

MESSAGE NO: 5056207 MESSAGE DATE: 02/25/2005
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: 07/01/2002 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: LIQUIDATION AND NOTIFICATION OF PARTIAL RESCISSION OF ANTIDUMPING ADMINISTRATIVE REVIEW OF ANTIDUMPING DUTY ORDER OF CERTAIN PASTA FROM ITALY (A-475-818)

MESSAGE NO: 5056207

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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: LIQUIDATION AND NOTIFICATION OF PARTIAL RESCISSION OF ANTIDUMPING ADMINISTRATIVE REVIEW OF ANTIDUMPING DUTY ORDER OF CERTAIN PASTA FROM ITALY (A-475-818)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN PASTA FROM ITALY (A-475-818), COVERING THE PERIOD 07/01/2002 THROUGH 06/30/2003 HAS BEEN RESCINDED IN PART FOR THE FOLLOWING FIRMS:

INDUSTRIE ALIMENTARI MOLISANE S.R.L.

LA MOLISANA INDUSTRIE ALIMENTARI S.P.A.

MOLINO E PASTIFICIO TOMASELLO S.R.L.

N. PUGLISI & F. INDUSTRIA PASTE ALIMENTARI S.P.A.
PASTIFICIO LUCIO GAROFALO S.P.A.
PASTIFICIO ANTONIO PALLANTE S.R.L.
PASTIFICIO FRATELLI PAGANI S.P.A.
RUMMO S.P.A. MOLINO E PASTIFICIO

THE REVIEW HAS BEEN RESCINDED IN PART AT THE REQUEST OF PASTIFICIO LUCIO GAROFALO S.P.A., LA MOLISANA INDUSTRIE ALIMENTARI S.P.A., MOLINO E PASTIFICIO TOMASELLO S.R.L., AND THE PETITIONERS, NEW WORLD PASTA COMPANY, AMERICAN ITALIAN PASTA COMPANY, BORDEN FOODS CORPORATION AND DAKOTA GROWERS PASTA COMPANY. THIS NOTICE OF PARTIAL RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 08/06/2004. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE,

FOR CONSUMPTION DURING THE PERIOD LISTED BELOW AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY.

CERTAIN PASTA FROM ITALY
(A-475-818) PERIOD: (07/01/2002 - 06/30/2003)
LIQUIDATE ALL ENTRIES FROM ALL FIRMS EXCEPT:

BARILLA ALIMENTARE, S.P.A.
CORTICELLA MOLINI E PASTIFICI S.P.A.
PASTA COMBATTENTI S.P.A.
PASTIFICIO GUIDO FERRARA S.R.L.
INDUSTRIA ALIMENTARE COLAVITA, S.P.A.
FUSCO S.R.L.
PASTA LENSI S.R.L.
P.A.M. S.P.A.
LIGUORI PASTIFICIO DAL 1820
PASTIFICIO RISCOSSA F. LLI MASTROMAURO, S.R.L.
PASTIFICIO CARMINE RUSSO S..P.A.
PASTIFICIO DI NOLA S.P.A.

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. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP 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 HAS BEEN REIMBURSED ANTIDUMPING AND/OR COUNTERVAILING DUTIES, CBP SHOULD INCREASE THE ANTIDUMPING DUTIES BY THE AMOUNT OF ANTIDUMPING AND/OR COUNTERVAILING DUTIES REIMBURSED IN ACCORDANCE WITH THE ABOVE REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT

PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND INCREASE THE ANTIDUMPING DUTIES BY THE AMOUNT OF ANTIDUMPING AND/OR COUNTERVAILING DUTIES REIMBURSED.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984

OR (202) 482-3577 RESPECTIVELY (GENERATED BY O3:DM).

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