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MESSAGE STATUS: Active CATEGORY: Antidumping
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FR CITE: FR CITE DATE:

REFERENCE MESSAGE # (s): 2111305, 2270302, 2353309

CASE #(s): A-533-975, A-570-836

EFFECTIVE DATE: 03/30/2012 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: Final Scope Determination –Antidumping Duty Order on Glycine from the People's Republic of China (PRC) that is processed in India (A-570-836/A-533-975)

1. On 12/03/2012, Commerce issued a final scope determination that PRC glycine that is further processed in India, is within the scope of the antidumping duty order on glycine from the PRC (A-570-836). As referenced in message number 2111305, dated 04/20/2012, the A-533-975 case number was created to accommodate entries of merchandise classified with India as the country of origin for customs purposes but subject to the antidumping duty order on glycine from the PRC.

2. The product covered by the antidumping duty order on glycine from the PRC is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This order covers glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

3. The scope of the order states that the antidumping duty order on glycine covers glycine of all purity levels. This includes all forms of crude or technical glycine including but not limited to sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine originating in the PRC. The final scope ruling clarifies that crude or technical glycine from the PRC which is further processed in India is not substantially transformed for antidumping and/or countervailing duty purposes. Therefore, Commerce found that glycine from the PRC that is further processed in India is within the scope of the order.

4. Glycine produced in India from raw materials, e.g., from monochloroacetic acid and ammonia, remains outside the scope of the order.

5. As noted in paragraph 3, glycine processed in India from crude or technical glycine produced in the PRC is covered by this order. In order to establish that their shipment is not subject to the

antidumping duty order and that no cash deposits are required for glycine imported from India that is produced in India from raw materials, importers of glycine from India that is not processed from glycine originating in the PRC must maintain and meet the following certification and documentation requirements, as limited by paragraphs 8 and 9 below:

The importer certification and supporting documentation must be maintained by the importer but will only be provided to CBP by the importer at the request of CBP. These documents should not be provided by the importer as part of the entry document package, unless specifically requested by CBP.

Importer certification

I hereby certify that I am an official of (insert name of company importing glycine from India), that I have knowledge of the facts regarding the importation of glycine that entered under entry number(s) (insert entry number(s) covered by the certification), and that this glycine was not processed from glycine originating in the People's Republic of China (PRC). Glycine originating in the PRC includes any form of crude or technical glycine, including but not limited to AAA-97TE, ACAA-97TE, sodium glycinate and glycine slurry, and any other forms of PRC-glycine, processed in India, regardless of the purity level.

By signing this certificate, I also hereby certify that (insert name of company importing glycine) maintains sufficient documentation supporting this certification for all ingredients used to produce the glycine imported under the above-referenced entry number(s). I understand that agents of the importer, such as brokers, are not permitted to make this certification.

Also, I am aware that records pertaining to this certification may be requested by U.S. Customs and Border Protection (CBP). I understand that this certification should be completed at the time of the entry. Also, I understand that failure to maintain the required certification or failure to substantiate the claim that the glycine imported from India is not processed from glycine from the PRC will result in suspension of all unliquidated entries for which these requirements were not met and the requirement that the importer post a cash deposit or, where applicable, a bond, on those entries equal to the PRC-wide rate in effect at the time of the entry.

Also, I am aware that U.S. law (including, but not limited to, 18 U.S.C. §1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Name of company official

Title

Date

6. The importer certification must be completed, signed, and dated at the time of the entry of glycine from India. As indicated in paragraph 8 of message number 2270302, dated 09/26/2012, for entries on or after 03/30/2012, but before 09/13/2012, for which certifications are required, importers should have completed the required certification within 60 days of 09/13/2012, the date of signature of the preliminary scope ruling.

7. CBP may accept the above certifications (and if requested by CBP, supporting documentation) to establish that the merchandise is not covered by the scope of this order. If the importer does not provide the aforementioned required certification or documentation at CBP's request, CBP is instructed to suspend all unliquidated entries for which the certification or documentation requirements were not met, and require the posting of a cash deposit or, if applicable, a bond, on those entries equal to the PRC-wide rate in effect at the time of entry.

8. If the glycine contains glycine processed in India from crude or technical glycine produced in the PRC, but the importer is unable or unwilling to identify the total value of the glycine that is subject merchandise, CBP is instructed to require the posting of a cash deposit or bond equal to the PRC-wide rate in effect at the time of the entry on the total entered value of the glycine.

9. Until instructed otherwise, entries of glycine produced or processed in India by AICO Laboratories India Ltd. or Salvi Chemical Industries Limited cannot benefit from the certification and documentation requirements discussed in paragraph 5, above. Pursuant to message 2111305, dated 04/20/2012, and message 2353309 dated 12/18/2012, entries of glycine from India produced by AICO Laboratories India Ltd. or Salvi Chemical Industries Limited continue to be subject to a cash deposit requirement until you receive further instructions.

10. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O7:DWC.)

11. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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