

MESSAGE NO: 3087306 MESSAGE DATE: 03/28/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 78 FR 14967 FR CITE DATE: 03/08/2013

REFERENCE 3079303
MESSAGE #
(s):

CASE #(s): A-201-820

EFFECTIVE DATE: 03/29/2013 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/01/2013 TO 03/28/2013

Notice of Lifting of Suspension Date: 03/29/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Termination Of Suspension Of Liquidation: Suspension Agreement On Fresh Tomatoes From Mexico (A-201-820)

1. The Department of Commerce published in the Federal Register on 03/08/2013 (78 FR 14967) the Notice of Suspension of the Antidumping Investigation on Fresh Tomatoes from Mexico, effective March 4, 2013.

2. The merchandise covered by the Suspension Agreement is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of the Suspension Agreement, 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. In appendix F of the Suspension Agreement, Commerce outlined the procedure that signatories must follow for selling subject merchandise for processing. Fresh tomatoes that are imported for cutting up, not further processing (e.g., tomatoes used in the preparation of fresh salsa or salad bars), are covered by the Suspension Agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by the Suspension Agreement.

Tomatoes imported from Mexico covered by the Suspension Agreement are classified under the following subheading of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702. Although this HTSUS number is provided for convenience and Customs purposes, the written description of the scope of the agreement is dispositive.

3. Message number 3079303, dated March 20, 2013, notified U.S. Customs and Border Protection (CBP) of the 2013 Suspension Agreement on fresh tomatoes from Mexico and instructed CBP to suspend liquidation of entries of fresh tomatoes from Mexico, effective March 1, 2013.

4. Effective March 29, 2013 (the close of the 20-day period beginning on the day after the date on which the notice of suspension of the investigation was published in the Federal Register), for any entries of Fresh Tomatoes from Mexico that were entered, or withdrawn from warehouse, for consumption for the period 3/1/2013 (the effective date of the termination of the Suspension Agreement) through 3/28/2013, and on which CBP collected deposits or other security, CBP should terminate suspension of liquidation and liquidate the entries without regard to antidumping duties (i.e., release all bonds and refund all cash deposits).
5. The interest provisions of section 778 of the tariff act of 1930 do not apply.
6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department Of Commerce, at (202) 482 0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by IA/OP/BAU: ASD).
7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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