Subpart E—Suspension of Liquidation

§ 159.51 General.

Liquidation of entries shall be suspended only when provided by law or regulation, or when directed by the Commissioner of Customs. Liquidation of entries shall not be suspended simply because issues involved therein may be before the Customs Court in pending litigation, since the importer may seek relief by protesting the entries after liquidation.

§ 159.52 Warehouse entry not liquidated until final withdrawal.

Liquidation of a warehouse or re-warehouse entry shall be suspended until all merchandise covered by the entry has been accounted for within the bonded period by withdrawal, abandonment, or destruction, or until the bonded period has expired if the merchandise has not been so accounted for before that time.

§ 159.53 Proof of duty-free or reduced-duty status.

Various provisions in part 10 of this chapter provide for suspending liquidation of entries covering certain merchandise entered at a conditionally free or conditionally reduced rate of duty, pending production of required proof. Upon production of the required proof, or upon failure to produce the proof within the required time, the entries shall be liquidated accordingly.

§ 159.54 Open bonds for production of documents.

The liquidation of entries on which bonds are open for the production of documents affecting the rate of duty shall be suspended pending the performance or nonperformance under the bond, unless production of the document is waived in accordance with §141.92 of this chapter.

§ 159.55 Possible prohibited food, drugs, or other articles.

(a) Suspension of liquidation. The liquidation of each entry covering merchandise the subject of §12.1 of this chapter (which pertains to certain foods, drugs, cosmetics, economic poisons, hazardous substances, dangerous caustic or corrosive substances, and related items) shall be suspended until it is determined whether admission of the merchandise into the United States is permitted under the law.

(b) Allowance for exportation or destruction. In any case where the admission of such merchandise into the United States is refused and the merchandise is exported under Customs supervision in accordance with §158.45(b) of this chapter, or destroyed under Customs supervision in accordance with §158.41 of this chapter, the merchandise is exempt from duty and any duties collected thereon shall be refunded.

§ 159.57 Merchandise affected by an American manufacturer's cause of action sustained by the court.

Liquidation of entries for merchandise of the character covered by a decision of the Secretary of the Treasury published in accordance with §175.24 of this chapter, entered or withdrawn for consumption after the date of publication of a decision of the U.S. Court of International Trade sustaining in whole or in part the cause of action of an American manufacturer, producer, or wholesaler, shall be suspended until final disposition is made of the cause of action. Upon final disposition, such entries shall be liquidated, or, if necessary, reliquidated in accordance with the final judicial decision.


§ 159.58 Dumping and countervailing duties; action by port director.

(a) Antidumping matters. Upon receipt of notification from the Commissioner, each port director shall suspend liquidation on merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the “Notice of Preliminary Affirmative Antidumping Determination,” “Notice of Final Affirmative Antidumping Determination” or “Notice of Violation of Agreement” as provided by part 333, chapter III, of this title. Each port director shall immediately notify the importer, consignee, or agent of each entry of merchandise in question with respect to which liquidation is suspended. The notice shall
indicate the relevant ascertained and
determined or estimated antidumping
duty.

(b) Countervailing matters. Upon re-
cceipt of notification from the Commis-
sioner, each port director shall suspend
liquidation on merchandise entered, or
withdrawn from warehouse, for con-
sumption, on or after the date of pub-
cation of the “Notice of Preliminary
Affirmative Countervailing Duty De-
termination,” “Notice of Final Affirm-
ative Countervailing Duty Determina-
tion” or “Notice of Violation of Agree-
ment,” as provided by part 355, Chapter
III, of this title. Each port director
shall immediately notify the importer,
consignee, or agent of each entry of
merchandise in question with respect
to which liquidation is suspended. The
notice shall indicate the relevant
ascertained and determined or esti-
mated countervailing duty.


Subpart F—Continued Dumping
and Subsidy Offset

SOURCE: T.D. 01–68, 66 FR 48552, Sept. 21,
2001, unless otherwise noted.

§ 159.61 General.

(a) Continued dumping and subsidy off-
sert. Under section 754 of the Tariff Act
of 1930, as amended by Public Law 106–
387, 114 Stat. 1549 (19 U.S.C. 1675c),
known as the Continued Dumping and
Subsidy Offset Act of 2000, assessed du-
ties received on or after October 1, 2000
under a countervailing duty order, an
antidumping duty order, or a finding
under the Antidumping Act of 1921, will
be distributed, as provided under this
subpart, to affected domestic producers
for certain qualifying expenditures
that these affected domestic producers
incur after the issuance of such an
antidumping duty order or finding, or
countervailing duty order. This dis-
tribution is called the continued dump-
ing and subsidy offset.

(b) Affected domestic producer—(1) Gen-
eral rule. Except as provided in para-
graph (b)(2) of this section, an “af-
fected domestic producer” under para-
graph (a) of this section means any
manufacturer, producer, farmer, ranch-
er or worker representative (including
any association of such persons) that
remains in operation continuing to
produce the product covered by the
antidumping duty order or finding or
countervailing duty order, and that
was a petitioner or an interested party
that supported a petition concerning
an antidumping duty order, a finding
under the Antidumping Act of 1921, or
a countervailing duty order that was
entered. It is the responsibility of the
U.S. International Trade Commission
(USITC) to ascertain and timely for-
ward to Customs a list of the domestic
producers potentially considered “af-
fected domestic producers” eligible to
receive a distribution in connection
with each order or finding. In addition
to the potential “affected domestic
producers” set forth on the USITC list,
the following parties also are potential
“affected domestic producers”:

(i) Successor company. In the case of a
company that has succeeded to the op-
erations of a predecessor company that
appeared on the USITC list, the suc-
cessor company may file a certification
to claim an offset as an affected domes-
tic producer on behalf of the prede-
cessor company. In its certification,
the company must name the prede-
cessor company to which it has suc-
ceded and it must describe in detail
the duly authorized succession by
which it is entitled to file the certifi-
cation.

(ii) A member company of an associa-
tion. A member company of an associa-
tion appearing on the USITC list for an
order or finding may file a certification
to claim an offset as an affected domes-
tic producer, even though the member
company does not itself appear on the
USITC list, provided that the company
also meets the other requirements of
the statute. In its certification, the
company must name the prede-
cessor company to which it has suc-
ceded and it must describe in detail
the duly authorized succession by
which it is entitled to file the certifi-
cation.

(2) Exceptions. A party who is named
on the USITC list is not an “affected
domestic producer” under the fol-
lowing circumstances:

(i) Product no longer produced. A com-
pany, business or person that has