

MESSAGE NO: 5024112 MESSAGE DATE: 01/24/1995
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/03/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING ON ANTIDUMPING ORDER ON PORTABLE CELLULAR
TELEPHONES FROM JAPAN (A-588-405)

MESSAGE NO: 5024112 DATE: 01 24 1995

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 405 - -

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PERIOD COVERED: 01 03 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: SCOPE RULING ON ANTIDUMPING ORDER ON PORTABLE CELLULAR
TELEPHONES FROM JAPAN (A-588-405)

1. ON JANUARY 3, 1995 IN RESPONSE TO A REQUEST BY MATSUSHITA COMMUNICATIONS INDUSTRIAL CORPORATION OF AMERICA (MATSUSHITA), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT PANASONIC MODELS EB-3560 AND EB-3561 PORTABLE CELLULAR TELEPHONES ARE NOT WITHIN THE SCOPE OF ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES (CMTS) AND SUBASSEMBLIES FROM JAPAN.

2. THE COMMERCE DEPARTMENT DETERMINED THAT THE PANASONIC MODELS

EB-3560 AND EB-3561 COMBINATION UNITS SATISFY ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANDISE IS "POCKET-SIZE AND SELF-CONTAINED" AND, FURTHER, THAT THE PANASONIC MODELS EB-3560 AND EB-3561 ARE INTENDED PRIMARILY FOR PORTABLE, HAND-HELD USE AND THAT THERE IS NOTHING ON THE RECORD THAT INDICATES THAT THE UNITS ARE NOT PRIMARILY PORTABLE CELLULAR TELEPHONES. THEREFORE, THE PANASONIC MODELS EB-3560 AND EB-3561 ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CMTS AND SUBASSEMBLIES FROM JAPAN.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE PANASONIC MODELS EB-3560 AND EB-3561 PORTABLE CELLULAR TELEPHONE FROM JAPAN.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE PANASONIC MODELS EB-3560 AND EB-3561 PORTABLE CELLULAR TELEPHONE.

5. THE REFUND OF CASH DEPOSITS 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, OR 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. CONTINUE TO SUSPEND LIQUIDATION ON CELLULAR MOBILE TELEPHONES THAT HAVE NO EXCLUSIONARY CHARACTERISTICS AND ALL OTHER

ENTRIES OF CELLULAR MOBILE TELEPHONES SUBJECT TO THE
ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES FROM
JAPAN.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS
OFFICERS, PLEASE CONTACT VIA E-MAIL THROUGH THE REGIONAL
ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, THE TRADE
COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH,
USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND
INTERESTED PARTIES SHOULD CONTACT RONALD TRENTAM AT
202-482-3931, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT
ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.
DEPARTMENT OF COMMERCE.

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

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

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