

MESSAGE NO: 3283111 MESSAGE DATE: 10/09/1992
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: OTH-Other PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-508-604

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/1990 TO 07/31/1991

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR INDUSTRIAL PHOSPHORIC ACID FROM ISRAEL
AND NOTICE OF COURT INJUNCTION FOR NEGEV AND ROTEM

MESSAGE NO: 3283111 DATE: 10 09 1992

CATEGORY: ADA TYPE: OTH

REFERENCE: REFERENCE DATE:

CASES: A - 508 - 604 - -

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PERIOD COVERED: 08 01 1990 TO 07 31 1991

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: LIQUIDATION INSTRUCTIONS FOR INDUSTRIAL PHOSPHORIC ACID
FROM ISRAEL AND NOTICE OF COURT INJUNCTION FOR NEGEV AND
ROTEM

1. FOR ALL SHIPMENTS OF INDUSTRIAL PHOSPHORIC ACID FROM ISRAEL
MANUFACTURED BY HAIFA CHEMICALS (A-508-604-002), WHICH WERE
ENTERED DURING THE PERIOD OF REVIEW, AUGUST 1, 1990 THROUGH
JULY 31, 1991, ANTIDUMPING DUTIES SHOULD BE ASSESSED AT THE
RATE OF 6.82 PERCENT AD VALOREM. SEPARATE INSTRUCTIONS WILL
BE ISSUED REGARDING THE ASSESSMENT OF COUNTERVAILING DUTIES.

2. PURSUANT TO AN ORDER FROM THE COURT OF APPEALS FOR THE
FEDERAL CIRCUIT (FMC CORPORATION V. UNITED STATES, SLIP. OP.

92-1366, DATED AUGUST 27, 1992) THE UNITED STATES IS ENJOINED FROM LIQUIDATING ANY ENTRIES ENTERED DURING THE ABOVE-REFERENCED PERIOD OF REVIEW, OR ANY TIME THEREAFTER, FROM NEGEV PHOSPHATES, LTD. (A-508-604-001) OR ROTEM FERTILIZERS, LTD. (A-508-604-003). THEREFORE, CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES FROM NEGEV PHOSPHATES, LTD. AND ROTEM FERTILIZERS, LTD.

3. IN ACCORDANCE WITH C.I.E. N-15/18 DATED APRIL 21, 1988, REPORT TO CUSTOMS SERVICE HEADQUARTERS ANY DUMPING DUTIES DUE. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE IS SUBJECT TO THE PROVISION OF SECTION 778 OF THE TARIFF ACT, WHICH REQUIRES INTEREST ON OVERPAYMENTS OR UNDERPAYMENTS OF THE AMOUNTS DEPOSITED AS ESTIMATED DUMPING DUTIES. 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. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED DUTIES THROUGH THE DATE OF LIQUIDATION.
4. IMMEDIATELY, FORWARD TO CUSTOMS SERVICE HEADQUARTERS ANY INFORMATION ON FILE WHICH MIGHT AFFECT THE APPRAISED VALUES UNDER THE ANTIDUMPING PROVISIONS, WITH AN EXPLANATION OF THE CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED. IN SUCH A CASE, SUSPEND LIQUIDATION OF AFFECTED ENTRIES UNTIL A DECISION IS MADE CONCERNING THE APPLICABILITY OF THE ADDITIONAL INFORMATION.
5. WHENEVER THE USE OF THESE INSTRUCTIONS RESULTS IN THE ASSESSMENT OF ANTIDUMPING DUTIES, REQUIRE OF THE IMPORTER, PRIOR TO LIQUIDATION, THE REIMBURSEMENT STATEMENT DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. IMPORTERS WERE ADVISED OF THE REQUIREMENT WHEN THE FINAL RESULTS OF THE ADMINISTRATIVE REVIEW WERE PUBLISHED IN THE FEDERAL REGISTER. COMMERCE HAS AUTHORIZED CUSTOMS TO DOUBLE THE ANTIDUMPING DUTIES IF THE IMPORTER FAILS TO PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION.

6. YOU MAY RELEASE APPRAISED VALUES TO THE INDIVIDUAL IMPORTER CONCERNED OR HIS AUTHORIZED REPRESENTATIVE. YOU MAY NOT RELEASE ANY DETAILS OF THE CALCULATIONS OF APPRAISED VALUES WITHOUT AUTHORIZATION OF CUSTOMS SERVICE HEADQUARTERS.

7. EFFECTIVE AS OF THE DATE OF ISSUANCE OF THIS EMAIL MESSAGE YOU SHOULD NO LONGER SUSPEND LIQUIDATION OF ENTRIES MANUFACTURED BY HAIFA CHEMICALS COVERED BY THIS EMAIL FOR DUMPING PURPOSES AND YOU SHOULD PROCEED WITH LIQUIDATION ACCORDINGLY.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH VIA E-MAIL TO ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTY SHOULD CONTACT THE OFFICE OF COUNTERVAILING COMPLIANCE, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE (202) 482-2786.

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Company Details

*Party Indicator Value:

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