

MESSAGE NO: 6255111 MESSAGE DATE: 09/11/1996
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-428-821, A-588-837

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/23/1996 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATION OF ANTIDUMPING DUTY INVESTIGATIONS OF LARGE
NEWSPAPER PRINTING PRESSES & COMPONENTS FROM GERMANY (A-428-821) AND
JAPAN (A-588-837)

MESSAGE NO: 6255111

DATE: 09 11 1996

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 428 - 821

A - 588 - 837

- -

- -

- -

- -

PERIOD COVERED: 07 23 1996 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: FINAL DETERMINATION OF ANTIDUMPING DUTY INVESTIGATIONS OF
LARGE NEWSPAPER PRINTING PRESSES & COMPONENTS FROM
GERMANY (A-428-821) AND JAPAN (A-588-837)

1. ON JULY 23, 1996, THE DEPARTMENT OF COMMERCE (THE
DEPARTMENT) WILL PUBLISH IN THE FEDERAL REGISTER ITS FINAL
DETERMINATIONS OF SALES AT LESS THAN FAIR VALUE OF LARGE
NEWSPAPER PRINTING PRESSES AND COMPONENTS THEREOF (LNPP), WHETHER

ASSEMBLED OR UNASSEMBLED, FROM GERMANY (A-428-821) AND JAPAN
(A-588-837).

2. SCOPE OF INVESTIGATIONS

WE HAVE MODIFIED THE SCOPE SINCE THE PRELIMINARY DETERMINATIONS OF THESE INVESTIGATIONS. WE HAVE CLARIFIED THE SCOPE TO INCLUDE INCOMPLETE SYSTEMS, ADDITIONS, AND COMPONENTS. WE HAVE ALSO CLARIFIED THE SCOPE TO INCLUDE "ELEMENTS" (OTHERWISE REFERRED TO AS "PARTS" OR "SUBCOMPONENTS") OF A LNPP SYSTEM, ADDITION, OR COMPONENT, WHICH TAKEN ALTOGETHER, CONSTITUTE AT LEAST 50 PERCENT OF THE COST OF MANUFACTURE OF THE LNPP COMPONENT OF WHICH THEY ARE A PART. WE HAVE ALSO EXCLUDED FROM THE DEFINITION OF THE FIVE SUBJECT LNPP COMPONENTS ANY REFERENCE TO SPECIFIC SUBCOMPONENTS (I.E., THE REFERENCE TO A PRINTING-UNIT CYLINDER IN THE DEFINITION OF A LNPP PRINTING UNIT). IN ADDITION, WE HAVE EXCLUDED THE FOLLOWING HARMONIZED TARIFF SYSTEM OF THE UNITED STATES (HTSUS) SUBHEADINGS FROM THE SCOPE: 8524.51.30, 8524.52.20, 8524.53.20, 8524.91.00, AND 8524.99.00.

THE PRODUCTS COVERED BY THESE INVESTIGATIONS ARE LARGE NEWSPAPER PRINTING PRESSES, INCLUDING PRESS SYSTEMS, PRESS ADDITIONS AND PRESS COMPONENTS, WHETHER ASSEMBLED OR UNASSEMBLED, WHETHER COMPLETE OR INCOMPLETE, THAT ARE CAPABLE OF PRINTING OR OTHERWISE MANIPULATING A ROLL OF PAPER MORE THAN TWO PAGES ACROSS. A PAGE IS DEFINED AS A NEWSPAPER BROADSHEET PAGE IN WHICH THE LINES OF TYPE ARE PRINTED PERPENDICULAR TO THE RUNNING OF THE DIRECTION OF THE PAPER OR A NEWSPAPER TABLOID PAGE WITH LINES OF TYPE PARALLEL TO THE RUNNING OF THE DIRECTION OF THE PAPER.

