

MESSAGE NO: 3142201 MESSAGE DATE: 05/22/2003  
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-570-848

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/26/1997 TO 08/31/1998

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION OF CRAWFISH FROM CHINA (A-570-848)

MESSAGE NO: 3142201 DATE: 05 22 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 848 - -

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PERIOD COVERED: 03 26 1997 TO 08 31 1998

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION OF CRAWFISH FROM CHINA (A-570-848)

1. ON APRIL 30, 2002, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A JUDGMENT IN HUAIYIN FOREIGN TRADE CORPORATION (30), ET AL. V. UNITED STATES (COURT NO. 00-05-00240) (SLIP OP 02-

42) AFFIRMING THE DEPARTMENT OF COMMERCE'S FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER (A-570-848) ON FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA FOR THE PERIOD MARCH 26, 1997 THROUGH AUGUST 31, 1998, AS PUBLISHED IN THE FEDERAL REGISTER ON APRIL 19, 2000 (FINAL

RESULTS). SEE 65 FR 209480. ON MARCH 21, 2003, THE U. S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) AFFIRMED THE CIT'S APRIL 30, 2002 JUDGMENT (CAFC 02-1482).

2. IN ACCORDANCE WITH THE CAFC'S MARCH 21, 2003 JUDGMENT, THE PRELIMINARY INJUNCTION ISSUED BY THE CIT ON JULY 27, 2000, ENJOINING COMMERCE FROM LIQUIDATING ENTRIES AT THE RATE DETERMINED BY COMMERCE IN THE FINAL RESULTS, THAT WERE EXPORTED BY HUAIYIN FOREIGN TRADE CORPORATION (30) (HUAIYIN 30) AND IMPORTED BY WORLDWIDE LINK, INC., CAPTAIN CHARLIE SEAFOOD WHOLESALE CO., USA, BOSTON SEAFOOD PROCESSORS, INC., GMRI, INC., OCEAN DUKE CORP. OR HUAIYIN (30) BETWEEN MARCH 26, 1997 AND AUGUST 31, 1998, IS DISSOLVED. SEE MESSAGE NUMBER 0236222, DATED AUGUST 23, 2000. SEE ALSO MESSAGE NUMBER 2065201, DATED MARCH 6, 2002.

3. IN FURTHER ACCORDANCE WITH THIS JUDGMENT, FOR ALL SHIPMENTS OF FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY HUAIYIN(30) (A-570-848-030) AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD MARCH 26, 1997 THROUGH AUGUST 31, 1998, YOU ARE NOW INSTRUCTED TO LIQUIDATE AT 201.63 PERCENT OF ENTERED VALUE.

4. NOTE HOWEVER, THAT CERTAIN IMPORTS OF SUBJECT MERCHANDISE EXPORTED BY HUAIYIN(30) MAY HAVE ENTERED UNDER THE NAME HUAIYIN FOREIGN TRADE CORPORATION. PLEASE LIQUIDATE ALL ENTRIES OF SUBJECT MERCHANDISE EXPORTED BY HUAIYIN 30, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD MARCH 26, 1997 THROUGH AUGUST 31, 1998, EVEN THOUGH SOME ENTRIES MAY HAVE BEEN ENTERED UNDER THE NAME HUAIYIN FOREIGN TRADE CORPORATION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION (BCBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE

TARIFF ACT OF 1930, AS AMENDED (THE ACT). SECTION 778 OF THE ACT REQUIRES THAT BCBP PAY INTEREST ON OVERPAYMENTS AND 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 PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED 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.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, BCBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, BCBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, BCBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY BCBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT SCOT FULLERTON OF IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, OFFICE OF AD/CVD ENFORCEMENT VII, AT (202) 482-1386, SCOT\_\_FULLERTON AT ITA.DOC.GOV.

8. 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