

MESSAGE NO: 3059205 MESSAGE DATE: 02/28/2003
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-855

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/01/2001 TO 05/31/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: REVISED LIQUIDATION INSTRUCTIONS FOR APPLE JUICE FROM CHINA (A-570-855) REVISION OF MSGS 3015208 AND 3015209 DATED 1/15/03

MESSAGE NO: 3059205 DATE: 02 28 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 855 - -

- - - -

- - - -

PERIOD COVERED: 06 01 2001 TO 05 31 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: REVISED LIQUIDATION INSTRUCTIONS FOR APPLE JUICE FROM
CHINA (A-570-855) REVISION OF MSGS 3015208 AND 3015209
DATED 1/15/03

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS

NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY SUMMARY. IN ADDITION, THE COURT OF INTERNATIONAL TRADE ISSUED A PRELIMINARY INJUNCTION ON 08/15/2000 (SEE MESSAGE 0252219 OF 9/8/2000) PROHIBITING THE LIQUIDATION OF ENTRIES OF CERTAIN FIRMS.

3. NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PRC
A-570-855 6/1/2001 THROUGH 5/31/2002

LIQUIDATE ALL ENTRIES FOR ALL PRODUCERS/EXPORTERS EXCEPT:

SHAANXI MACHINERY EQUIPMENT IMPORT EXPORT CORPORATION
(A-570-855-007)

SHAANXI GOLD PETER NATURAL DRINK CO., LTD. (A-570-855-013)

SHAANXI HENGXING FRUIT JUICE CO., LTD. (A-570-855-014)

GANSU TONGDA FRUIT JUICE AND BEVERAGE COMPANY (A-570-855-012)

YANTAI ORIENTAL JUICE CO., LTD. (A-570-855-005)

QINGDAO NANNAN FOODS CO. (A-570-855-006)

SANMEXIA LAKESIDE FRUIT JUICE CO., LTD. (A-570-855-003)

SHAANXI HAISHENG FRESH FRUIT JUICE CO. (A-570-855-002)

SHANDONG ZHONGLU JUICE GROUP CO., LTD./RUSHAN SHANGJIN-ZHONGLU
FOODSUFF CO., LTD./SHANDONG LULING FRUIT JUICE CO., LTD./RUSHAN
DONGJIN FOODSTUFFS (A-570-855-004)

XIANYANG FUAN JUICE CO., LTD. (A-570-855-009)

XIAN ASIA QIN FRUIT CO., LTD. (A-570-855-008)

CHANGSHA INDUSTRIAL PRODUCTS AND MINERALS IMPORT AND EXPORT
CORP. (A-570-855-010)

SHANDONG FOODSTUFFS IMPORT AND EXPORT CORP. (A-570-855-011)

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW, OR THE LIFTING OF THE PRELIMINARY INJUNCTION. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIODS LISTED ABOVE SUBJECT TO THE EXCEPTION AND CONDITIONS SET FORTH IN PARAGRAPHS 2 THROUGH 4 ABOVE. 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 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 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 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.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. 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 AUDREY TWYMAN OR JOHN BRINKMANN AT 202-482-3534 OR 202-482-4126 RESPECTIVELY, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

9.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