

MESSAGE NO: 7045207 MESSAGE DATE: 02/14/2007
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6286202
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/08/2004 TO 07/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX CANDLES FROM CHINA (A-570-504)

MESSAGE NO: 7045207

DATE: 02 14 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 6286202

REFERENCE DATE: 10 13 2006

CASES: A - 570 - 504

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PERIOD COVERED: 01 08 2004 TO 07 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX CANDLES FROM
CHINA (A-570-504)

1A. ON OCTOBER 6, 2006, THE DEPARTMENT OF COMMERCE ("THE DEPARTMENT") PUBLISHED ITS AFFIRMATIVE FINAL DETERMINATION OF THE LATER-DEVELOPED MERCHANDISE ANTICIRCUMVENTION INQUIRY ("LDM DETERMINATION") OF THE ANTIDUMPING DUTY ORDER ("ORDER") ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC")(71 FR 59075). IN THE LDM DETERMINATION, THE DEPARTMENT FOUND THAT MIXED-WAX CANDLES DEFINED TO BE CANDLES CONTAINING PETROLEUM WAX AND OVER FIFTY PERCENT PALM AND/OR OTHER VEGETABLE-OIL BASED WAXES ("MIXED-WAX CANDLES") FROM THE

PEOPLE'S REPUBLIC OF CHINA ("PRC") ARE SUBJECT TO THE SCOPE OF THE ORDER.

1B. IN MESSAGE NO. 6286202 TO U.S. CUSTOMS AND BORDER PROTECTION ("CBP"), THE DEPARTMENT INSTRUCTED CBP TO SUSPEND LIQUIDATION OF ALL ENTRIES FROM ALL COMPANIES OF MIXED-WAX CANDLES THAT MEET ALL THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE ORDER, AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER FEBRUARY 25, 2005, WHICH IS THE DATE OF INITIATION FOR THE LDM DETERMINATION.

1C. BETWEEN NOVEMBER 7 AND 28, 2006, THE COURT OF INTERNATIONAL TRADE ("CIT") ISSUED FIVE PRELIMINARY INJUNCTIONS ENJOINING LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED-WAX CANDLES WITH RESPECT TO 10 COMPANIES. ACCORDINGLY, THE DEPARTMENT HAS ISSUED FIVE PRELIMINARY INJUNCTION INSTRUCTIONS TO CBP BETWEEN NOVEMBER 13, 2006, AND DECEMBER 4, 2006, REQUESTING CBP TO ENJOIN LIQUIDATION OF THOSE ENTRIES. SEE PARAGRAPH 5 BELOW.

2. ON OCTOBER 25, 2006, THE DEPARTMENT PUBLISHED ITS FINAL RESULTS OF THE 2004-2005 ADMINISTRATIVE REVIEW ON THE ORDER ON PETROLEUM WAX CANDLES FROM THE PRC FOR THE PERIOD AUGUST 1, 2004, THROUGH JULY 31, 2005 ("SEVENTH REVIEW")(71 FR 62417). IN THESE FINAL RESULTS, THE DEPARTMENT APPLIED ADVERSE FACTS AVAILABLE ("AFA") TO THE ONLY RESPONDENT, QINGDAO YOUNGSON INDUSTRIAL CO., LTD. ("YOUNGSON") (A-570-504-015). ACCORDINGLY, THE DEPARTMENT ASSIGNED THE PRC-WIDE RATE, 108.30 PERCENT, TO YOUNGSON.

3. FOR ALL SUSPENDED ENTRIES OF PETROLEUM WAX CANDLES, EXCEPT MIXED-WAX CANDLES (BECAUSE THEY ARE COVERED IN THE SCOPE ONLY STARTING ON FEBRUARY 25, 2005), FROM THE PRC-WIDE ENTITY (A-570-504-000), INCLUDING YOUNGSON (A- 570-504-015), ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD AUGUST 1, 2004, THROUGH FEBRUARY 24, 2005, ASSESS AN ANTIDUMPING LIABILITY OF 108.30 PERCENT OF THE ENTERED VALUE.

