

MESSAGE NO: 9316004 MESSAGE DATE: 11/12/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7059216
MESSAGE #
(s):

CASE #(s): A-475-703

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2004 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 GRANULARPOLYTETRA- FLUOROETHYLENE
RESIN FROM ITALYPRODUCED/EXPORTEDBY SOLVAY SOLEXIS S.p.A. (A-475-703-001); CT
NO 07-00037

MESSAGE NO: 9316004

DATE: 11 12 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7059216

REFERENCE DATE: 03 09 2007

CASES: A - 475 - 703

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PERIOD COVERED: 08 01 2004 TO 07 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR GRANULARPOLYTETRA-
FLUOROETHYLENE RESIN FROM ITALYPRODUCED/EXPORTEDBY
SOLVAY SOLEXIS S.p.A. (A-475-703-001); CT NO 07-00037

1. ON 08/27/2009, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
ISSUED A FINAL DECISION IN THE CASE OF SOLVAY SOLEXIS S.p.A.
AND SOLVAY SOLEXIS, INC. V. UNITED STATES 07-00037.

AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE
NUMBER 7059216 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE
SUBJECT TO THE ANTIDUMPING DUTY ORDER ON GRANULAR
POLYTETRAFLUOROETHYLENE RESIN FROM ITALY FOR PERIOD 08/01/2004

THROUGH 07/31/2005 PRODUCED AND EXPORTED BY SOLVAY SOLEXIS S.p.A. DISSOLVED ON 10/26/2009.

2. FOR ALL SHIPMENTS OF GRANULAR POLYTETRAFLUOROETHYLENE RESIN FROM ITALY PRODUCED AND EXPORTED BY SOLVAY SOLEXIS S.p.A., IMPORTED BY SOLVAY SOLEXIS, INC., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2004 THROUGH 07/31/2005, ASSESS ANTIDUMPING LIABILITY OF 51.62 PERCENT OF THE ENTERED VALUE.

3. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF GRANULAR POLYTETRAFLUOROETHYLENE RESIN FROM ITALY, PRODUCED BY SOLVAY SOLEXIS S.p.A. ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2004 THROUGH 07/31/2005, ENTERED UNDER CASE NUMBER A-475-703-001, AND NOT COVERED BY PARAGRAPH ONE, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY. THE ALL-OTHERS RATE FOR GRANULAR POLYTETRAFLUOROETHYLENE RESIN FROM ITALY IS 46.46 PERCENT.

4. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2004 THROUGH 07/31/2005.

FOR ALL OTHER SHIPMENTS OF GRANULAR POLYTETRAFLUOROETHYLENE RESIN FROM ITALY 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 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. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S 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 TRENTAM 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:MK).

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

FLORENCE V. CONSTANT

Company Details

*Party Indicator Value:

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