

MESSAGE NO: 5072301 MESSAGE DATE: 03/13/2015
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 3078201
MESSAGE #
(s):
CASE #(s): A-570-863

EFFECTIVE DATE: 01/08/2015 COURT CASE #: 02-0057

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/10/2001 TO 05/10/2001

Notice of Lifting of Suspension Date: 03/13/2015

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for honey from the People's Republic of China exported by certain firms for the period 02/10/2001 through 05/10/2001 (A-570-863)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 10/10/2014, the U.S. Court of Appeals for the Federal Circuit issued a final decision in the case of Zhejiang Native Produce & Animal By-Products Import & Export Corp., et al v. United States (court no. 02-00057). As a result of this decision, the injunction to which message 3078201, dated 03/19/2003, refers enjoining liquidation of entries which are subject to the antidumping duty order on honey from the People's Republic of China for the period 02/10/2001 through 05/10/2001 exported by or imported by the firms listed in paragraph 2 below dissolved on 01/08/2015. Previously, on 07/08/2013, the Department of Commerce published a Notice of Court Decision Not in Harmony with Final Determination of Sales at Less Than Fair Value and Notice of Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision (78 FR 40696), referencing the United States Court of International Trade (CIT) 06/18/2013 decision sustaining the Department of Commerce's final results of remand redetermination finding that critical circumstances did not exist with respect to the CIT's remand order in Court No. 02-00057.

2. For all shipments of honey from the People's Republic of China (A-570-863) exported to or imported into the United States by Zhejiang Native Produce & Animal By-Products Import & Export Corp., Kunshan Foreign Trade Co., China (Tushu) Super Food Import & Export Corp., High Hope International Group Jiangsu Foodstuffs Import & Export Corp., National Honey Packers & Dealers Association (NHPDA), Alfred L. Wolff, Inc., C.M. Goettsche & Co., China Products North America, Inc., D.F. International (USA) Inc., Evergreen Coyle Group, Inc., Evergreen Produce, Inc., Pure Sweet Honey Farm, Inc., and Sunland International, Inc., and were entered, or withdrawn from warehouse, for consumption during the period 02/10/2001 through 05/10/2001 liquidate without regard to antidumping duties.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other

shipments of honey 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.

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

5. 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.

6. 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.

7. 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 OVI:AT.)

8. 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