

MESSAGE NO: 1113202 MESSAGE DATE: 04/23/2001
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/17/1995 TO 12/31/1996

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM ITALY PRODUCED AND/OR EXPORTED BY DELVERDE SRL OR TAMMA INDUSTRIES ALIMENTARI DI CAPITANATA, SRL (C-475-819)

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CASES: C - 475 - 819	- -
- -	- -
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PERIOD COVERED: 10 17 1995 TO 12 31 1996

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM ITALY PRODUCED AND/OR EXPORTED BY DELVERDE SRL OR TAMMA INDUSTRIES ALIMENTARI DI CAPITANATA, SRL (C-475-819)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER OF 8/17/1998 (63 FR 43905) THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM ITALY FOR THE PERIOD 10/17/1995 THROUGH 12/31/1996. IN SUBSEQUENT LITIGATION CHALLENGING THESE RESULTS, THE COURT OF INTERNATIONAL TRADE ("CIT") ISSUED A PRELIMINARY INJUNCTION PROHIBITING THE DEPARTMENT OF COMMERCE FROM LIQUIDATING ENTRIES OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY DELVERDE SRL

OR TAMMA INDSTRUE ALIMENTARI DI CAPITANATA, SRL
("DELVERDE/TAMMA") (CUSTOMS ID NUMBER C-475-819-008 FOR DELVERDE
AND C-475-819-017 FOR TAMMA) FOR THE PERIOD FROM 10/17/1995
THROUGH 2/13/1996 AND FROM 6/14/1996 THROUGH 12/31/1996. AS A
RESULT OF A SETTLEMENT AGREEMENT BETWEEN THE U.S. GOVERNMENT AND
DELVERDE, THIS CIT INJUNCTION IS NO LONGER IN EFFECT.

2. PURSUANT TO THE SETTLEMENT AGREEMENT, DELVERDE/TAMMA'S NET
SUBSIDY RATE HAS BEEN SET AT 3.51 PERCENT AD VALOREM FOR THE
PERIOD 10/17/1995 THROUGH 12/31/1995 AND 3.46 PERCENT AD VALOREM
FOR THE PERIOD 1/1/1996 THROUGH 2/13/1996 AND 7/24/1996 THROUGH
12/31/1996. (NO SUBSIDY RATE APPLIES FOR THE PERIOD 2/14/1996
THROUGH 7/23/1996, WHICH CORRESPONDS TO THE PERIOD FROM THE
TERMINATION OF SUSPENSION OF LIQUIDATION AT THE 120TH DAY AFTER
AN AFFIRMATIVE PRELIMINARY DETERMINATION TO THE RESUMPTION OF
SUSPENSION OF LIQUIDATION AT THE TIME OF THE ORDER).

3. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO ASSESS COUNTERVAILING
DUTIES OF 3.51 PERCENT OF THE ENTERED VALUE ON ALL SHIPMENTS OF
THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, BY
DELVERDE/TAMMA FOR CONSUMPTION ON OR AFTER 10/17/1995 AND ON OR
BEFORE 12/31/1995, AND 3.46 PERCENT OF THE ENTERED VALUE ON ALL
SHIPMENTS OF THIS MERCHANDISE ENTERED OR WITHDRAWN FROM
WAREHOUSE, BY DELVERDE/TAMMA FOR CONSUMPTION, ON OR AFTER
1/1/1996 THROUGH 2/13/1996 AND ON OR AFTER 7/24/1996 THROUGH
12/31/1996. NO COUNTERVAILING DUTIES SHOULD BE ASSESSED WITH
REGARD TO SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN
FROM WAREHOUSE, ON OR AFTER 2/14/1996 AND ON OR BEFORE 7/23/1996.

4. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS
SERVICE 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 CUSTOMS PAY INTEREST ON OVERPAYMENTS OR ASSESS
INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS
ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT
APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING
DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY

ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED COUNTERVAILING 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.

5. PLEASE NOTE THAT SUSPENSION OF LIQUIDATION FOR THIS MERCHANDISE FOR THE PERIOD 6/14/1996 THROUGH 12/31/1996 REMAINS IN EFFECT UNTIL FURTHER INSTRUCTIONS ARE RECEIVED FOLLOWING THE LIFTING OF THE CIT INJUNCTIONS ISSUED IN CONNECTION WITH THE LITIGATION INVOLVING THE COMPANION ANTIDUMPING DUTY ORDER ON CERTAIN PASTA FROM ITALY (A-475-818). AS A RESULT, THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE IS LIFTED ONLY FOR THE PERIOD 10/17/1995 THROUGH 2/13/1996.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT CRAIG MATNEY, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE AT (202) 482-1778.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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