

MESSAGE NO: 6319203 MESSAGE DATE: 11/15/2006
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6222221
MESSAGE #
(s):
CASE #(s): A-552-801

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/31/2003 TO 07/31/2004

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTION FOR CERTAIN FROZEN FISH FILLETS FROM VIETNAM, 01/31/2003 THROUGH 07/30/2003 AND 08/11/2003 THROUGH 07/31/2004 (A-552-801-000/012/013)

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REFERENCE DATE: 08 10 2006

CASES: A - 552 - 801

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PERIOD COVERED: 01 31 2003 TO 07 31 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR CERTAIN FROZEN FISH FILLETS FROM VIETNAM, 01/31/2003 THROUGH 07/30/2003 AND 08/11/2003 THROUGH 07/31/2004 (A-552-801-000/012/013)

1. FOR ALL SHIPMENTS OF CERTAIN FROZEN FISH FILLETS FROM VIETNAM ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

DURING THE PERIOD 01/31/2003 THROUGH 07/30/2003 AND 08/11/2003 THROUGH 07/31/2004, ASSESS AN ANTIDUMPING LIABILITY OF THE BELOW PERCENTAGES OF THE ENTERED VALUE, EXCEPT IF PARAGRAPH 2 IS APPLICABLE:

MFR/PRODUCER/EXPORTER CUSTOMS ID# RATE

VIETNAM-WIDE ENTITY A-552-801-000 63.88 %

PHAN QUAN COMPANY, LTD. A-552-801-012 63.88 %

PHU THANH COMPANY, CO. A-552-801-013 63.88 %

PURSUANT TO MESSAGE 6207203 ON 07/26/2006, NONE OF THE ABOVE LISTED FIRMS ARE SUBJECT TO THE INJUNCTION INSTRUCTIONS (SEE MESSAGE 6207203 ON 07/26/2006).

IN ADDITION, PURSUANT TO MESSAGE 6222221 ON 08/10/2006, SUSPENSION OF LIQUIDATION WAS DISCONTINUED FOR THE PERIOD 07/31/2003 THROUGH 08/10/2003 (SEE MESSAGE 6222221 ON 08/10/2006).

2. IF A BOND OR CASH DEPOSIT WAS COLLECTED AS SECURITY FOR AN ESTIMATED ANTIDUMPING DUTY FOR ANY SHIPMENT OF MERCHANDISE DESCRIBED IN PARAGRAPH 1 THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/31/2003 THROUGH 07/30/2003, ASSESS A DUMPING LIABILITY EQUAL TO THE PERCENTAGES (IN PARAGRAPH 1) OF THE ENTERED CBP VALUE OR EQUAL TO THE AMOUNT OF THE BOND OR CASH DEPOSIT, WHICHEVER IS LESS.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/31/2003 THROUGH 07/30/2003 AND 08/11/2003 THROUGH 07/31/2004 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW 71 FR 14170 ON 03/21/2006. FOR ALL OTHER SHIPMENTS OF CERTAIN FROZEN FISH FILLETS FROM VIETNAM 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 CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778

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 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 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 OR RON TRENTHAM 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 O9:JB).

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