

MESSAGE NO: 5196203 MESSAGE DATE: 07/15/2005

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4089203
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 08/01/2001 TO 07/31/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY DONGGUAN FAY CANDLE CO.,LTD. (A-570-504-004)

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REFERENCE: 4089203

REFERENCE DATE: 03 29 2004

CASES: A - 570 - 504

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PERIOD COVERED: 08 01 2001 TO 07 31 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY DONGGUAN FAY CANDLE CO.,LTD. (A-570-504-004)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. ON MARCH 18, 2005 THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A JUDGMENT IN TIJID, INC. V. UNITED STATES (COURT NO. 04-00134) (SLIP OP 05-34) AFFIRMING THE FINAL RESULTS OF THE AUGUST 1, 2001 THROUGH JULY 31, 2002 ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE

PEOPLE'S REPUBLIC OF CHINA (PRC)(SEE 69 FR 20858, DATED APRIL 19, 2004). ON MARCH 24, 2004, THE CIT ISSUED A PRELIMINARY INJUNCTION ENJOINING COMMERCE FROM LIQUIDATING ENTRIES ENTERED OR WITHDRAWN FROM WAREHOUSE THAT WERE MANUFACTURED OR EXPORTED BY DONGGUAN FAY CANDLE CO., LTD. BETWEEN AUGUST 1, 2001 AND JULY 31, 2002. SEE MESSAGE NUMBER 4089203, DATED MARCH 29, 2004. IN ACCORDANCE WITH THE CIT'S MARCH 18, 2005 JUDGMENT, THE PRELIMINARY INJUNCTION IS DISSOLVED.

2. IN FURTHER ACCORDANCE WITH THIS JUDGMENT, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE PRODUCER/EXPORTER LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 08/01/2001 THROUGH 07/31/2002, AT THE RATE SHOWN BELOW:

ID NUMBER	COMPANY NAME	RATE
A-570-504-004	DONGGUAN FAY CANDLE CO., LTD.	108.3%

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 PETROLEUM WAX CANDLES 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 U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED. 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:JEH).

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