

MESSAGE NO: 0251308 MESSAGE DATE: 09/08/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 0175202, 7023112
MESSAGE #
(s):

CASE #(s): A-588-015

EFFECTIVE DATE: 06/23/2000 COURT CASE #: 89-09-00535

PERIOD OF REVIEW: 03/01/1985 TO 02/28/1986

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/23/2000

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR TELEVISION RECEIVERS, MONOCHROME AND COLOR, FROM JAPAN PRODUCED OR EXPORTED BY NIPPON ELECTRIC CORPORATION (NEC) FOR PERIOD 03/01/1985 THROUGH 02/28/1986 (A-588-015-007)

1. ON 07/21/1999, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION IN THE CASE OF NEC HOME ELECTRONICS, LTD., AND NEC TECHNOLOGIES, INC. , V. UNITED STATES, COURT NO. 89-09-00535. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 7023112, DATED 01/23/1997, REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON TELEVISION RECEIVERS, MONOCHROME AND COLOR, FROM JAPAN FOR PERIOD 03/01/1985 THROUGH 02/28/1986, PRODUCED OR EXPORTED BY NIPPON ELECTRIC CORPORATION (NEC) DISSOLVED ON 09/19/1999.

2. FOR ALL SHIPMENTS OF COLOR TELEVISIONS, MONOCHROME OR COLOR, FROM JAPAN PRODUCED OR EXPORTED BY NEC (A-588-015-007), IMPORTED BY VECTOR RESEARCH, INC., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 03/01/1985 THROUGH 02/28/1986, LIQUIDATE AT THE RATE IN EFFECT ON THE DATE OF ENTRY.

3. THE CIT IN NEC SOLUTIONS (AMERICA), INC., V. UNITED STATES, 277 F. SUPP. 2D 1340, (CIT 2003), DETERMINED THAT MESSAGE 0175202, DATED 06/23/2000, CONSTITUTED NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF TELEVISION RECEIVERS, MONOCHROME AND COLOR, FROM JAPAN, PRODUCED OR EXPORTED BY NEC DURING THE PERIOD 04/01/1983 THROUGH 02/28/1987.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. 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. 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.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD 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 MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE. (FOR AD CASES WITH CORRESPONDING CVD CASES USE LANGUAGE IN PARAGRAPH H UNDER NOTES.)

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY CU:RT).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS MESSAGE.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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

Case #	Rate	Party Indicator*	Party ID	Party Name
A-588-015-007		E		NIPPON ELECTRIC COMPANY
A-588-015-007		I		VECTOR RESEARCH, INC.
A-588-015-007		M		NIPPON ELECTRIC COMPANY