

MESSAGE NO: 3078304 MESSAGE DATE: 03/19/2013

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 77 FR 38583 FR CITE DATE: 06/28/2012

REFERENCE 9357002  
MESSAGE #  
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: 08/10/2012 COURT CASE #: 09-00471

PERIOD OF REVIEW: 11/01/2007 TO 06/09/2008

PERIOD COVERED: 11/01/2007 TO 06/09/2008

Notice of Lifting of Suspension Date: 08/10/2012

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for Fresh Garlic from the People's Republic of China produced and exported by Jinxiang Hejia Co., Ltd. for the period 11/01/2007 through 06/09/2008 (A-570-831)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 6/11/2012, the U.S. Court of International Trade issued a final decision in the case of Jinxiang Hejia Co., Ltd. v. United States, Court No. 09-00471, Slip Op. 12-80 (CIT 2012). As a result of this decision, the injunction to which message 9357002 refers enjoining liquidation of entries which are subject to the antidumping duty order on Fresh Garlic from the People's Republic of China for the 11/01/2007 through 06/09/2008 produced and exported by Jinxiang Hejia Co., Ltd. dissolved on 08/10/2012.

2. For all shipments of Fresh Garlic from the People's Republic of China produced and exported by Jinxiang Hejia Co., Ltd. and entered, or withdrawn from warehouse, for consumption during the period 11/01/2007 through 06/09/2008, assess an antidumping liability equal to the per-unit value listed below.

Producer: Jinxiang Hejia Co., Ltd.

Exporter: Jinxiang Hejia Co., Ltd.

Final rate: \$0.00/kg

3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of Fresh Garlic from the People's Republic of China produced by Jinxiang Hejia Co., Ltd., entered, or withdrawn from warehouse, for consumption during the period 11/01/2007 through 06/09/2008, and not covered by paragraph 2, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for Fresh Garlic from the People's Republic of China is \$4.71 per kilogram.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of

suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of Fresh Garlic from the People's Republic of China, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP 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 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.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce'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 manufacturer, producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. 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 O6:DL.)

9. 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