IN ADDITION TO PRESS SYSTEMS, THE SCOPE OF THESE INVESTIGATIONS INCLUDES THE FIVE PRESS SYSTEM COMPONENTS. THEY ARE:

- 1) A PRINTING UNIT, WHICH IS ANY COMPONENT THAT PRINTS IN MONOCOLOR, SPOT COLOR AND/OR PROCESS (FULL) COLOR;
- 2) A REEL TENSION PASTER, WHICH IS ANY COMPONENT THAT FEEDS A ROLL OF PAPER MORE THAN TWO NEWSPAPER BROADSHEET PAGES IN

WIDTH INTO A SUBJECT PRINTING UNIT;

3) A FOLDER, WHICH IS A MODULE OR COMBINATION OF MODULES CAPABLE OF CUTTING, FOLDING, AND/OR DELIVERING THE PAPER FROM A ROLL OR ROLLS OF NEWSPAPER BROADSHEET PAPER MORE THAN TWO PAGES IN WIDTH INTO A NEWSPAPER FORMAT;

4) CONVEYANCE AND ACCESS APPARATUS CAPABLE OF MANIPULATING A ROLL OF PAPER MORE THAN TWO NEWSPAPER BROADSHEET PAGES ACROSS THROUGH THE PRODUCTION PROCESS AND WHICH PROVIDES STRUCTURAL SUPPORT AND ACCESS; AND

5) A COMPUTERIZED CONTROL SYSTEM, WHICH IS ANY COMPUTER EQUIPMENT AND/OR SOFTWARE DESIGNED SPECIFICALLY TO CONTROL, MONITOR, ADJUST, AND COORDINATE THE FUNCTIONS AND OPERATIONS OF LARGE NEWSPAPER PRINTING PRESSES OR PRESS COMPONENTS.

A PRESS ADDITION IS COMPRISED OF A UNION OF ONE OR MORE OF THE PRESS COMPONENTS DEFINED ABOVE AND THE EQUIPMENT NECESSARY TO INTEGRATE SUCH COMPONENTS INTO AN EXISTING PRESS SYSTEM.

BECAUSE OF THEIR SIZE, LARGE NEWSPAPER PRINTING PRESS SYSTEMS, PRESS ADDITIONS, AND PRESS COMPONENTS ARE TYPICALLY SHIPPED EITHER PARTIALLY ASSEMBLED OR UNASSEMBLED, COMPLETE OR INCOMPLETE, AND ARE ASSEMBLED AND/OR COMPLETED PRIOR TO AND/OR DURING THE INSTALLATION PROCESS IN THE UNITED STATES. ANY OF THE FIVE COMPONENTS, OR COLLECTION OF COMPONENTS, THE USE OF WHICH IS TO FULFILL A CONTRACT FOR LARGE NEWSPAPER PRINTING PRESS SYSTEMS, PRESS ADDITIONS, OR PRESS COMPONENTS, REGARDLESS OF DEGREE OF ASSEMBLY AND/OR DEGREE OF COMBINATION WITH NON-SUBJECT ELEMENTS BEFORE OR AFTER IMPORTATION, IS INCLUDED IN THE SCOPE OF THESE INVESTIGATIONS. ALSO INCLUDED IN THE SCOPE ARE ELEMENTS OF A LNPP SYSTEM, ADDITION OR COMPONENT, WHICH TAKEN ALTOGETHER,

CONSTITUTE AT LEAST 50 PERCENT OF THE COST OF MANUFACTURE OF ANY OF THE FIVE MAJOR LNPP COMPONENTS OF WHICH THEY ARE A PART.

FOR PURPOSES OF THESE INVESTIGATIONS, THE FOLLOWING DEFINITIONS APPLY IRRESPECTIVE OF ANY DIFFERENT DEFINITIONS THAT MAY BE FOUND IN CUSTOMS RULINGS, U.S. CUSTOMS LAW OR THE HTSUS: (1) THE TERM "UNASSEMBLED" MEANS FULLY OR PARTIALLY UNASSEMBLED OR DISASSEMBLED; AND (2) THE TERM "INCOMPLETE" MEANS LACKING ONE OR MORE ELEMENTS WITH WHICH THE LNPP IS INTENDED TO BE EQUIPPED IN ORDER TO FULFILL A CONTRACT FOR A LNPP SYSTEM, ADDITION, OR COMPONENT.

