

MESSAGE NO: 5041202 MESSAGE DATE: 02/10/2005
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4362201
MESSAGE #
(s):
CASE #(s): A-351-838

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/04/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AMENDED FINAL DETERMINATION, LIQUIDATION, AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL (A-351-838)

MESSAGE NO: 5041202

DATE: 02 10 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4362201

REFERENCE DATE: 12 27 2004

CASES: A - 351 - 838

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PERIOD COVERED: 08 04 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AMENDED FINAL DETERMINATION, LIQUIDATION, AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL (A-351-838)

1. ON FEBRUARY 1, 2005, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER, IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL. THIS IS AN AMENDMENT TO MESSAGE 4362201 DATED 12/17/2004.

2. THE SCOPE OF THIS ORDER INCLUDES CERTAIN WARMWATER SHRIMP AND PRAWNS, WHETHER FROZEN, WILD-CAUGHT (OCEAN HARVESTED) OR

FARM-RAISED (PRODUCED BY AQUACULTURE), HEAD-ON OR HEAD-OFF, SHELL-ON OR PEELED, TAIL-ON OR TAIL-OFF (INCLUDING THE TELSON AND THE UROPODS), DEVEINED OR NOT DEVEINED, COOKED OR RAW, OR OTHERWISE PROCESSED IN FROZEN FORM.

THE FROZEN WARMWATER SHRIMP AND PRAWN PRODUCTS INCLUDED IN THE SCOPE OF THIS ORDER, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS), ARE PRODUCTS WHICH ARE PROCESSED FROM WARMWATER SHRIMP AND PRAWNS THROUGH FREEZING AND WHICH ARE SOLD IN ANY COUNT SIZE.

THE PRODUCTS DESCRIBED ABOVE MAY BE PROCESSED FROM ANY SPECIES OF WARMWATER SHRIMP AND PRAWNS. WARMWATER SHRIMP AND PRAWNS ARE GENERALLY CLASSIFIED IN, BUT ARE NOT LIMITED TO, THE PENAEIDAE FAMILY. SOME EXAMPLES OF THE FARMED AND WILD-CAUGHT WARMWATER SPECIES INCLUDE, BUT ARE NOT LIMITED TO, WHITELEG SHRIMP (PENAEUS VANNAMEI), BANANA PRAWN (PENAEUS MERGUIENSIS), FLESHY PRAWN (PENAEUS CHINENSIS), GIANT RIVER PRAWN (MACROBRACHIUM ROSENBERGII), GIANT TIGER PRAWN (PENAEUS MONODON), REDSPOTTED SHRIMP (PENAEUS BRASILIENSIS), SOUTHERN BROWN SHRIMP (PENAEUS SUBTILIS), SOUTHERN PINK SHRIMP (PENAEUS NOTIALIS), SOUTHERN ROUGH SHRIMP (TRACHYPENAEUS CURVIROSTRIS), SOUTHERN WHITE SHRIMP (PENAEUS SCHMITTI), BLUE SHRIMP (PENAEUS STYLIROSTRIS), WESTERN WHITE SHRIMP (PENAEUS OCCIDENTALIS), AND INDIAN WHITE PRAWN (PENAEUS INDICUS).

FROZEN SHRIMP AND PRAWNS THAT ARE PACKED WITH MARINADE, SPICES OR SAUCE ARE INCLUDED IN THE SCOPE OF THIS ORDER. IN ADDITION, FOOD PREPARATIONS, WHICH ARE NOT "PREPARED MEALS," THAT CONTAIN MORE THAN 20 PERCENT BY WEIGHT OF SHRIMP OR PRAWN ARE ALSO INCLUDED IN THE SCOPE OF THIS ORDER.

