

MESSAGE NO: 1113203 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: 01/01/1997 TO 12/31/1997

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 INDUSTRIE ALIMENTARI DI CAPITANATA, SRL (C-475-819)

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CATEGORY: CVD TYPE: LIQ

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CASES: C - 475 - 819 - -

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PERIOD COVERED: 01 01 1997 TO 12 31 1997

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 INDUSTRIE ALIMENTARI DI CAPITANATA, SRL (C-475-819)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER OF 9/22/1999 (64 FR 51293), THE AMENDED FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM ITALY FOR THE PERIOD 1/1/1997 THROUGH 12/31/1997. 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 NUMBERS C-475-819-008 FOR
DELVERDE AND C-475-819-017 FOR TAMMA) FOR THE PERIOD FROM
1/1/1997 THROUGH 12/31/1997. 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INJUNCTION IS NO LONGER IN EFFECT.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 WAS SET AT 2.55 PERCENT AD VALOREM FOR THE PERIOD
1/1/1997 THROUGH 12/31/1997. ACCORDINGLY, YOU ARE NOW INSTRUCTED
TO ASSESS COUNTERVAILING DUTIES OF 2.55 PERCENT OF THE ENTERED
VALUE ON ALL SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN
FROM WAREHOUSE, BY DELVERDE/TAMMA FOR CONSUMPTION ON OR AFTER
1/1/1997 AND ON OR BEFORE 12/31/1997.

3. PLEASE NOTE THAT SUSPENSION OF LIQUIDATION FOR THIS
MERCHANDISE FOR THE PERIOD 1/1/1997 THROUGH 12/31/1997 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).

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 ANTIDUMPING 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. 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.

6. 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