

MESSAGE NO: 4106202 MESSAGE DATE: 04/15/2004
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-475-818

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/2001 TO 06/30/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTIFICATION OF RESCISSION OF AD ADMINISTRATIVE REV OF AN ORDER PRODUCED BY F. DIVELLA, SPA (DAVILLE) AND LABOR S.R.L. (LABOR) FOR 07/01/01-06/30/02(A475818)

MESSAGE NO: 4106202 DATE: 04 15 2004

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 475 - 818 - -

- - - -

- - - -

PERIOD COVERED: 07 01 2001 TO 06 30 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTIFICATION OF RESCISSION OF AD ADMINISTRATIVE REV OF AN ORDER PRODUCED BY F. DIVELLA, SPA (DAVILLE) AND LABOR S.R.L. (LABOR) FOR 07/01/01-06/30/02(A475818)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN PASTA FROM ITALY (A-475-818), COVERING THE PERIOD 07/01/2001 THROUGH 6/30/2002 FOR SHIPMENTS PRODUCED BY LABOR AND DIVELLA HAS BEEN RESCINDED AT THE REQUEST OF DIVELLA AND LABOR. THIS NOTICE OF RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 08/07/2003, 68 FR 47020. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD LISTED BELOW FOR THE CASH DEPOSIT

OR BONDING RATE REQUIRED AT THE TIME OF ENTRY FOR LABOR AND DIVELLA.

CERTAIN PASTA FROM TURKEY

| MANUFACTURERS | PERIOD | RATE |
|--------------------|-------------------------|--------|
| LABOR, S.R.L. | 07/01/2001 - 06/30/2002 | 11.26% |
| F. DIVELLA, S.P.A. | 07/01/2001 - 06/30/2002 | 11.26% |

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

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAYS INTEREST ON OVERPAYMENTS OR ASSESSES INTEREST ON UNDER PAYMENTS, 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.

4. PRIOR TO LIQUIDATION OF THE ENTRIES WITH RESPECT TO ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP 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, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY THE CBP OFFICERS, THE IMPORTING PUBLIC AND INTERESTED PARTIES, CONTACT DAVINA HASHMI AT THE OFFICE OF CVD/AD ENFORCEMENT VI, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, (202) 482-0984. (GENERATED BY G2O6:LA).

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