

MESSAGE NO: 8336204 MESSAGE DATE: 12/01/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
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REFERENCE 7059211
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: LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED AND/OR EXPORTED BY KING PAC INDUSTRIAL CO. LTD (A-549-821)

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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: LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED AND/OR EXPORTED BY KING PAC INDUSTRIAL CO. LTD (A-549-821)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE.

1. ON 08/28/2008, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION IN THE CASE OF UNIVERSAL POLYBAG CO.,LTD., ET AL. V. UNITED STATES, CONSOLIDATED COURT NO. 07-00043 (ON 03/14/2007 THE CIT ORDERED THAT COURT NOS. 07-00043, 07-00049, AND 07-00054 BE CONSOLIDATED UNDER CONSOLIDATED NO.

07-00043). AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 7059211, DATED 02/28/2007, REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND FOR THE PERIOD 01/26/2004 THROUGH 07/31/2005 PRODUCED AND/OR EXPORTED BY KING PAC INDUSTRIAL CO., LTD. (AKA KING PAK INDUSTRIAL CO., LTD.), DPAC INDUSTRIAL CO., LTD. (AKA SIAM ZIP), ZIPPAC CO., LTD. (AKA ZIP-PAC, CO., LTD, AKA ZIP PAC CO., LTD.), OR KING BAG CO., LTD., DISSOLVED ON 10/28/2008.

2. FOR ALL SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND PRODUCED AND/OR EXPORTED BY KING PAC INDUSTRIAL CO. LTD. (AKA KING PAK INDUSTRIAL CO., LTD.), DPAC INDUSTRIAL CO., LTD. (AKA SIAM ZIP), ZIPPAC CO., LTD. (AKA ZIP-PAC, CO., LTD, AKA ZIP PAC CO., LTD.), OR KING BAG CO., LTD., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/26/2004 THROUGH 07/31/2005, ASSESS AN ANTIDUMPING LIABILITY OF 122.88 PERCENT OF THE ENTERED VALUE. ENTRIES MAY HAVE BEEN MADE UNDER A-549-821-005 OR A-549-821-000.

3. IF A BOND OR CASH DEPOSIT WAS COLLECTED AS SECURITY FOR AN ESTIMATED ANTIDUMPING DUTY FOR ANY SHIPMENT OF MERCHANDISE DESCRIBED IN PARAGRAPH 2 THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/26/2004 THROUGH 07/23/2004, ASSESS A DUMPING LIABILITY EQUAL TO 122.88 PERCENT OF THE ENTERED CUSTOMS VALUE OR EQUAL TO THE AMOUNT OF THE BOND OR CASH DEPOSIT, WHICHEVER IS LESS.

4. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/26/2004 THROUGH 07/31/2005. YOU SHALL, UNLESS OTHERWISE INSTRUCTED, 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 CUSTOMS AND BORDER PROTECTION 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 08/09/2004. 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.

7. 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.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM 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 O5:CC).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION

CONTAINED IN THIS E-MAIL MESSAGE.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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