

MESSAGE NO: 8030113 MESSAGE DATE: 01/30/1998
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: OTH-Other PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-849

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/24/1997 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SUSPENSION AGREEMENT INSTRUCTIONS FOR CUT-TO-LENGTH CARBON
STEEL PLATE FROM PEOPLE'S REPUBLIC OF CHINA (A-570-819)

MESSAGE NO: 8030113 DATE: 01 30 1998

CATEGORY: ADA TYPE: OTH

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 849 - -

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PERIOD COVERED: 10 24 1997 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: SUSPENSION AGREEMENT INSTRUCTIONS FOR CUT-TO-LENGTH
CARBON STEEL PLATE FROM PEOPLE'S REPUBLIC OF CHINA
(A-570-819)

1. THESE INSTRUCTIONS ARE IN REFERENCE TO THE SUSPENDED
ANTIDUMPING INVESTIGATIONS ON CERTAIN CUT-TO-LENGTH CARBON
STEEL PLATE FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC") (A-
570-849). PLEASE DIRECT PARTICULAR ATTENTION TO
INSTRUCTIONS IN PARAGRAPHS 2 AND 3.

2. SUSPENSION OF ANTIDUMPING INVESTIGATION

ON OCTOBER 24, 1997, THE DEPARTMENT OF COMMERCE (THE

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DEPARTMENT) CONCLUDED AN AGREEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA (PRC) SUSPENDING THE ANTIDUMPING INVESTIGATION ON CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE FROM THIS COUNTRY. ALL IMPORTS OF SUBJECT CUT-TO-LENGTH CARBON STEEL PLATE EXPORTED DIRECTLY OR INDIRECTLY FROM THE PRC ARE NOW SUBJECT TO PRICE AND QUANTITATIVE LIMITATIONS PURSUANT TO THE AGREEMENT.

FOR PURPOSES OF THIS AGREEMENT, "UNITED STATES" SHALL COMPRISE THE CUSTOMS TERRITORY OF THE UNITED STATES OF AMERICA (THE 50 STATES, THE DISTRICT OF COLOMBIA AND PUERTO RICO) AND FOREIGN TRADE ZONES LOCATED IN THE TERRITORY OF THE UNITED STATES OF AMERICA.

3. DISCONTINUE SUSPENSION OF LIQUIDATION

EFFECTIVE OCTOBER 24, 1997, THE U.S. CUSTOMS SERVICE SHALL DISCONTINUE SUSPENSION OF LIQUIDATION OF ANY ENTRIES OF SUBJECT MERCHANDISE FROM THE PRC. ANY CASH DEPOSITS OF ENTRIES OF SUBJECT MERCHANDISE FROM THE PRC, PURSUANT TO THE DEPARTMENT'S SUSPENSION OF LIQUIDATION INSTRUCTIONS SHALL BE REFUNDED AND ANY BONDS SHALL BE RELEASED.

4. CONDITIONS FOR ENTRY RELEASE

EFFECTIVE OCTOBER 24, 1997, ENTRY RELEASE SHALL BE PERMITTED FOR THE SUBJECT MERCHANDISE ONLY UPON PRESENTATION OF THE FOLLOWING DOCUMENTATION:

A) EXPORT LICENSE/CERTIFICATE OF ORIGIN

THE UNITED STATES SHALL REQUIRE PRESENTATION OF AN EXPORT LICENSE AS A CONDITION OF ENTRY OF SUBJECT MERCHANDISE INTO THE UNITED STATES FOR DIRECT AND INDIRECT EXPORTS FROM THE PRC. THE UNITED STATES WILL PROHIBIT THE ENTRY OF ANY SUBJECT MERCHANDISE NOT ACCOMPANIED BY AN EXPORT LICENSE. THE UNITED STATES WILL ALSO PROHIBIT THE ENTRY OF SUBJECT MERCHANDISE OF

GRADES OTHER THAN THOSE SPECIFIED BELOW:

FOR EXPORTS FROM THE: ASTM GRADE A36
PEOPLE'S REPUBLIC OF CHINA

UNTIL FURTHER NOTICE, NO GRADES OF SUBJECT MERCHANDISE OTHER THAN THOSE SPECIFIED ABOVE FOR THE PRC MAY BE ENTERED INTO THE UNITED STATES.

