

MESSAGE NO: 9091202 MESSAGE DATE: 04/01/2009
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-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2008 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS RESULTING FROM ANTIDUMPING SCOPE RULING ON CHILDREN'S VALENTINE'S CARD SETS WITH PENCILS FROM CHINA (A-570-827); IMPT: PAPER MAGIC GROUP

MESSAGE NO: 9091202 DATE: 04 01 2009

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 827 - -

- - - -

- - - -

PERIOD COVERED: 12 01 2008 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS RESULTING FROM ANTIDUMPING SCOPE RULING ON CHILDREN'S VALENTINE'S CARD SETS WITH PENCILS FROM CHINA (A-570-827); IMPT: PAPER MAGIC GROUP

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM PAPER MAGIC GROUP, INC. COMMERCE ISSUED A FINAL SCOPE RULING ON 03/12/2009, THAT CHILDREN'S VALENTINE'S CARD SETS WITH PENCILS (IMPORTED BY PAPER MAGIC GROUP, INC. FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC")) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER/FINDING COVERING CERTAIN CASED PENCILS FROM THE PRC(A-570-827).

2. COMMERCE DETERMINED THAT CHILDREN'S VALENTINE'S CARD SETS WITH PENCILS (IMPORTED BY PAPER MAGIC GROUP, INC. FROM THE PRC) ARE OUTSIDE THE SCOPE OF THIS REVIEW FOR THE FOLLOWING REASONS:

- A. PENCILS INCLUDED IN THE CARD SETS ARE INCIDENTAL AND NOT THE MAIN OR MOST IMPORTANT COMPONENT IN THE SET; AND,
- B. THE EXPECTATIONS OF THE ULTIMATE PURCHASERS, THE ULTIMATE USE, AND THE MANNER IN WHICH CHILDREN'S VALENTINE'S CARD SETS WITH PENCILS ARE ADVERTISED AND DISPLAYED ARE DISSIMILAR TO CASED PENCILS SUBJECT TO THE ORDER.

THEREFORE, CHILDREN'S VALENTINE'S CARDS SETS WITH PENCILS (IMPORTED BY PAPER MAGIC GROUP, INC. FROM THE PRC) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN CASED PENCILS FROM THE PRC.

3. EFFECTIVE 12/01/2008, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF CHILDREN'S VALENTINE'S CARDS SETS WITH PENCILS LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO CHILDREN'S VALENTINE'S CARDS SETS WITH PENCILS LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF CHILDREN'S VALENTINE'S CARDS SETS WITH PENCILS (IMPORTED BY PAPER MAGIC GROUP, INC. FROM THE PRC) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/01/2008.

6. 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.

7. FOR ALL OTHER SHIPMENTS OF CERTAIN CASED PENCILS FROM THE PRC NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

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 O1:JS).

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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