

MESSAGE NO: 4318306 MESSAGE DATE: 11/14/2014
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 0119303, 1019301, 1292303,
MESSAGE # 2286312, 4241310
(s):

CASE #(s): C-463-505, C-552-808, C-570-917,
C-580-864, C-582-805

EFFECTIVE DATE: 12/03/2007 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/03/2007 TO 03/17/2011

Notice of Lifting of Suspension Date: 11/14/2014

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liq. Instr. for laminated woven sacks from the PRC exported by Zibo Aifudi Plastic Packaging Co., Ltd. (C-570-917-002) including LWS from fabric originating in third countries (multiple case nos.)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 12/13/2013, the Court of Appeals for the Federal Circuit issued its decision in appeal number 2013-1208, AMS Associates, Inc. v. United States, 737 F.3d 1338 (Fed. Cir. 2013), affirming the Court of International Trade's judgment in AMS Associates, Inc. v. United States, Court. No. 11-00148, 881 F. Supp. 2d 1374 (CIT 2012). Pursuant to this final court decision, the Department amended the effective date of its country of origin determination regarding laminated woven sacks (LWS) produced in the People's Republic of China (PRC) from fabric that has a country of origin other than the PRC (see 79 FR 28891, 5/20/2014). The effective date of that determination is now 3/18/2011, the publication date of the final results of the first antidumping duty administrative review, wherein we finalized the determination (see 76 FR 14906, dated 3/18/2011; see also message 4241310, dated 08/29/2014).

2. Accordingly, for all shipments of LWS produced in the PRC from fabric that has a country of origin other than the PRC, exported by Zibo Aifudi Plastic Packaging Co., Ltd. and imported by AMS Associates Inc., D/B/A Shapiro Packaging, and entered, or withdrawn from warehouse, for consumption during the period 12/03/2007 through 03/17/2011, that remain unliquidated (see messages 0119303 dated 4/29/2010, 1019301 dated 1/19/2011, 1292303 dated 10/19/2011, and 2286312 dated 10/12/2012), liquidate without regard to countervailing duties. Such entries may have come in under any of the following case numbers:

C-570-917-000

C-570-917-002

For LWS produced in the PRC from fabric that has a country of origin other than the PRC, importers may declare the country of origin of the LWS to be other than the PRC for customs

purposes. Therefore, the below case numbers were established to allow for LWS produced in the PRC from fabric that has a country of origin other than the PRC to be properly claimed as subject merchandise upon entry. Accordingly, such entries may also have entered under any of the following case numbers:

C-580-864-000

C-580-864-002

C-582-805-000

C-582-805-002

C-533-851-000

C-533-851-002

C-463-505-000

C-463-505-002

C-535-902-000

C-535-902-002

C-583-847-000

C-583-847-002

C-552-808-000

C-552-808-002

3. If CBP becomes aware of any other unliquidated entries of LWS produced in the PRC from fabric that has a country of origin other than the PRC, exported by Zibo Aifudi Plastic Packaging Co., Ltd., imported by or sold to AMS Associates Inc., D/B/A Shapiro Packaging, entered, or withdrawn from warehouse, for consumption during the period 12/03/2007 through 03/17/2011, and not covered by paragraph 2 above, notify Commerce immediately through authorized CBP

channels.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of LWS from the PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. 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, as amended. 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.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:TP)

8. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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