

MESSAGE NO: 6186202 MESSAGE DATE: 07/05/2006
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2004 TO 12/31/2004

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION FOLLOWING ADMIN REV FOR PASTA FROM ITALY (C-475-819-043, C-475-819-045, C-475-819-046, C-475-819-050, C-475-819-052 & MAY HAVE C-475-819-000)

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CASES: C - 475 - 819 - -

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PERIOD COVERED: 01 01 2004 TO 12 31 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION FOLLOWING ADMIN REV FOR PASTA FROM ITALY
(C-475-819-043, C-475-819-045, C-475-819-046,
C-475-819-050, C-475-819-052 & MAY HAVE C-475-819-000)

1. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER (C-475-819) ON CERTAIN PASTA FROM ITALY FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004, 71 FR 36318 (JUNE 26, 2006).

2. IMPORTS COVERED BY THE ORDER ARE SHIPMENTS OF CERTAIN NON-EGG DRY PASTA IN PACKAGES OF FIVE POUNDS FOUR OUNCES OR LESS,

WHETHER OR NOT ENRICHED OR FORTIFIED OR CONTAINING MILK OR OTHER OPTIONAL INGREDIENTS SUCH AS CHOPPED VEGETABLES, VEGETABLE PUREES, MILK, GLUTEN, DIASTASIS, VITAMINS, COLORING AND FLAVORINGS, AND UP TO TWO PERCENT EGG WHITE. THE PASTA COVERED BY THIS SCOPE IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS, OR POLYETHYLENE OR POLYPROPYLENE BAGS OF VARYING DIMENSIONS.

EXCLUDED FROM THE SCOPE OF THE ORDER ARE REFRIGERATED, FROZEN, OR CANNED PASTAS, AS WELL AS ALL FORMS OF EGG PASTA, WITH THE EXCEPTION OF NON-EGG DRY PASTA CONTAINING UP TO TWO PERCENT EGG WHITE. ALSO EXCLUDED ARE IMPORTS OF ORGANIC PASTA FROM ITALY THAT ARE ACCOMPANIED BY THE APPROPRIATE CERTIFICATE ISSUED BY THE ISTITUTO MEDITERRANEO DI CERTIFICAZIONE, BIOAGRICOOP S.R.L. , QC&I INTERNATIONAL SERVICES, ECOCERT ITALIA, CONSORZIO PER IL CONTROLLO DEI PRODOTTI BIOLOGICI, ASSOCIAZIONE ITALIANA PER L'AGRICOLTURA BIOLOGICA, OR CODEX S.R.L. IN ADDITION, BASED ON PUBLICLY AVAILABLE INFORMATION, THE DEPARTMENT HAS DETERMINED

THAT, AS OF AUGUST 4, 2004, IMPORTS OF ORGANIC PASTA FROM ITALY THAT ARE ACCOMPANIED BY THE APPROPRIATE CERTIFICATE ISSUED BY BIOAGRICERT S.R.L. ARE ALSO EXCLUDED FROM THIS ORDER. SEE MEMORANDUM FROM ERIC B. GREYNOLDS TO MELISSA G. SKINNER, DATED AUGUST 4, 2004, WHICH IS ON FILE IN THE DEPARTMENT'S CENTRAL RECORDS UNIT ("CRU") IN ROOM B-099 OF THE MAIN DEPARTMENT BUILDING. IN ADDITION, BASED ON PUBLICLY AVAILABLE INFORMATION, THE DEPARTMENT HAS DETERMINED THAT, AS OF MARCH 13, 2003, IMPORTS OF ORGANIC PASTA FROM ITALY THAT ARE ACCOMPANIED BY THE APPROPRIATE CERTIFICATE ISSUED BY ISTITUTO PER LA CERTIFICAZIONE ETICA E AMBIENTALE (ICEA) ARE ALSO EXCLUDED FROM THIS ORDER. SEE MEMORANDUM FROM AUDREY TWYMAN TO SUSAN KUHBACH,

DATED FEBRUARY 28, 2006, ENTITLED "RECOGNITION OF ISTITUTO PER LA CERTIFICAZIONE ETICA E AMBIENTALE (ICEA) AS A PUBLIC AUTHORITY FOR CERTIFYING ORGANIC PASTA FROM ITALY" WHICH IS ON FILE IN THE DEPARTMENT'S CENTRAL RECORDS UNIT ("CRU") IN ROOM B-099 OF THE MAIN DEPARTMENT BUILDING.

THE MERCHANDISE SUBJECT TO REVIEW IS CURRENTLY CLASSIFIABLE UNDER ITEMS 1901.90.9095 AND 1902.19.20 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES,

THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THE ORDER IS DISPOSITIVE.

3. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF CERTAIN PASTA FROM ITALY EXPORTED ON OR AFTER JANUARY 1, 2004 AND ON OR BEFORE DECEMBER 31, 2004 AT THE FOLLOWING PERCENT OF ENTERED VALUE:

ID NUMBER	COMPANY NAME	RATE
C-475-819-043	ITALIAN AMERICAN PASTA CO., S.R.L./ PASTA LENSI S.R.L.	0.00%
C-475-819-045	CORTICELLA MOLINI E PASTIFICI S.P.A.	0.00%
C-475-819-046	CORTICELLA MOLINI E PASTIFICI S.P.A./ PASTA COMBATTENTI S.P.A.	0.00%
C-475-819-050	PASTA LENSI S.R.L.	0.00%
C-475-819-052	ATAR S.R.L.	0.00%

ENTRIES MAY HAVE BEEN MADE FOR CORTICELLA MOLINI E PASTIFICI S.P.A./PASTA COMBATTENTI S.P.A.; PASTA LENSI S.R.L.; AND ATAR S.R.L. UNDER C-475-819-000.

4. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CBP ON SHIPMENTS OR 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 OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT

APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING 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.

5. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE EXPORTED ON OR BEFORE DECEMBER 31, 2004 IS LIFTED. SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE EXPORTED AFTER DECEMBER 31, 2004 WILL CONTINUE EXCEPT FOR PASTA LENSI S.R.L. (FORMERLY ITALIAN AMERICAN PASTA COMPANY, S.R.L.), WHICH WAS REVOKED FROM THE ORDER, EFFECTIVE JANUARY 1, 2005.

6. 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 ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1:ART).

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