

MESSAGE NO: 8112113 MESSAGE DATE: 04/22/1998
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-475-818

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 04/15/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTI-CIRCUMVENTIONINQUIRY ON CERTAIN PASTA FROM ITALY AFFIRMATIVE
PRELIMINARY DETERMINATION OF CIRCUMVENTION OF THE ANTIDUMPING DUTY
ORDER(A-475-818)

MESSAGE NO: 8112113 DATE: 04 22 1998

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 475 - 818 - -

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PERIOD COVERED: 04 15 1998 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: ANTI-CIRCUMVENTIONINQUIRY ON CERTAIN PASTA FROM ITALY
AFFIRMATIVE PRELIMINARY DETERMINATION OF CIRCUMVENTION OF
THE ANTIDUMPING DUTY ORDER(A-475-818)

1. ON APRIL 15, 1998, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN
THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF
CIRCUMVENTION OF THE ANTIDUMPING DUTY ORDER ON CERTAIN PASTA
FROM
ITALY.

2. SCOPE OF THE ANTIDUMPING DUTY ORDER

THE SCOPE OF THIS ORDER CONSISTS OF CERTAIN NON-EGG DRY PASTA IN PACKAGES OF FIVE POUNDS (OR 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 SCOPE IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS OR POLYETHYLENE OR POLYPROPYLENE BAGS, OF VARYING DIMENSIONS.

3. EXCLUDED FROM THE SCOPE OF THIS 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 (IMC), BY BIOAGRICOOP SCRL, OR BY QC&I INTERNATIONAL SERVICES. FURTHERMORE, MULTICOLORED PASTA IMPORTED IN KITCHEN DISPLAY BOTTLES OF DECORATIVE GLASS, WHICH ARE SEALED WITH CORK OR PARAFFIN AND BOUND WITH RAFFIA, IS EXCLUDED FROM THE SCOPE OF THIS ORDER.

4. THE MERCHANDISE UNDER ORDER IS CURRENTLY CLASSIFIABLE UNDER ITEMS 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 SCOPE OF THIS ORDER IS DISPOSITIVE.

5. SCOPE OF THE ANTI-CIRCUMVENTION INQUIRY

THE PRODUCT SUBJECT TO THIS ANTI-CIRCUMVENTION INQUIRY IS CERTAIN PASTA PRODUCED IN ITALY BY BARILLA S.R.L. AND EXPORTED TO THE UNITED

STATES IN PACKAGES OF GREATER THAN FIVE POUNDS (2.27 KILOGRAMS) THAT MEETS ALL THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER, WITH THE EXCEPTION OF PACKAGING SIZE, AND WHICH IS REPACKAGED INTO PACKAGES OF FIVE POUNDS (2.27

KILOGRAMS) OR LESS AFTER ENTRY INTO THE UNITED STATES.

6. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-475-818.

7. FOR IMPORTS OF CERTAIN PASTA MANUFACTURED IN ITALY BY BARILLA S.R.L. IN PACKAGES OF GREATER THAN FIVE POUNDS THAT MEET ALL THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER, WITH THE EXCEPTION OF PACKAGING SIZE, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON

OR AFTER DECEMBER 8, 1997. EFFECTIVE DECEMBER 8, 1997, CUSTOMS SHALL REQUIRE, FOR SUCH POSITIVE ENTRY SUMMARIES, A CASH DEPOSIT EQUAL TO THE MARGIN SHOWN BELOW.

MFR/PRODUCER EXPORTER	CASE NUMBER	MARGIN/PERCENTAGE
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BARILLA S.R.L.	A-475-818-028	11.26%
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8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB. THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT EDWARD EASTON, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1777.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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