

MESSAGE NO: 5159213 MESSAGE DATE: 06/08/2005
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3289203
MESSAGE #
(s):

CASE #(s): A-570-836

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/01/2001 TO 02/28/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR GLYCINE FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY TIANJIN TIANCHENG PHARMACEUTICAL CO., LTD. (A-570-836-002)

MESSAGE NO: 5159213

DATE: 06 08 2005

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CASES: A - 570 - 836

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PERIOD COVERED: 03 01 2001 TO 02 28 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR GLYCINE FROM THE PEOPLE'S
REPUBLIC OF CHINA EXPORTED BY TIANJIN TIANCHENG
PHARMACEUTICAL CO., LTD. (A-570-836-002)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. ON MARCH 9, 2005 THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A JUDGMENT IN TIANJIN TIANCHENG PHARMACEUTICAL CO., LTD. V. UNITED STATES (COURT NO. 03-00654) (SLIP OP 05-29) AFFIRMING THE NOTICE OF RESCISSION OF THE MARCH 1, 2001 THROUGH FEBRUARY 28, 2002 NEW SHIPPER REVIEW OF GLYCINE FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)(SEE 68 FR 49434, DATED AUGUST 18, 2003).

ON OCTOBER 16, 2003, THE CIT ISSUED A PRELIMINARY INJUNCTION ENJOINING COMMERCE FROM LIQUIDATING ENTRIES ENTERED OR WITHDRAWN FROM WAREHOUSE THAT WERE EXPORTED BY TIANJIN TIANCHENG PHARMACEUTICAL CO., LTD. (TTCP) BETWEEN JANUARY 1, 2002 AND FEBRUARY 28, 2002. SEE MESSAGE NUMBER 3289203, DATED OCTOBER 16, 2003. IN ACCORDANCE WITH THE CIT'S MARCH 9, 2005 JUDGEMENT, THE PRELIMINARY INJUNCTION IS DISSOLVED.

2. IN FURTHER ACCORDANCE WITH THIS JUDGMENT, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF GLYCINE FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE EXPORTER LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 03/01/2001 THROUGH 02/28/2002, AT THE RATE SHOWN BELOW:

ID NUMBER	COMPANY NAME	RATE
A-570-036-002	TIANJIN TIANCHENG PHARMACEUTICAL CO., LTD.	155.89%

3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF GLYCINE FROM THE PRC YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. 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 PAY INTEREST ON OVERPAYMENTS AND 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 PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED 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.

5. UPON ASSESSMENT OF 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. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. 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 FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. 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 ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O9:SLF).

7. 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