474 OR 202-482-4711, RESPECTIVELY.

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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