

MESSAGE NO: 9288206 MESSAGE DATE: 10/15/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7045207
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2008 TO 07/31/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NON-REVIEW LIQUIDATION INSTRUCTION FOR PETROLEUM WAX CANDLES FROM CHINA (A-570-504);

MESSAGE NO: 9288206

DATE: 10 15 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7045207

REFERENCE DATE: 02 14 2007

CASES: A - 570 - 504

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PERIOD COVERED: 08 01 2008 TO 07 31 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NON-REVIEW LIQUIDATION INSTRUCTION FOR PETROLEUM WAX CANDLES FROM CHINA (A-570-504);

1. 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 COMMERCE'S REGULATIONS.

2. COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW. THEREFORE, IN ACCORDANCE WITH SECTION

351.212(C) OF COMMERCE'S REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY.

3A. ON 10/06/2006, THE DEPARTMENT PUBLISHED ITS AFFIRMATIVE FINAL DETERMINATION OF THE LATER DEVELOPED MERCHANDISE ANTICIRCUMVENTION INQUIRY (LDM DETERMINATION) OF THE ANTIDUMPING DUTY ORDER (ORDER) ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (71 FR 59075).

IN THE LDM DETERMINATION, THE DEPARTMENT DETERMINED THAT MIXED WAX CANDLES DEFINED TO BE CANDLES CONTAINING PETROLEUM WAX AND/OR OTHER VEGETABLE OIL BASED WAXES ((MIXED WAX CANDLES) FROM THE PRC ARE SUBJECT TO THE SCOPE OF THE ORDER.

3B. IN MESSAGE NO. 6286202 THE DEPARTMENT INSTRUCTED CBP TO SUSPEND LIQUIDATION OF ALL ENTRIES FROM ALL COMPANIES OF MIXED WAX CANDLES THAT MEET ALL THE REQUIREMENTS FOR THE MERCHANDISE

SUBJECT TO THE ORDER, AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 02/25/2005, WHICH IS THE DATE OF INITIATION FOR THE LDM DETERMINATION.

3C. BETWEEN 11/07/2006 AND 11/28/2006 THE COURT OF INTERNATIONAL TRADE (CIT) ISSUED FIVE PRELIMINARY INJUNCTIONS ENJOINING LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED WAX CANDLES WITH RESPECT TO 10 COMPANIES. ACCORDINGLY, THE DEPARTMENT ISSUED 5 PRELIMINARY INJUNCTION INSTRUCTIONS TO CBP BETWEEN 11/13/2006 AND 12/04/2006, REQUESTING CBP TO ENJOIN LIQUIDATION OF THOSE ENTRIES.

SEE MESSAGE 7045207, WHERE THE DEPARTMENT IDENTIFIED THE CBP MESSAGE NUMBERS FOR ALL THE PRELIMINARY INJUNCTION INSTRUCTIONS TO ENJOIN LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED WAX CANDLES WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION ON OR AFTER 02/25/2005.

4. CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THOSE ENTRIES OF MIXED-WAX CANDLES COVERED BY THE PRELIMINARY INJUNCTIONS, AS STATED IN MESSAGE NO. 7045207, PARAGRAPH 5.

FOR ALL OTHER SUSPENDED ENTRIES OF PETROLEUM WAX CANDLES, INCLUDING MIXED-WAX CANDLES FROM THE PRC-WIDE ENTITY (A-570-504-000), ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2008 THROUGH 07/31/2009, LIQUIDATE ALL ENTRIES FOR ALL FIRMS.

5. NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2008 THROUGH 07/31/2009 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW (74 FR 48224, 09/22/2009). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

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 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 O9:AV).

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