

MESSAGE NO: 9127113 MESSAGE DATE: 05/07/1999
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-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/17/1995 TO 12/31/1996

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM ITALY (C-475-819) FOR THE PERIOD 10/17/1995 THROUGH 12/31/1996

MESSAGE NO: 9127113 DATE: 05 07 1999

CATEGORY: CVD TYPE: LIQ

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CASES: C - 475 - 819 - -

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PERIOD COVERED: 10 17 1995 TO 12 31 1996

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM ITALY (C-475-819) FOR THE PERIOD 10/17/1995 THROUGH 12/31/1996

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON 08/17/1998 (63 FR 43905) THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM ITALY FOR THE PERIOD 10/17/1995 THROUGH 12/31/1996.

2. IMPORTS COVERED BY THE REVIEW ARE SHIPMENTS 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 REVIEW IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS OR POLYETHYLENE OR POLYPROPYLENE BAGS, OF VARYING DIMENSIONS.

EXCLUDED FROM THE SCOPE OF THIS REVIEW 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, 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 REVIEW.

FURTHERMORE, ON JULY 30, 1998, COMMERCE ISSUED A SCOPE RULING THAT MULTIPACKS CONSISTING OF SIX ONE-POUND PACKAGES OF PASTA, WHICH ARE SHRINK-WRAPPED INTO A SINGLE PACKAGE, ARE WITHIN THE SCOPE OF THE ORDER.

3. FOR THE REVIEWED COMPANIES, THE NET SUBSIDY FOR EACH PERIOD WAS DETERMINED AND IS INDICATED IN PARAGRAPH 4.

4. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO ASSESS COUNTERVAILING DUTIES AT THE PERCENT LISTED BELOW OF THE ENTERED VALUE ON ALL SHIPMENTS OF THIS MERCHANDISE EXPORTED ON OR BEFORE 12/31/96 FOR THE PRODUCER/EXPORTER(S) AND THE PERIOD(S) INDICATED:

	AD VALOREM			
	PERCENT			
PRODUCER/EXPORTER	CUSTOMS ID	PERIOD		RATE

LA MOLISANA

ALIMENTARI S.P.A C-475-819-015 10/17/95-12/31/95 2.83

01/01/96-02/13/96 2.73

02/14/96-07/23/96 0.00

07/24/96-12/31/96 2.73

PETRINI S.P.A. C-475-819-030 10/17/95-12/31/95 2.27

01/01/96-02/13/96 0.00

02/14/96-07/23/96 0.00

07/24/96-12/31/96 0.00

AUDISIO INDUSTRIE

ALIMENTARI S.R.L. C-475-819-029 10/17/95-12/31/95 7.78

01/01/96-02/13/96 0.00

02/14/96-07/23/96 0.00

07/24/96-12/31/96 0.00

5. THE ASSESSMENT OF COUNTERVAILING DUTIES ON ENTRIES MADE ON OR AFTER THE DEPARTMENT OF COMMERCE'S PRELIMINARY DETERMINATION ON OCTOBER 17, 1995, AND BEFORE THE INTERNATIONAL TRADE COMMISSION'S FINAL AFFIRMATIVE INJURY DETERMINATION ON JULY 17, 1996, CANNOT EXCEED THE AMOUNT OF CASH DEPOSIT OR BOND COLLECTED AT THE TIME OF ENTRY.

6. THE DEPARTMENT OF COMMERCE NOTIFIED CUSTOMS BY MESSAGE NO. 9351115 DATED DECEMBER 17, 1998, OF ISSUANCE OF A PRELIMINARY INJUNCTION ON DECEMBER 4, 1998, ON CERTAIN PASTA FROM ITALY (C-475-819) FOR THE PERIODS OCTOBER 12, 1995, THROUGH FEBRUARY 13, 1996, AND JULY 24, 1996, THROUGH DECEMBER 31, 1996. THIS PRELIMINARY INJUNCTION ENJOINS LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE WHICH WAS MANUFACTURED OR EXPORTED BY DELVERDE, S.R.L., CUSTOMS ID C-475-819-008, AND TAMMA INDUSTRIE ALIMENTARI DI CAPITANATA, S.R.L., CUSTOMS ID C-475-819-017.

7. THE PERIOD OF REVIEW FOR THE FIRST ADMINISTRATIVE REVIEW OF THE ANTIDUMPING ORDER ON PASTA FROM ITALY (A-475-818) IS 1/19/96 THROUGH 6/30/97. COMMERCE HAS NOT YET ISSUED LIQUIDATION INSTRUCTIONS FOR LA MOLISANA ALIMENTARI S.P.A. ENTRIES OF SUBJECT MERCHANDISE EXPORTED BY LA MOLISANA ALIMENTARI S.P.A. ON OR AFTER 1/19/96 AND ON OR BEFORE 6/30/97 CANNOT BE LIQUIDATED UNTIL LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING REVIEW ARE

ISSUED.

8. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE 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 CUSTOMS PAY INTEREST ON OVERPAYMENTS AND 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.

9. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE EXPORTED ON OR BEFORE 12/31/1996 IS LIFTED EXCEPT AS NOTED IN PARAGRAPH 6 ABOVE. SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE EXPORTED AFTER 12/31/1996 WILL CONTINUE.

10. 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 INTERESTED PARTIES SHOULD CONTACT SALLY HASTINGS, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE AT (202) 482-3464.

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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