

MESSAGE NO: 8310202 MESSAGE DATE: 11/05/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-886

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2007 TO 07/31/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL CARRIER BAGS FROM CHINA FOR THE PERIOD 08/01/2007 THROUGH 07/31/2008 (A-570-886)

MESSAGE NO: 8310202 DATE: 11 05 2008

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 886 - -

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PERIOD COVERED: 08 01 2007 TO 07 31 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL CARRIER BAGS FROM CHINA FOR THE PERIOD 08/01/2007 THROUGH 07/31/2008 (A-570-886)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(a)(1) OF THE TARIFF ACT OF 1930 AND IN ACCORDANCE WITH SECTION 351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. ON JULY 22, 2008, THE DEPARTMENT OF COMMERCE, PURSUANT TO 19 CFR 351.225(e), INITIATED A FORMAL SCOPE INQUIRY REQUESTED BY

MAJESTIC INTERNATIONAL LLC (MAJESTIC), ON WHETHER CERTAIN POLYETHYLENE GIFT BAGS IMPORTED BY MAJESTIC ARE OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLE'S REPUBLIC OF CHINA. THE PRODUCTS IN QUESTION ARE:

UPC CODES STARTING WITH 8-51603- AND ENDING WITH 00002-3, 00004-7, 00140-2, 00141-9, 00142-6, 00041-2, 00040-5, 00052-8, 00059-7, 00066-5, 00068-9, 00071-9, 00072-6, 00075-7, 00076-4, 00092-4, 00093-1, 00094-8, 00098-6, 00131-0, 00132-7, 00133-4, 00144-0, 00145-7, 00152-5, 00153-2, 00155-6, 00156-3, 00160-0, 00163-1, 00165-5, 00166-2, 00175-4, 00176-1, 00181-5, 00183-9, 00226-3, 00230-0, 00231-7, 00246-1, 00251-5, 00252-2, 00253-9, 00254-6, 00255-3, 00256-0, 00257-7, 00259-1, 00260-7, 00262-1, 00263-8, 00300-0, 00301-7, 00302-4, 00303-1, 00305-5, 00306-2, 00307-9, 00308-6, 00309-3, 00350-5, 00351-2, 00352-9, 00353-6, 00354-3, 00355-0, 00356-7, 00357-4, 00358-1.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF THE PRODUCTS LISTED IN PARAGRAPH 2 ABOVE PENDING THE FINAL OUTCOME OF THE ONGOING SCOPE INQUIRY. UPON COMPLETION OF THE SCOPE INQUIRY, THE DEPARTMENT OF COMMERCE WILL ISSUE SEPARATE LIQUIDATION INSTRUCTIONS BASED ON THE FINAL OUTCOME OF THE SCOPE DECISION.

4. THE LIQUIDATION AND CASH DEPOSIT RATES FOR FIRMS WITH A NONMARKET ECONOMY SEPARATE RATE, FOR WHICH AN ANTIDUMPING ADMINISTRATIVE REVIEW WAS NOT REQUESTED, WILL NOT BE REVISED FOR THIS PERIOD. THE FIRMS LISTED BELOW HAVE BOTH A NONMARKET ECONOMY SEPARATE RATE AND ARE NOT SUBJECT TO THE REVIEW FOR THE PERIOD 08/01/2007 THROUGH 07/31/2008. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF DEPARTMENT OF COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FOR THE FIRMS LISTED BELOW AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

PRODUCT: POLYETHYLENE RETAIL CARRIER BAGS

COUNTRY: THE PEOPLE'S REPUBLIC OF CHINA

CASE NUMBER: A-570-886

PERIOD: 08/01/2007 THROUGH 07/31/2008

LIQUIDATE ALL ENTRIES FOR FIRMS LISTED BELOW:

COMPANY: DONGGUAN HUANG JIANG UNITED WAH PLASTIC BAG (ALSO KNOWN AS DONGWAN NOZAWA PLASTICS AND UNITED POWER PACKAGING, LTD., DONGGUAN NOZAWA PLASTIC PRODUCTS CO., LTD., DONGGUAN HUANG JIANG UNITED WAH PLASTIC BAG FACTORY, DONGGUAN NOZAWA PLASTICS, DONGGUAN NOZAWA PLASTIC CO., LTD., DONG GUAN (DONG WAN) NOZAWA PLASTIC CO., LTD., UNITED POWER PACKAGING, UNITED POWER PACKAGING LIMITED, AND UNITED POWER PACKAGING LTD.)

