

MESSAGE NO: 2332303 MESSAGE DATE: 11/27/2012
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/07/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 11/27/2012

TO: { Directors Of Field Operations, Port Directors }

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

RE: Antidumping and countervailing duty scope determination on aluminum extrusions from The People's Republic of China (C-570-968)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Clenergy (Xiamen) Technology Co. Ltd. ("Clenergy"). Commerce issued a final scope determination on 10/31/2012 that certain solar panel mounting systems which Clenergy exports are not within the scope of the CVD orders on aluminum extrusions from the PRC (C-570-968).
2. Commerce determined that the solar panel mounting systems are outside the scope of the order because the solar panel mounting systems, at the time of importation, contain all of the necessary parts to fully assemble a completed solar panel mounting system without further finishing or fabrication for assembly as a final finished good, and thus meet the finished goods kits exclusion contained in the orders. Therefore, the solar panel mounting systems are not within the scope of the CVD order on aluminum extrusions from the PRC.
3. Effective 09/07/2010, CBP shall terminate suspension and liquidate all unliquidated entries of solar panel mounting systems that are not within the scope described above which were entered, or withdrawn from warehouse, for consumption.
4. Refund any cash deposits and release any bonds relating to the solar panel mounting systems described above.
5. These instructions constitute notice of the lifting of suspension of liquidation of entries of solar panel mounting systems entered, or withdrawn from warehouse, for consumption on or after 09/07/2010.
6. The assessment of CVD duties by CBP on shipments or 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 or assess interest on underpayments of the required amounts

deposited as estimated CVD duties. The interest provisions are not applicable to cash or bonds posted as estimated CVD duties before the date of publication of the CVD order. Interest shall be calculated from the date payment of estimated CVD duties are 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.

7. Unless instructed otherwise, for all other shipments of solar panel mounting systems from the PRC not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated CVD duties for the merchandise at the current rates.

8. 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 O8:BQ).

9. 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