

MESSAGE NO: 6118303 MESSAGE DATE: 04/27/2016
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1364303, 2053301
MESSAGE #
(s):

CASE #(s): A-583-837

EFFECTIVE DATE: 04/26/2016 COURT CASE #: 15-1054; 11-00535

PERIOD OF REVIEW: 07/01/2009 TO 06/30/2010

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 04/27/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for polyethylene terephthalate film, sheet, and strip from Taiwan produced and/or exported by Nan Ya Plastics Corporation, Ltd., 07/01/2009 - 06/30/2010 (A-583-837)

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

1. On 01/19/2016, the Court of Appeals for the Federal Circuit issued a final decision in the case of Nan Ya Plastics Corporation, Ltd. v. United States (Fed. Cir. Court No. 15-1054) (CIT Court No. 11-00535). As a result of this decision, the injunction to which messages 2053301 and 1364303 refer enjoining liquidation of entries which are subject to the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from Taiwan for the period 07/01/2009 through 06/30/2010 produced and/or exported by Nan Ya Plastics Corporation, Ltd. dissolved on 04/18/2016.
2. For all shipments of PET film from Taiwan produced and/or exported by Nan Ya Plastics Corporation, Ltd. (A-583-837-003), and which were entered, or withdrawn from warehouse, for consumption during the period 07/01/2009 through 06/30/2010, assess an antidumping liability equal to 74.34 percent of the entered value. Entries may have also been made under A-583-837-000.
3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of PET film from Taiwan, produced by Nan Ya Plastics Corporation, Ltd., entered, or withdrawn from warehouse, for consumption during the period 07/01/2009 through 06/10/2010, entered under case number A-583-837-003 and not covered by paragraph 2, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for PET film from Taiwan is 2.40 percent.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of PET film from Taiwan 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 antidumping 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 antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required 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. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. 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:GC.)

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

Alexander Amdur

Company Details

*Party Indicator Value:

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