AN EXPORT LICENSE/CERTIFICATE OF ORIGIN, ISSUED BY THE GOVERNMENT OF THE PRC MUST ACCOMPANY ALL IMPORTS OF SUBJECT MERCHANDISE EXPORTED DIRECTLY OR INDIRECTLY FROM THE PRC. THE EXPORT LICENSE/CERTIFICATE OF ORIGIN MUST BE STAMPED, SIGNED, AND DATED BY THE MINISTRY OF FOREIGN TRADE & ECONOMIC COOPERATION ("MOFTEC") AND ISSUED NO EARLIER THAN NINETY DAYS BEFORE THE DAY, MONTH, AND YEAR ON WHICH THE MERCHANDISE IS ACCEPTED BY A TRANSPORTATION COMPANY, AS INDICATED BY THE BILL OF LADING OR A COMPARABLE TRANSPORTATION DOCUMENT.

THE EXPORT LICENSE/CERTIFICATE OF ORIGIN SHALL INCLUDE THE FOLLOWING INFORMATION: 1) EXPORT LICENSE NUMBER OR CERTIFICATE OF ORIGIN NUMBER, 2) A COMPLETE DESCRIPTION OF THE PRODUCT EXPORTED (INCLUDING THE 10-DIGIT HTS CLASSIFICATION AND THE ASTM OR EQUIVALENT GRADE), 3) QUANTITY EXPRESSED IN METRIC TONS, 4) F.O.B. SALES VALUE, INDICATING CURRENCY USED, 5) UNIT PRICE, 6) DATE OF SALE, 7) SALES ORDER NUMBER, 8) DATE OF EXPORT, 9) DATE OF ENTRY (IF KNOWN), 10) IMPORTER OF RECORD (IF KNOWN), 11) TRADING COMPANY, 12) CUSTOMER, 13) CUSTOMER RELATIONSHIP (IF ANY), 14) QUOTA ALLOCATED TO EXPORTER, 15) QUOTA REMAINING, AND 16) FINAL DESTINATION (IF KNOWN). IF ANY OF THIS LANGUAGE IS NOT IN ENGLISH, THE EXPORT LICENSE/CERTIFICATE OF ORIGIN MUST BE ACCOMPANIED BY AN ENGLISH LANGUAGE TRANSLATION.

IF THE CUSTOMER/IMPORTER OF RECORD OF THE EXPORT LICENSE/CERTIFICATE OF ORIGIN DOES NOT MATCH THE

IMPORTER OF RECORD ON THE CUSTOMS FORM 7501, THE IMPORTER OF RECORD MUST PROVIDE WRITTEN DOCUMENTATION FROM THE CUSTOMER/IMPORTER OF RECORD LISTED ON THE EXPORT LICENSE/CERTIFICATE OF ORIGIN IDENTIFYING THE IMPORTER OF RECORD ON THE CUSTOMS FORM 7501.

B) SPECIAL INSTRUCTIONS

PLEASE NOTE THAT THE WORD "QUOTA" APPEARS IN THE SUSPENSION AGREEMENT AND IS ALSO USED THROUGHOUT THESE IMPLEMENTING INSTRUCTIONS. HOWEVER, FOR CUSTOMS ENTRY PURPOSES, THESE ENTRIES ARE NOT "QUOTA-TYPE" ENTRIES BECAUSE THEY WILL NOT BE PROCESSED THROUGH THE CUSTOMS ACS QUOTA MODULE. THEREFORE, DO NOT USE ENTRY TYPE CODES 02,07,32,38 IN BOX 2 OF THE CF 7501 (UNLESS THE ENTRY INCLUDES MERCHANDISE OTHER THAN SUBJECT MERCHANDISE THAT IS SUBJECT TO QUOTA PROCESSING, IN WHICH CASE, ENTRY TYPE CODE 07 OR 38 WOULD BE CORRECT). THERE IS NO QSUP INPUT FOR ENTRIES OF SUBJECT MERCHANDISE FROM THE PRC. THE QUANTITY OF SUBJECT MERCHANDISE FROM THE PRC WILL NOT BE REPORTED ON THE CUSTOMS WEEKLY QUOTA STATUS REPORTS.

5. WRITTEN CERTIFICATION

FOR ALL IMPORTS OF SUBJECT MERCHANDISE INTO THE UNITED STATES, REGARDLESS OF STATED COUNTRY OF ORIGIN, THE U.S. CUSTOMS SERVICE SHALL REQUIRE THE IMPORTER OF RECORD TO SUBMIT A WRITTEN STATEMENT, ON THE LAST DAY OF EVERY QUARTER LISTING ALL ENTRIES OF SUCH MERCHANDISE AND CERTIFYING THAT THE MATERIAL IMPORTED DURING THAT QUARTER WAS NOT OBTAINED UNDER ANY ARRANGEMENT, SWAP, EXCHANGE, OR OTHER TRANSACTION WHICH WOULD RESULT IN CIRCUMVENTION OF EXPORT LIMITS ESTABLISHED UNDER THE AGREEMENT. SUBSEQUENT INSTRUCTIONS WILL BE ISSUED BY CUSTOMS.

