

MESSAGE NO: 7096205 MESSAGE DATE: 04/06/2007

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

FR CITE: FR FR CITE DATE:

REFERENCE 7082201
MESSAGE #
(s):

CASE #(s): A-549-821

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 01/26/2004 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: CORRECTION OF LIQ. MSG 7082201 FOR POLYETHYLENE RETAIL CARRIER BAGS
- THAILAND PROD'D BY UNIVERSAL POLYBAG (A-549-821) CORRECTION IS TO MAKE
7082201 PUBLIC

MESSAGE NO: 7096205

DATE: 04 06 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7082201

REFERENCE DATE: 03 23 2007

CASES: A - 549 - 821

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PERIOD COVERED: 01 26 2004 TO 07 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CORRECTION OF LIQ. MSG 7082201 FOR POLYETHYLENE RETAIL
CARRIER BAGS - THAILAND PROD'D BY UNIVERSAL POLYBAG
(A-549-821) CORRECTION IS TO MAKE 7082201 PUBLIC

1. THIS CORRECTION IS TO MAKE PUBLIC MESSAGE NUMBER 7082201
DATED 03/23/2007 REGARDING THE LIQUIDATION INSTRUCTIONS FOR
POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED BY
UNIVERSAL POLYBAG CO., LTD., FOR THE PERIOD 01/26/2004 THROUGH
07/31/2005 (A-549-821). BY REMOVING A STATEMENT FROM THE
BEGINNING OF THE INSTRUCTIONS AND ADDING A STATEMENT AT THE END
AS NUMBER 10, THE INSTRUCTIONS SHOULD READ AS FOLLOWS.

2. UNTIL FURTHER INSTRUCTED, CONTINUE TO SUSPEND LIQUIDATION FOR ENTRIES COVERED BY INJUNCTION MESSAGE NUMBER 7073201 DATED 03/14/2007.

3. THESE INSTRUCTIONS DO NOT SUPERCEDE MESSAGE NUMBER 4344204 DATED 12/09/2004. CONTINUE TO LIQUIDATE ENTRIES COVERED BY PARAGRAPH 2 OF MESSAGE NUMBER 4344204 DATED 12/09/2004 WITHOUT REGARD TO ANTIDUMPING DUTIES.

4. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED BY UNIVERSAL POLYBAG CO., LTD., ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 01/26/2004 THROUGH 07/31/2005, ENTERED UNDER CASE NUMBER A-549-821-002, AND NOT COVERED BY PARAGRAPH 3 OF MESSAGE NUMBER 7073201 DATED 03/14/2007, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY UNLESS PARAGRAPH 5 IS APPLICABLE.

5. IF A BOND OR CASH DEPOSIT WAS COLLECTED AS SECURITY FOR AN ESTIMATED ANTIDUMPING DUTY FOR ANY SHIPMENT OF MERCHANDISE DESCRIBED IN PARAGRAPH 3 THAT WAS ENTERED OR WITHDRAWN FROM WAREHOUSE DURING THE PERIOD 01/26/2004 THROUGH 07/23/2004, ASSESS ANTIDUMPING LIABILITIES EQUAL TO THE PERCENTAGE RATE RESULTING FROM THE APPLICATION OF PARAGRAPH 4 OR EQUAL TO THE AMOUNT OF THE BOND OR CASH DEPOSIT, WHICHEVER IS LESS.

6. WITH THE EXCEPTION OF ENTRIES COVERED BY PARAGRAPH 3, NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/26/2004 THROUGH 07/31/2005 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (72 FR 1982 (January 17, 2007)). FOR ALL OTHER SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND 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 U.S. 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 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 WHICH IS AUGUST 9, 2004. 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.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. IMPORTERS WERE NOTIFIED OF THIS REQUIREMENT WHEN THE NOTICES OF PRELIMINARY AND FINAL RESULTS OF THE ADMINISTRATIVE REVIEW WERE PUBLISHED IN THE FEDERAL REGISTER. 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 PROVIDE THE 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 OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5: LJ).

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