

MESSAGE NO: 3343214 MESSAGE DATE: 12/09/2003
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 2281204
MESSAGE #
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2000 TO 12/31/2000

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY ASSESSMENT REGARDING CERTAIN PASTA FROM ITALY (C-475-819-008) FOR DELVERDE SPA ("DELVERDE")

MESSAGE NO: 3343214

DATE: 12 09 2003

CATEGORY: CVD

TYPE: LIQ

REFERENCE: 2281204

REFERENCE DATE: 10 08 2002

CASES: C - 475 - 819

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PERIOD COVERED: 01 01 2000 TO 12 31 2000

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: COUNTERVAILING DUTY ASSESSMENT REGARDING CERTAIN PASTA FROM ITALY (C-475-819-008) FOR DELVERDE SPA ("DELVERDE")

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER OF 8/12/2002 (67 FR 52452), THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM ITALY FOR THE PERIOD 1/1/2000 THROUGH 12/31/2000. ON SEPTEMBER 19, 2002, DELVERDE SPA INITIATED LITIGATION CHALLENGING THESE RESULTS, THE COURT OF INTERNATIONAL TRADE ("CIT") ISSUED A PRELIMINARY INJUNCTION PROHIBITING THE DEPARTMENT OF COMMERCE FROM LIQUIDATING ENTRIES OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY DELVERDE SPA ("DELVERDE") (CUSTOMS ID NUMBERS

C-475-819-008) FOR THE PERIOD FROM 1/1/2000 THROUGH 12/31/2000.
AS A RESULT OF A SETTLEMENT AGREEMENT BETWEEN THE U.S. GOVERNMENT
AND DELVERDE, THIS LITIGATION HAS BEEN DISMISSED, AND THE CIT
INJUNCTION IS NO LONGER IN EFFECT. THEREFORE, MESSAGE NO.
2281204, DATED 10/8/2002, WHICH ENJOINED LIQUIDATION OF ENTRIES
OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY DELVERDE FOR
THE PERIOD FROM 1/1/2000 THROUGH 12/31/2000 IS NO LONGER IN
EFFECT.

2. PURSUANT TO THE SETTLEMENT AGREEMENT, DELVERDE NET SUBSIDY
RATE WAS SET AT 2.07 PERCENT AD VALOREM FOR THE PERIOD 1/1/2000
THROUGH 12/31/2000. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO
LIQUIDATE ALL SHIPMENTS OF CERTAIN PASTA FROM ITALY ENTERED, OR
WITHDRAWN FROM WAREHOUSE, BY DELVERDE FOR CONSUMPTION ON OR
AFTER
1/1/2000 AND ON OR BEFORE 12/31/2000 AT 2.07 PERCENT OF ENTERED
VALUE.

3. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS
SERVICE 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 CUSTOMS PAY INTEREST ON OVERPAYMENTS OR ASSESS
INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS
ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT
APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING
DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY
ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF
ESTIMATED COUNTERVAILING 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.

4. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE
ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR
BEFORE

12/31/2000 IS LIFTED.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY U.S. CUSTOMS AND BORDER PROTECTION OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/ CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY GIO1:SCHO).

6. 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