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MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 80 FR 16426 FR CITE DATE: 03/27/2015

REFERENCE 4247301, 4364303
MESSAGE #
(s):

CASE #(s): C-201-846

EFFECTIVE DATE: 03/27/2015 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 03/27/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Termination of Suspension of Liquidation: Suspended Countervailing Duty Investigation on Sugar from Mexico (C-201-846)

1. The Department of Commerce (Commerce) published in the Federal Register on 12/29/2014 (79 FR 78044) the notice of Suspension of the Countervailing Duty Investigation on Sugar from Mexico, effective 12/19/2014. Imports of sugar from Mexico are subject to the terms and conditions of the countervailing duty suspension agreement on sugar from Mexico (the CVD Agreement) between Commerce and the Government of Mexico.

2. The merchandise covered by the CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The chemical sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked by a glycosidic bond via their anomeric carbons. The molecular formula for sucrose is C₁₂H₂₂O₁₁; the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChI) for sucrose is 1S/C12H22O11/c13-1-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1; the InChI Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N; the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988; and the Chemical Abstracts Service (CAS) Number of sucrose is 57-50-1.

Sugar described in the previous paragraph includes products of all polarimeter readings described in various forms, such as raw sugar, estandar or standard sugar, high polarity or semi-refined sugar, special white sugar, refined sugar, brown sugar, edible molasses, desugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products, such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within the scope of the CVD Agreement.

The scope of the CVD Agreement does not include (1) sugar imported under the Refined Sugar Re-Export Programs of the U.S. Department of Agriculture (This exclusion applies to sugar imported under the Refined Sugar Re-Export Program, the Sugar-Containing Products Re-Export Program, and the Polyhydric Alcohol Program administered by the U.S. Department of Agriculture); (2) sugar products produced in Mexico that contain 95 percent or more sugar by dry weight that originated outside of Mexico; (3) inedible molasses (other than inedible desugaring

molasses noted above); (4) beverages; (5) candy; (6) certain specialty sugars; and (7) processed food products that contain sugar (e.g., cereals). Specialty sugars excluded from the scope of the CVD Agreement are limited to the following: caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations.

Merchandise covered by the CVD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the CVD Agreement is dispositive.

3. Message number 4364303, dated 12/30/14, notified U.S. Customs and Border Protection (CBP) of the CVD Agreement and instructed CBP to continue to suspend liquidation of entries of sugar from Mexico until further notice.

4. On 03/27/2015, the International Trade Commission published in the Federal Register a notice of its determination that the CVD Agreement completely eliminates the injurious effect of imports of sugar from Mexico (80 FR 16426).

5. Accordingly, effective 03/27/2015, CBP should terminate the suspension of liquidation for all entries of sugar from Mexico regardless of the producer or exporter. Further, for any entries of sugar from Mexico that were entered, or withdrawn from warehouse, for consumption for the period 09/02/2014 (publication of Commerce's preliminary determination in the Federal Register (see message number 4247301, dated 09/04/2014)) through 03/27/2015, and on which CBP collected deposits, CBP shall terminate suspension of liquidation and liquidate the entries without regard to countervailing duties (i.e., refund all cash deposits).

6. The interest provisions of section 778 of the Tariff Act of 1930 do not apply.

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 OP/BAU: JWR)

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