4A. EXCEPT FOR THOSE ENTRIES OF MIXED-WAX CANDLES COVERED BY THE CIT'S PRELIMINARY INJUNCTIONS, AS STATED BELOW IN PARAGRAPH 5, FOR ALL OTHER SUSPENDED ENTRIES OF PETROLEUM WAX CANDLES, INCLUDING MIXED-WAX CANDLES, FROM THE PRC-WIDE ENTITY (A-570-504-000), INCLUDING YOUNGSON (A-570-504-015), ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD FEBRUARY 25, 2005, THROUGH JULY 31, 2005, ASSESS AN ANTIDUMPING LIABILITY OF 108.30 PERCENT OF THE ENTERED VALUE.

4B. FOR THOSE ENTRIES WHICH WERE COVERED BY THE SCOPE OF THE ORDER, INCLUDING MIXED WAX CANDLES, AND WERE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, AFTER JULY 31, 2005, CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES BECAUSE OF THE DEPARTMENT'S ON-GOING EIGHTH ADMINISTRATIVE REVIEW ON THE ORDER ON PETROLEUM WAX CANDLES FROM THE PRC.

5. AS STATED IN THE FOLLOWING FIVE MESSAGES (MESSAGE NO. 6338202, 6338206, 6318201, 6317215, AND 6317214), IN ACCORDANCE WITH THE FIVE CIT PRELIMINARY INJUNCTIONS ORDERS (COURT NO. 06-00400, 06-00405, 06-00383, 06-00398 , AND 06-00397), CONTINUE TO ENJOIN LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED-WAX CANDLES WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER FEBRUARY 25, 2005:

5A. MESSAGE NO. 6338202 (COURT NO. 06-00400)

MIXED-WAX CANDLES WHICH WERE PRODUCED AND EXPORTED BY THE FOLLOWING TWO COMPANIES: AMSTAR BUSINESS LIMITED; AND JIAXING MOONLIGHT CANDLE ART CO., LTD.

5B. MESSAGE NO. 6338206 (COURT NO. 06-00405)

MIXED-WAX CANDLES WHICH WERE PRODUCED AND EXPORTED FROM PRC AND IMPORTED BY SPECIALTY MERCHANDISE CORPORATION.

5C. MESSAGE NO. 6318201 (COURT NO. 06-00383)

MIXED-WAX CANDLES WHICH WERE FROM THE PRC AND IMPORTED BY OR ON BEHALF OF TARGET CORPORATION.

5D. MESSAGE NO. 6317215 (COURT NO. 06-00398)

MIXED-WAX CANDLES WHICH WERE FROM THE PRC AND IMPORTED BY THE FOLLOWING TWO COMPANIES: NANTUCKET DISTRIBUTING CO., INC.; AND SHONFELD'S (USA), INC.

5E. MESSAGE NO. 6317214 (COURT NO. 06-00397)

MIXED-WAX CANDLES WHICH WERE PRODUCED AND EXPORTED BY THE FOLLOWING FOUR COMPANIES: QINGDAO KINGKING APPLIED CHEMISTRY CO., LTD.; DALIAN TALENT GIFT CO., LTD.; SHANGHAI AUTUMN LIGHT ENTERPRISE CO., LTD.; AND ZHONGSHAN ZHONGNAM CANDLE MANUFACTURER CO., LTD.

6. WITH THE EXCEPTIONS LISTED ABOVE IN PARAGRAPHS 4B AND 5, THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE AND PERIODS LISTED IN PARAGRAPHS 3 AND 4A ABOVE, OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF THE SEVENTH REVIEW ON OCTOBER 25, 2006 (71 FR 62417). (SEE PARAGRAPH 2 ABOVE.) FOR ALL OTHER SHIPMENTS OF PETROLEUM WAX CANDLES (INCLUDING MIXED-WAX CANDLES) FROM THE PRC, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ("CBP") ON 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 AND ASSESS INTEREST ON UNDER PAYMENTS 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 OF 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.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.204(f)(2) OF THE COMMERCE DEPARTMENT 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 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 RESPOND TO YOUR FORMAL REQUEST FOR REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

9. 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 OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:CR).

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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