

MESSAGE NO: 5339202 MESSAGE DATE: 12/05/2005
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-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/1994 TO 11/30/1995

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CELLULAR MOBILE TELEPHONES AND
SUBASSEMBLIES FROM JAPAN FROM MATSUSHITA AND MURATA (A-588-405-006/011)

MESSAGE NO: 5339202 DATE: 12 05 2005

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 405 - -

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PERIOD COVERED: 12 01 1994 TO 11 30 1995

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CELLULAR MOBILE TELEPHONES
AND SUBASSEMBLIES FROM JAPAN FROM MATSUSHITA AND MURATA
(A-588-405-006/011)

1. ON 03/14/1997, THE DEPARTMENT OF COMMERCE INSTRUCTED U.S.
CUSTOMS AND BORDER PROTECTION (CPB) TO LIQUIDATE ALL ENTRIES OF
CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES (CMTS) FROM JAPAN
FOR ALL FIRMS EXCEPT MATSUSHITA COMMUNICATION INDUSTRIAL COMPANY,
LTD. (MATSUSHITA) (A-588-405-006), AND MURATA MANUFACTURING CO.,
LTD. (MURATA) (A-588-405-011). (SEE MESSAGE #7073112 DATED
03/14/1997.)

ON 08/11/1998, THE DEPARTMENT OF COMMERCE INSTRUCTED THE CBP TO
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LIQUIDATE ENTRIES OF CMTS FROM JAPAN CONTAINING CERTAIN MODELS MANUFACTURED BY MURATA. (SEE MESSAGE #8223112 DATED 08/11/1998.)

ON 04/03/2002, THE DEPARTMENT OF COMMERCE INSTRUCTED THE CBP TO LIQUIDATE ENTRIES OF CMTS FROM JAPAN CONTAINING CERTAIN MODELS MANUFACTURED BY MATSUSHITA. (SEE MESSAGE #2093207 DATED 04/03/2002.)

2. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

3. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ALL MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY TO WHICH THE FOLLOWING INFORMATION APPLIES:

CELLULAR MOBILE TELEPHONES FROM JAPAN PERIOD

A-588-405

12/01/1994-11/30/1995

LIQUIDATE ALL ENTRIES FOR MURATA (A-588-405-011) NOT COVERED BY MESSAGE #8223112 AND MATSUSHITA (A-588-405-006) NOT COVERED BY MESSAGE #2093207.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. COMMERCE REVOKED THE ANTIDUMPING DUTY ORDER

ON THE MERCHANDISE LISTED ABOVE EFFECTIVE 01/01/2000 (64 FR 15728, DATED 04/01/1999). THEREFORE, YOU SHALL NOT CONTINUE TO

COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE.

5. 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. 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 WHICH IS 12/19/1985. 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.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN 19 CFR 351.402(f)(2). IMPORTERS WERE NOTIFIED OF THIS REQUIREMENT WHEN THE NOTICES OF PRELIMINARY AND FINAL RESULTS OF THE ADMINISTRATIVE REVIEW WERE PUBLISHED IN THE FEDERAL REGISTER. 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.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM 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 O5:YJC).

8. 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