

MESSAGE NO: 3280209 MESSAGE DATE: 10/07/2003
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-489-805

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/2002 TO 06/30/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM TURKEY
(A-489-805)

MESSAGE NO: 3280209 DATE: 10 07 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 489 - 805 - -

- - - -

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PERIOD COVERED: 07 01 2002 TO 06 30 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA
FROM TURKEY (A-489-805)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY FINDINGS/ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213(b) OF THE COMMERCE REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY FINDING/ORDER FOR THE PERIODS AND ON THE MERCHANDISE LISTED BELOW, EXCEPT FOR THE

FIRMS NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

CERTAIN PASTA FROM TURKEY PERIOD
A-489-805

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT: 07/01/2002-06/30/2003

BESLEN MAKARNA GIDA SANAYI VE TICARET A.S./BRESLEN PAZARLAMA
GIDA SANAYI VE TICARET, S.A.

FILIZ GIDA SANAYI VE TICARET A.S.

GIDASA SABANCI GIDA SANAYI VE TICARET A.S. (SUCCESSOR
TO MAKTAS MAKARNACILIK VE TICARET A.S.

OBA MAKARNACILIK SANAYI VE TICARET A.S.

PASTAVILLA MAKARNACILIK SANAYI VE TICARET A.S.

3. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIODS LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION ("BCBP") 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 BCBP 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 OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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, BCBP SHOULD REQUIRE
THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT 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, BCBP 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,
BCBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING
DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY BCBP
OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES PLEASE
CONTACT DAVINA HASHMI AT THE OFFICE OF AD/CVD ENFORCEMENT,
IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION,
U.S. DEPARTMENT OF COMMERCE AT (202) 482-0984 (GENERATED BY
G204:SEF).

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