THIS SCOPE DOES NOT COVER SPARE OR REPLACEMENT PARTS. SPARE OR REPLACEMENT PARTS IMPORTED PURSUANT TO A LNPP CONTRACT, WHICH ARE NOT INTEGRAL TO THE ORIGINAL START-UP AND OPERATION OF THE LNPP, AND ARE SEPARATELY IDENTIFIED AND VALUED IN A LNPP CONTRACT, WHETHER OR NOT SHIPPED IN COMBINATION WITH COVERED MERCHANDISE, ARE EXCLUDED FROM THE SCOPE OF THESE INVESTIGATIONS. USED PRESSES ARE ALSO NOT SUBJECT TO THIS SCOPE. USED PRESSES ARE THOSE THAT HAVE BEEN PREVIOUSLY SOLD IN AN ARM'S LENGTH TRANSACTION TO A PURCHASER THAT USED THEM TO PRODUCE NEWSPAPERS IN THE ORDINARY COURSE OF BUSINESS.

FURTHER, THESE INVESTIGATIONS COVER ALL CURRENT AND FUTURE PRINTING TECHNOLOGIES CAPABLE OF PRINTING NEWSPAPERS, INCLUDING, BUT NOT LIMITED, TO LITHOGRAPHIC (OFFSET OR DIRECT), FLEXOGRAPHIC, AND LETTERPRESS SYSTEMS. THE PRODUCTS COVERED BY THESE INVESTIGATIONS ARE IMPORTED INTO THE UNITED STATES UNDER SUBHEADINGS 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, AND 8443.90.50 OF THE HTSUS. LARGE NEWSPAPER PRINTING PRESSES MAY ALSO ENTER UNDER HTSUS SUBHEADINGS 8443.21.00 AND 8443.40.00. LARGE NEWSPAPER PRINTING COMPUTERIZED CONTROL SYSTEMS MAY ENTER UNDER HTSUS SUBHEADINGS 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, AND 8537.10.90. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND

CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THESE INVESTIGATIONS IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THESE CASES HAVE BEEN ASSIGNED INVESTIGATION NUMBERS A-428-821 FOR GERMANY AND A-588-837 FOR JAPAN.

4. CONTINUATION OF SUSPENSION OF LIQUIDATION

FOR IMPORTS OF LNPP SYSTEMS, ADDITIONS, AND COMPONENTS, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL SUCH ENTRIES FROM GERMANY AND JAPAN, THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE CONSUMPTION, ON OR AFTER MARCH 1, 1996, THE DATE OF PUBLICATION OF OUR PRELIMINARY DETERMINATIONS IN THE FEDERAL REGISTER.

FOR IMPORTS OF ELEMENTS (I.E., PARTS OR SUBCOMPONENTS) OF COMPONENTS IMPORTED TO FULFILL A CONTRACT FOR A LNPP SYSTEM, ADDITION, OR COMPONENT, THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL SUCH ENTRIES FROM GERMANY AND JAPAN, THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE ON OR AFTER

MARCH 1, 1996, WITH THE EXCEPTION OF THOSE ENTRIES OF ELEMENTS IMPORTED FROM GERMANY BY MAN ROLAND INC. TO FULFILL THE CONTRACT FOR THE SALE OF A LNPP SYSTEM TO THE CHARLOTTE OBSERVER (CHARLOTTE CONTRACT), FOR WHICH SUSPENSION OF LIQUIDATION IS HEREBY LIFTED. THE SUSPENSION OF LIQUIDATION OF ENTRIES OF ELEMENTS WILL REMAIN IN EFFECT PROVIDED THAT THE SUM OF SUCH ENTRIES REPRESENT AT LEAST 50 PERCENT OF THE COST OF MANUFACTURE OF THE SUBJECT COMPONENT OF WHICH THEY ARE PART. THIS DETERMINATION WILL BE MADE BY THE DEPARTMENT ONLY AFTER ALL ENTRIES OF THE ELEMENTS IMPORTED PURSUANT TO A LNPP CONTRACT ARE MADE AND THE FINISHED PRODUCT PURSUANT TO THE LNPP CONTRACT IS PRODUCED.

