

MESSAGE NO: 6068302 MESSAGE DATE: 03/08/2016
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-570-863

EFFECTIVE DATE: 04/30/2015 COURT CASE #: 12-00411
PERIOD OF REVIEW: 12/01/2010 TO 11/30/2011
PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 03/08/2016

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 Dongtai Peak Honey Industry Co., Ltd., for the period 12/01/2010 through 11/30/2011 (A-570-863)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. On 01/30/2015, the U.S. Court of Appeals for the Federal Circuit issued a final decision in the case of Dongtai Peak Honey Industry Co., Ltd., v. United States (Fed. Cir. 14-1479) (CIT 12-00411). As a result of this decision, the injunction to which message 2363316 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 12/01/2010 through 11/30/2011 exported by Dongtai Peak Honey Industry Co., Ltd., dissolved on 04/30/2015.

2. In Commerce's final results (77 FR 70417, 11/26/2012), Commerce determined that Dongtai Peak Honey Industry Co., Ltd., is no longer eligible for a separate rate and should be considered part of the PRC-wide entity. Therefore, for all shipments of honey from the People's Republic of China exported by Dongtai Peak Honey Industry Co., Ltd. (A-570-863-024), entered, or withdrawn from warehouse, for consumption during the period 12/01/2010 through 11/30/2011, assess an antidumping liability equal to \$2.63 for each kilogram of subject merchandise.

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. In assessing the final antidumping duties for shipments made by entities other than the entity listed in Paragraph 2 above, please be advised that on 02/05/2015, the U.S. Court of International Trade issued a temporary restraining order (TRO) enjoining liquidation of entries which are subject to the antidumping duty order on honey from the People's Republic of China (A-570-863) for the period 05/11/2001 through 02/05/2015. The TRO was issued in connection with court number 02-00064 and is detailed in Message number 5041302. Accordingly, until further notice, do not

liquidate such entries of subject merchandise produced, exported, or imported from the People's Republic of China by any of the firms noted below:

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,
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.

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 OV:KJA.)

8. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party