EXCLUDED FROM THE SCOPE ARE: 1) BREADED SHRIMP AND PRAWNS (HTS SUBHEADING 1605.20.10.20); 2) SHRIMP AND PRAWNS GENERALLY CLASSIFIED IN THE PANDALIDAE FAMILY AND COMMONLY REFERRED TO AS

COLDWATER SHRIMP, IN ANY STATE OF PROCESSING; 3) FRESH SHRIMP AND PRAWNS WHETHER SHELL-ON OR PEELED (HTS SUBHEADINGS 0306.23.00.20 AND 0306.23.00.40); 4) SHRIMP AND PRAWNS IN PREPARED MEALS (HTS SUBHEADING 1605.20.05.10); 5) DRIED SHRIMP AND PRAWNS; 6) CANNED WARMWATER SHRIMP AND PRAWNS (HTS SUBHEADING 1605.20.10.40); 7) CERTAIN DUSTED SHRIMP; AND 8) CERTAIN BATTERED SHRIMP. DUSTED SHRIMP IS A SHRIMP-BASED PRODUCT: 1) THAT IS PRODUCED FROM FRESH (OR THAWED-FROM-FROZEN) AND PEELED SHRIMP; 2) TO WHICH A "DUSTING" LAYER OF RICE OR WHEAT FLOUR OF AT LEAST 95 PERCENT PURITY HAS BEEN APPLIED; 3) WITH THE ENTIRE SURFACE OF THE SHRIMP FLESH THOROUGHLY AND EVENLY COATED WITH THE FLOUR; 4) WITH THE NON-SHRIMP CONTENT OF THE END PRODUCT CONSTITUTING BETWEEN FOUR

AND TEN PERCENT OF THE PRODUCT'S TOTAL WEIGHT AFTER BEING DUSTED, BUT PRIOR TO BEING FROZEN; AND 5) THAT IS SUBJECTED TO INDIVIDUALLY QUICK FROZEN (IQF) FREEZING IMMEDIATELY AFTER APPLICATION OF THE DUSTING LAYER. BATTERED SHRIMP IS A SHRIMP-BASED PRODUCT THAT, WHEN DUSTED IN ACCORDANCE WITH THE DEFINITION OF DUSTING ABOVE, IS COATED WITH A WET VISCOUS LAYER CONTAINING EGG AND/OR MILK, AND PAR-FRIED.

THE PRODUCTS COVERED BY THIS ORDER ARE CURRENTLY CLASSIFIED UNDER

THE FOLLOWING HTS SUBHEADINGS: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, AND 1605.20.10.30. THESE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND FOR CUSTOMS PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED ORDER NUMBER A-351-838.

4. FOR IMPORTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL, CUSTOMS AND BORDER PROTECTION SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 4, 2004, OR, IN THE CASE OF EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA. (EMPAF) AND MARICULTURA NETUNO S.A., AUGUST 30, 2004. EFFECTIVE FEBRUARY 1, 2005, CBP SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER EXPORTER	CBP ID NUMBER RATE	MARGIN PERCENTAGE
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CENTRAL DE INDUSTRIALIZACAO E DISTRIBUICAO DE ALIMENTOS LTDA. (CIDA)/CIA EXPORTADORA DE PRODUTOS DO MAR (PRODUMAR)	A-351-838-001	4.97%
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EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA (EMPAF)/MARICULTURA NETUNO S.A. (MARICULTURA)	A-351-838-002	7.94%
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NORTE PESCA S.A.	A-351-838-003	67.80
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ALL OTHERS	A-351-838-000	7.05
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THE ALL OTHERS RATE APPLIES TO ALL ENTRIES OF SUBJECT MERCHANDISE FROM BRAZIL EXCEPT FOR ENTRIES FROM EXPORTERS THAT ARE IDENTIFIED INDIVIDUALLY ABOVE.

6. ON JANUARY 21, 2005, THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF ITS FINAL DETERMINATION THAT TWO DOMESTIC LIKE PRODUCTS EXIST FOR THE MERCHANDISE COVERED BY THE DEPARTMENT'S INVESTIGATION: 1) CERTAIN NON-CANNED WARMWATER SHRIMP AND PRAWNS; AND 2) CANNED WARMWATER SHRIMP AND PRAWNS. THE ITC DETERMINED THAT IMPORTS OF CANNED WARMWATER SHRIMP AND PRAWNS FROM BRAZIL ARE NEGLIGIBLE; THEREFORE, CANNED WARMWATER

SHRIMP AND PRAWNS ARE NOT COVERED BY THIS ANTIDUMPING DUTY ORDER.

FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF CANNED WARMWATER SHRIMP AND PRAWNS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 4,

2004. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF THIS MERCHANDISE SHALL BE REFUNDED AND THE BONDS OR OTHER SECURITY RELEASED AT THE TIME OF LIQUIDATION. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O1:KJ).

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