6. MERCHANDISE SUBJECT TO THE AGREEMENT

A) SCOPE

THE PRODUCTS COVERED BY THIS SUSPENDED INVESTIGATION ARE HOT-ROLLED IRON AND NON-ALLOY STEEL UNIVERSAL MILL PLATES (I.E., FLAT-ROLLED PRODUCTS ROLLED ON FOUR FACES OR IN A CLOSED BOX PASS, OF A WIDTH EXCEEDING 150 MM BUT NOT EXCEEDING 1250 MM AND OF A THICKNESS OF NOT LESS THAN 4 MM, NOT IN COILS AND WITHOUT PATTERNS IN RELIEF), OF RECTANGULAR SHAPE, NEITHER CLAD, PLATED NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED, OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES; AND CERTAIN IRON AND NON-ALLOY STEEL FLAT-ROLLED PRODUCTS NOT IN COILS, OF RECTANGULAR SHAPE, HOT-ROLLED, NEITHER CLAD, PLATED, NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED, OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES, 4.75 MM OR MORE IN THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MM AND MEASURES AT LEAST TWICE THE THICKNESS. INCLUDED AS SUBJECT MERCHANDISE IN THIS SUSPENDED INVESTIGATION ARE FLAT-ROLLED PRODUCTS OF NON-RECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN "WORKED AFTER ROLLING") - FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELED OR ROUNDED AT THE EDGES. THIS MERCHANDISE IS CURRENTLY CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) UNDER ITEM NUMBERS 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

IF THE EXPORTER IS NOT FROM THE PRC, BUT THE MANUFACTURER IS, THE PROCEDURE SHOULD BE AS FOLLOWS:

1) IF THE EXPORTER PERFORMS NO FURTHER PROCESSING BUT SIMPLY RESELLS THE CTL PLATE PRODUCT WHICH IT PURCHASED FROM THE MANUFACTURER, THE IMPORT WOULD BE COVERED BY THE TERMS OF THE AGREEMENT AND SUBJECT TO REPORTING REQUIREMENTS OUTLINED IN THESE INSTRUCTIONS.

2) IF THE EXPORTER FURTHER PROCESSES THE CTL PLATE PRODUCT, BUT DOES NOT TRANSFORM IT INTO A CLASS OR KIND OF MERCHANDISE DIFFERENT FROM THAT PURCHASED FROM THE MANUFACTURER --E.G.. IF AN EXPORTER PURCHASES CTL PLATE AND PAINTS THE PRODUCT -- THE IMPORT WOULD BE COVERED BY THE TERMS OF THE AGREEMENT AND SUBJECT TO REPORTING REQUIREMENTS OUTLINED IN THESE INSTRUCTIONS.

3) IF THE EXPORTER FURTHER PROCESSES A STEEL PRODUCT, THUS TRANSFORMING IT INTO A CLASS OR KIND OF MERCHANDISE DIFFERENT FROM THAT PURCHASED FROM THE MANUFACTURER -- E.G.. IF AN EXPORTER PURCHASES COILED PLATE AND CUTS THE PRODUCT INTO CUT-TO-LENGTH PLATE-- THE IMPORT WOULD NOT BE COVERED BY THE TERMS OF THE AGREEMENT ON PLATE FROM THE PRC AND NOT CURRENTLY BE SUBJECT TO REPORTING REQUIREMENTS OUTLINED IN THESE INSTRUCTIONS.

HOWEVER, IF AT ANY TIME MERCHANDISE BECOMES SUBJECT TO EXAMINATION UNDER PROVISION VII (ANTICIRCUMVENTION) OF THE AGREEMENT, CUSTOMS OFFICIALS WILL BE NOTIFIED BY THE DEPARTMENT OF COMMERCE REGARDING APPROPRIATE ACTION.

7. QUESTIONS

IF CUSTOMS OFFICERS HAVE ANY QUESTIONS REGARDING THESE INSTRUCTIONS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/

COUNTERVAILING DUTY USING ATTRIBUTE "HQ OAB."
THE IMPORTING PUBLIC AND OTHER INTERESTED
PARTIES SHOULD CONTACT STEVE JACQUES OR NITHYA NAGARAJAN OF
IMPORT ADMINISTRATION, AD/CVD ENFORCEMENT GROUP III AT (202)
482-3793.

8. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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