FOR IMPORTS OF LNPP SPARE AND REPLACEMENT PARTS, AND USED PRESSES, FROM GERMANY AND JAPAN, WHICH ARE EXPRESSLY EXCLUDED FROM THE SCOPE OF THE INVESTIGATIONS, THE CUSTOMS SERVICE SHALL

CONTINUE NOT TO SUSPEND LIQUIDATION OF THESE ENTRIES IF THEY ARE SEPARATELY IDENTIFIED AND VALUED IN THE LNPP CONTRACT PURSUANT TO WHICH THEY ARE IMPORTED.

5. THE CUSTOMS SERVICE SHALL CONTINUE TO REQUIRE THAT GERMAN AND JAPANESE PRODUCERS/EXPORTERS IN THE LNPP INDUSTRY STIPULATE ON THE SHIPMENT INVOICES THE LNPP CONTRACT NUMBER PURSUANT TO WHICH THE SUBJECT MERCHANDISE IS IMPORTED. IN ADDITION, FOR ELEMENTS, THE CUSTOMS SERVICE SHALL REQUIRE THAT ALL FOREIGN PRODUCERS/EXPORTERS AND U.S. IMPORTERS IN THE LNPP INDUSTRY PROVIDE CLEARLY THE FOLLOWING INFORMATION ON THE DOCUMENTATION ACCOMPANYING EACH ENTRY FROM GERMANY AND JAPAN OF ELEMENTS PURSUANT TO A LNPP CONTRACT: (1) THE IDENTIFICATION OF EACH OF THE ELEMENTS INCLUDED IN THE ENTRY, (2) A DESCRIPTION OF EACH OF THE ELEMENTS, (3) THE NAME OF THE LNPP COMPONENT OF WHICH EACH OF THE ELEMENTS ARE PART, AND (4) THE LNPP CONTRACT NUMBER PURSUANT TO WHICH THE ELEMENTS ARE IMPORTED. THE SUSPENSION OF LIQUIDATION WILL REMAIN IN EFFECT UNTIL SUCH TIME AS ALL OF THE REQUISITE INFORMATION IS PRESENTED TO THE CUSTOMS SERVICE AND THE DEPARTMENT IS ABLE TO MAKE A DETERMINATION AS TO WHETHER THE IMPORTED ELEMENTS ARE AT LEAST 50 PERCENT OF THE COST OF MANUFACTURE OF THE LNPP COMPONENT OF WHICH THEY ARE PART.

IN ORDER TO ENSURE THAT OUR SUSPENSION LIQUIDATION INSTRUCTIONS ARE NOT SO BROAD AS TO COVER MERCHANDISE IMPORTED FOR NON-SUBJECT USES, THE CUSTOMS SERVICE SHALL REQUIRE THAT FOREIGN PRODUCERS/EXPORTERS AND U.S. IMPORTERS IN THE LNPP INDUSTRY SHALL PROVIDE CERTIFICATION THAT THE IMPORTED MERCHANDISE IS NOT SUBJECT. THESE INSTRUCTIONS WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE.

EFFECTIVE MARCH 1, 1996, THE CUSTOMS SERVICE SHALL REQUIRE, FOR SUCH ENTRY SUMMARIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW. ANY SECURITIES POSTED SINCE MAR 1, 1996, ON ENTRIES OF ELEMENTS RELEVANT TO MAN ROLAND INC'S CHARLOTTE CONTRACT SHALL BE REFUNDED OR CANCELED. THE INTEREST PROVISIONS OF SECTION 778 OF THE TARRIFF ACT OF 1930 DO NOT APPLY.

Company Details

*Party Indicator Value:

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