

MESSAGE NO: 4321307 MESSAGE DATE: 11/17/2014
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-552-802

EFFECTIVE DATE: 09/23/2013 COURT CASE #: 10-00238

PERIOD OF REVIEW: 02/01/2008 TO 01/31/2009

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 11/17/2014

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain frozen warmwater shrimp from Vietnam exported by Vietnam-wide entity for the period 02/01/2008 through 01/31/2009 (A-552-802)

These instructions constitute the notice of lifting of suspension. See paragraph 3 below.

1. On 06/25/2013, the U.S. Court of Appeals for the Federal Circuit issued a dismissal order in the case of Amanda Foods (Vietnam) Ltd. et. al.; and Minh Phu Seafood Corporation, Minh Qui Seafood Co., Ltd., Minh Phat Seafood Co., Ltd., and Nha Trang Seafood Company; v. United States, Ad Hoc Shrimp Trade Action Committee, and American Shrimp Processors Association. As a result of this dismissal, the injunction associated with court number 10-00238, to which messages 0312301 and 0314302 refer, enjoining liquidation of entries subject to the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) for the period 02/01/2008 through 01/31/2009 exported by various companies, dissolved on 09/23/2013.

However, the injunction associated with court number 14-00092 in the case of Viet-I-Mei Frozen Foods Co., Ltd. v. United States, to which message 4115302 refers enjoining liquidation of entries subject to the antidumping duty order on certain frozen warmwater shrimp from Vietnam for the period 02/01/2008 through 01/31/2009 exported by Grobest & I-Mei Industrial (Vietnam) Co., Ltd., remains in effect. Accordingly, until further notice continue to suspend liquidation of these entries until separate liquidation instructions are issued.

2. For all shipments of certain frozen warmwater shrimp from Vietnam exported by the Vietnam-wide entity (A-552-802-000) entered, or withdrawn from warehouse, for consumption during the period 02/01/2008 through 01/31/2009, assess an antidumping liability equal to 25.76 percent of the entered value of subject merchandise.

3. These instructions constitute the notice of lifting of suspension of liquidation for entries of subject merchandise covered by paragraphs 1 and 2. Unless instructed otherwise, for all other shipments of certain frozen warmwater shrimp from Vietnam, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current cash deposit rates or per-unit amounts.

4. 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.

5. 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 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.

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, Enforcement and Compliance, 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 OV: SDH.)

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