

MESSAGE NO: 2213201 MESSAGE DATE: 08/01/2002
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ADM PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-820

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/30/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: RESUMPTION OF ANTIDUMPING DUTY INVESTIGATION ON FRESH TOMATOES
FROM MEXICO (A-201-820)

MESSAGE NO: 2213201 DATE: 08 01 2002

CATEGORY: ADA TYPE: ADM

REFERENCE: REFERENCE DATE:

CASES: A - 201 - 820 - -

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PERIOD COVERED: 07 30 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: RESUMPTION OF ANTIDUMPING DUTY INVESTIGATION ON FRESH
TOMATOES FROM MEXICO (A-201-820)

1. ON NOVEMBER 1, 1996, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF FRESH TOMATOES FROM MEXICO AND ITS NOTICE OF AN AGREEMENT TO SUSPEND THE ANTIDUMPING DUTY INVESTIGATION. ON 07/30/2002, THE DEPARTMENT OF COMMERCE TERMINATED THE SUSPENSION AGREEMENT AND RESUMED THE ANTIDUMPING DUTY INVESTIGATION ON FRESH TOMATOES FROM

MEXICO.

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION ARE ALL FRESH OR CHILLED TOMATOES (FRESH TOMATOES) EXCEPT FOR COCKTAIL TOMATOES AND THOSE TOMATOES WHICH ARE FOR PROCESSING.

FOR PURPOSES OF THIS INVESTIGATION, COCKTAIL TOMATOES ARE GREENHOUSE-GROWN TOMATOES, GENERALLY LARGER THAN CHERRY TOMATOES

AND SMALLER THAN ROMA OR COMMON ROUND TOMATOES, AND ARE HARVESTED

AND PACKAGED ON-THE-VINE FOR RETAIL SALE.

FOR PURPOSES OF THIS INVESTIGATION, PROCESSING IS DEFINED TO INCLUDE PRESERVING BY ANY COMMERCIAL PROCESS, SUCH AS CANNING, DEHYDRATING, DRYING OR THE ADDITION OF CHEMICAL SUBSTANCES, OR CONVERTING THE TOMATO PRODUCT INTO JUICES, SAUCES OR PUREES. FURTHER, IMPORTS OF FRESH TOMATOES FOR PROCESSING ARE ACCOMPANIED

BY AN "IMPORTER'S EXEMPT COMMODITY FORM" (FV-6) (WITHIN THE MEANING OF 7 CFR 980.501(a)(2) AND 980.212(i)). FRESH TOMATOES THAT ARE IMPORTED FOR CUTTING UP, NOT FURTHER PROCESSED (E.G., TOMATOES USED IN THE PREPARATION OF FRESH SALSA OR SALAD BARS), AND NOT ACCOMPANIED BY AN FV-6 FORM ARE COVERED BY THE SCOPE OF THIS INVESTIGATION.

ALL COMMERCIALLY GROWN TOMATOES SOLD IN THE UNITED STATES, BOTH FOR THE FRESH MARKET AND FOR PROCESSING, ARE CLASSIFIED AS LYCOPERSICON ESCULENTUM. IMPORTANT COMMERCIAL VARIETIES OF FRESH

TOMATOES INCLUDE COMMON ROUND, CHERRY, PLUM, AND PEAR TOMATOES, ALL OF WHICH, WITH THE EXCEPTION OF COCKTAIL TOMATOES, ARE COVERED BY THIS INVESTIGATION.

TOMATOES IMPORTED FROM MEXICO COVERED BY THIS INVESTIGATION ARE CLASSIFIED UNDER THE FOLLOWING SUBHEADINGS OF THE HARMONIZED TARIFF SCHEDULES OF THE UNITED STATES (HTSUS), ACCORDING TO THE SEASON OF IMPORTATION: 0702 AND 9906.07.01 THROUGH 9906.07.09.

ALTHOUGH THE HTSUS NUMBERS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. BECAUSE THE DEPARTMENT OF COMMERCE IS RESUMING ITS ANTIDUMPING DUTY INVESTIGATION ON FRESH TOMATOES FROM MEXICO THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

07/30/2002, THE EFFECTIVE DATE OF THE TERMINATION OF THE SUSPENSION AGREEMENT. EFFECTIVE 07/30/2002, CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

GROWER/ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
SAN VINCENTE CAMALU	A-201-820-451	4.16%
ERNESTO FERNANDO ECHAVARRIA SALAZAR GRUPO SOLIDARIO	A-201-820-036	11.89%
ARTURO LOMELI VILLALOBAS S.A. DE C.V.	A-201-820-017	26.97%
ECO-CULTIVOS S.A. DE C.V.	A-201-820-035	188.45%
RANCHOS LOS PINOS S. DE R.L. DE C.V.	A-201-820-067	10.26%
ADMINISTRADORA HORTICOLA DEL TAMAZULA	A-201-820-001	28.30%
AGRICOLA YORY, S. DE P.R. DE R.I.	A-201-820-011	11.95%

ALL OTHERS A-201-820-000 17.56%

4. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF THE CUSTOMS SERVICE, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

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 LIAISONS, USING THE

ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT YANG JIN CHUN, AD/CVD ENFORCEMENT 3, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE, AT (202) 482-5760.

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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