

MESSAGE NO: 4176209 MESSAGE DATE: 06/24/2004
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: 09/01/2002 TO 08/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-848)

MESSAGE NO: 4176209 DATE: 06 24 2004

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 848 - -

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PERIOD COVERED: 09 01 2002 TO 08 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-848)

1. THE ADMINISTRATIVE REVIEW OF ANTIDUMPING DUTY ORDER ON FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA, FOR THE PERIOD SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2003 (A-570-848), HAS BEEN RESCINDED, IN PART. THE NOTICE OF RESCISSION, IN PART, WAS PUBLISHED IN THE FEDERAL REGISTER ON MAY 21, 2004 (69 FR 29267). YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, DURING THE PERIOD NOTED ABOVE, AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY, FOR THE FOLLOWING

COMPANIES:

ID NUMBER COMPANY NAME

A-570-848-002 CHINA EVERBRIGHT

A-570-848-023 CHINA KINGDOM IMPORT & EXPORT CO., LTD.

AKA CHINA KINGDOMA IMPORT & EXPORT CO., LTD.

AKA ZHONGDA IMPORT & EXPORT CO., LTD.

A-570-848-018 FUJIAN PELAGIC FISHERY GROUP CO.

A-570-848-003 HUAIYIN FOREIGN TRADE CORPORATION (5)

A-570-848-030 HUAIYIN FOREIGN TRADE CORPORATION (30)

A-570-848-005 JIANGSU CEREALS, OILS, & FOODSTUFFS IMPORT &
EXPORT CORP.

A-570-848-034 JIANGSU HILONG INTERNATIONAL TRADING CO., LTD.

A-570-848-008 NANTONG DELU AQUATIC FOOD CO., LTD.

A-570-848-012 NINGBO NANLIAN FROZEN FOODS CO., LTD.

A-570-848-031 NORTH SUPREME SEAFOOD (ZHEJIANG) CO., LTD.

A-570-848-014 QINGDAO RIRONG FOODSTUFF CO., LTD.

AKA QINGDAO RIRONG FOODSTUFFS

A-570-848-021 QINGDAO ZHENGRI SEAFOOD CO., LTD.

AKA QINGDAO ZHENGRI SEAFOODS

A-570-848-029 SHANGHAI TAOEN INTERNATIONAL TRADING CO., LTD.

A-570-848-020 SUQIAN FOREIGN TRADE CORP.

AKA SUQIAN FOREIGN TRADING

A-570-848-026 WEISHAN FUKANG FOODSTUFFS CO., LTD.

A-570-848-033 WEISHAN ZHENYU FOODSTUFF CO., LTD.

A-570-848-015 YANCHENG BAOLONG BIOCHEMICAL PRODUCTS CO., LTD.

A-570-848-011 YANCHENG FOREIGN TRADE CORP.

AKA YANCHENG FOREIGN TRADING

AKA YANG CHEN FOREIGN TRADING

A-570-848-016 YANCHENG HAITENG AQUATIC PRODUCTS & FOODS CO., LTD

A-570-848-009 YANCHENG YAOU SEAFOODS

AKA YANCHENG BAOLONG AQUATIC FOODS CO., LTD.

A-570-848-019 YANGZHOU LAKEBEST FOODS CO., LTD.

A-570-848-035 ZHOUSHAN HUADING SEAFOOD CO., LTD.

THE FOLLOWING COMPANY WAS INCLUDED IN THE RESCISSION NOTICE BUT

DOES NOT HAVE AN INDIVIDUAL CUSTOMS ID NUMBER. ITS MERCHANDISE WOULD THEREFORE HAVE ENTERED UNDER A-570-848-000 AND THE APPLICABLE ASSESSMENT RATE ON THE DATE OF ENTRY SHOULD BE 223.01 PERCENT:

SHANGHAI YANGFEN INTERNATIONAL TRADING CO., LTD.

2. THESE INSTRUCTIONS COVER IMPORTS OF FRESHWATER CRAWFISH TAIL MEAT IN ALL ITS FORMS (WHETHER WASHED OR WITH FAT ON, WHETHER PURGED OR UNPURGED), GRADES, AND SIZES; WHETHER FROZEN, FRESH, OR CHILLED; AND REGARDLESS OF HOW IT IS PACKED, PRESERVED, OR PREPARED. EXCLUDED FROM THE SCOPE OF THE ORDER ARE LIVE CRAWFISH AND OTHER WHOLE CRAWFISH, WHETHER BOILED, FROZEN, FRESH, OR CHILLED. ALSO EXCLUDED ARE SALTWATER CRAWFISH OF ANY TYPE, AND PARTS THEREOF. FRESHWATER CRAWFISH TAIL MEAT IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) UNDER ITEM NUMBERS 1605.40.10.10, 1605.40.10.90, 0306.19.00.10 AND 0306.29.00.00. THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES ONLY. THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FROM THE FIRMS AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) 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 CBP 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.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP 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, CBP 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, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G307:MR).

7. 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