CASE NUMBER: A-570-886-002

COMPANY: SHANGHAI GLOPACK PACKING CO., LTD. (ALSO KNOWN AS SEA LAKE POLYETHYLENE ENTERPRISE LIMITED, SEA LAKE PLASTICS IMPORT MATERIAL PROCESSING FACTORY, AND SEA LAKE PLASTICS CO., LTD.)

CASE NUMBER: A-570-886-005

COMPANY: XIAMEN MING PAK PLASTICS CO., LTD.

CASE NUMBER: A-570-886-006

COMPANY: ZHONGSHAN DONGFENG HUNG WAI PLASTIC BAG MANUFACTOR

CASE NUMBER: A-570-886-007

COMPANY: BEIJING LIANBIN PLASTICS AND PRINTING CO., LTD.

CASE NUMBER: A-570-886-008

COMPANY: DONGGUAN MARUMAN PLASTIC PACKAGING COMPANY, LTD. (FORMERLY KNOWN AS DONGGUAN ZHONGQAIIO COMBINE PLASTIC BAG FACTORY)

CASE NUMBER: A-570-886-009

COMPANY: GOOD-IN HOLDINGS LTD.

CASE NUMBER: A-570-886-010

COMPANY: GUANGDONG ESQUEL PACKAGING CO., LTD.

CASE NUMBER: A-570-886-011

COMPANY: RAIN CONTINENT SHANGHAI CO., LTD.

CASE NUMBER: A-570-886-012

COMPANY: SHANGHAI DAZHI ENTERPRISE DEVELOPMENT CO., LTD.

CASE NUMBER: A-570-886-013

COMPANY: SHANGHAI FANGSHENG COLOURED PACKING CO., LTD.

CASE NUMBER: A-570-886-014

COMPANY: SHANGHAI JINGTAI PACKAGING MATERIAL CO., LTD.

CASE NUMBER: A-570-886-015

COMPANY: SHANGHAI LIGHT INDUSTRIAL PRODUCTS IMPORT & EXPORT

CASE NUMBER: A-570-886-016

COMPANY: SHANGHI MINMETALS DEVELOPMENT LTD.

CASE NUMBER: A-570-886-017

COMPANY: SHANGHAI NEW AI LIAN IMPORT AND EXPORT CO., LTD.

CASE NUMBER: A-570-886-018

COMPANY: SHANGHAI OVERSEAS INTERNATIONAL TRADING CO., LTD.

CASE NUMBER: A-570-886-019

COMPANY: SHANGHAI YAFU PLASTICS INDUSTRIES CO., LTD.

CASE NUMBER: A-570-886-020

COMPANY: WEIHAI WEIQUN PLASTIC AND RUBBER PRODUCTS CO. LTD

CASE NUMBER: A-570-886-021

COMPANY: XIAMEN XINGYATAI INDUSTRY CO. LTD.

CASE NUMBER: A-570-886-022

COMPANY: XINHUI HENGLONG (ALSO KNOWN AS JIANGMEN CITY

XINHUI HENGLONG PLASTIC LTD)

CASE NUMBER: A-570-886-023

COMPANY: NAN SING PLASTICS, LTD.

CASE NUMBER: A-570-886-024

COMPANY: NINGBO FANRONG PLASTIC PRODUCTS CO., LTD.

CASE NUMBER: A-570-886-025

COMPANY: NINGBO HUANSEN PLASTHETICS CO., LTD.

CASE NUMBER: A-570-886-026

COMPANY: CROWN POLYETHYLENE PRODUCTS (INTERNATIONAL) LTD.

CASE NUMBER: A-570-886-027

COMPANY: HIGH DEN ENTERPRISES, LTD.

CASE NUMBER: A-570-886-028

COMPANY: CHUN HING PLASTIC PACKAGING MFY LTD. (ALSO KNOWN AS CHUN YIP PLASTIC BAG FACTORY)

CASE NUMBER: A-570-886-029

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

6. ENTRIES OF MERCHANDISE OF FIRMS NOT LISTED ABOVE SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING ADMINISTRATIVE REVIEW FOR THE PERIOD 08/01/2007 THROUGH 07/31/2008. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE THAT WERE EXPORTED BY THE UNLISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

7. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2007 THROUGH 07/31/2008 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW (73 FR 56795,

09/30/2008). FOR ALL OTHER SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLE'S REPUBLIC OF CHINA YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

8. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION 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 OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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.

9. 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. 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.

10. 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: KC).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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