

MESSAGE NO: 6255201 MESSAGE DATE: 09/12/2006
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-489-806

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: LIQ INSTR FOR PASTA FROM TURKEY EXPORTED BY GIDASA SABANCI GIDA
SANAYI VE TICARET A.S. (C-489-806-002)

MESSAGE NO: 6255201 DATE: 09 12 2006

CATEGORY: CVD TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: C - 489 - 806 - -

- - - -

- - - -

PERIOD COVERED: 01 01 2004 TO 12 31 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ INSTR FOR PASTA FROM TURKEY EXPORTED BY GIDASA
SABANCI GIDA SANAYI VE TICARET A.S. (C-489-806-002)

1. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE OCCURRED IWTH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER (C-489-806) ON CERTAIN PASTA FROM TURKEY FOR THE PERIOD 01/01/2004 THROUGH 12/31/2004. (09/07/2006 71 FR 52774.

2. IMPORTS COVERED BY THE REVIEW ARE SHIPMENTS OF CERTAIN NON EGG DRY PASTA IN PACKAGES OF FIVE POUNDS (2.27 KILOGRAMS) OR LESS, WHETHER OR NOT ENRICHED OR FORTIFIED OR CONTAINING MILK OR

OTHER OPTIONAL INGREDIENTS SUCH AS CHOPPED VEGETABLES, VEGETABLE PUREES, MILK, GLUTEN, DIASTASES, VITAMINS, COLORING AND FLAVORINGS, AND UP TO TWO PERCENT EGG WHITE. THE PASTA COVERED BY THIS ORDER IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS OR POLYETHYLENE OR POLYPROPYLENE BAGS, OF VARYING DIMENSIONS.

EXCLUDED FROM 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.

THE MERCHANDISE UNDER REVIEW IS CURRENTLY CLASSIFIABLE UNDER SUBHEADING 1902.19.20 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THE ORDER IS DISPOSITIVE.

ON OCTOBER 26, 1998, THE DEPARTMENT SELF-INITIATED A SCOPE INQUIRY TO DETERMINE WHETHER A PACKAGE WEIGHING OVER FIVE POUNDS AS A RESULT OF ALLOWABLE INDUSTRY TOLERANCES MAY BE WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER. ON MAY 24, 1999, WE ISSUED A FINAL SCOPE RULING FINDING THAT, EFFECTIVE OCTOBER 26, 1998, PASTA IN PACKAGES WEIGHING OR LABELED UP TO (AND INCLUDING) FIVE POUNDS FOUR OUNCES IS WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER. (SEE MAY 24, 1999 MEMORANDUM FROM JOHN BRINKMAN TO RICHARD MORELAND, WHICH IS ON FILE IN THE CENTRAL RECORDS UNIT IN ROOM B-099 OF THE MAIN COMMERCE BUILDING.)

3. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF CERTAIN PASTA FROM TURKEY EXPORTED ON OR AFTER 01/01/2004 AND ON OR BEFORE 12/31/2004 AT THE FOLLOWING PERCENT OF ENTERED VALUE:

COMPANY	ID NUMBER	RATE
---------	-----------	------

GIDASA SABANCI GIDA

4. THE ASSESSMENT OF COUNTERVAILING DUTIES BY 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 COUNTERVAILING 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 12/31/2004 IS LIFTED. SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE EXPORTED AFTER 12/31/2004 WILL CONTINUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM 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