

MESSAGE NO: 6088301 MESSAGE DATE: 03/28/2016
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 5259306
MESSAGE #
(s):

CASE #(s): A-552-801

EFFECTIVE DATE: 03/14/2016 COURT CASE #: 15-00205

PERIOD OF REVIEW: 08/01/2013 TO 01/31/2014

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 03/28/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain frozen fish fillets from the Socialist Republic of Vietnam exported and produced by certain new shipper companies: 08/01/2013 - 01/31/2014 (A-552-801)

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

1. On 03/14/2016, the U.S. Court of International Trade issued a dismissal in the case of Nam Phuong Seafood Co., Ltd. and NTACO Corporation v. United States and Catfish Farmers of America, et. al., (15-00205). As a result of this decision, the injunction to which message 5259306 refers enjoining liquidation of entries which are subject to the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam) for the period 08/01/2013 through 01/31/2014, and were exported and produced by Nam Phuong Seafood Co., Ltd., or exported and produced by NTACO Corporation dissolved on 03/14/2016.

2. On 06/29/2015, Commerce published in the Federal Register (80 FR 36970) the rescission of the new shipper reviews of the antidumping duty order on fish fillets from Vietnam covering the period 08/01/2013 through 01/31/2014 with respect to the exporter/producer combinations listed below. Accordingly, assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption during this period at the cash deposit or bonding rate required at the time of entry. Such entries may have been made under A-552-801-000 or other company-specific case numbers.

Liquidate all entries for the following exporter/producer combinations:

Exporter: Nam Phuong Seafood Co., Ltd.

Producer: Nam Phuong Seafood Co., Ltd.

Exporter: NTACO Corporation

Producer: NTACO Corporation

Entries of shipments from the exporter/producer combinations entered above may have been

made under A-552-801-000 or other company-specific case numbers.

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 fish fillets from Vietnam 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 OV:SP.)
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