

MESSAGE NO: 6207312 MESSAGE DATE: 07/25/2016
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: REV-Revocation
FR CITE: 81 FR 47756 FR CITE DATE: 07/22/2016

REFERENCE
MESSAGE #
(s):

CASE #(s): A-552-802

EFFECTIVE DATE: 07/18/2016 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/18/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Revocation of antidumping duty order, in part, on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (A-552-802)

1. Commerce has revoked the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam, in part, and published the notice of revocation in the Federal Register (81 FR 47756) on 07/22/2016. This partial revocation applies to certain frozen warmwater shrimp from the Socialist Republic of Vietnam produced and exported to the United States by the producers and exporters identified below. Specifically, both the producer and the exporter must be a company identified below for the partial revocation to apply, although the producer and exporter need not be the same company. This partial revocation does not apply to subject merchandise produced by one of the companies identified below, but exported by a company not identified below. Similarly, this partial revocation does not apply to subject merchandise exported by one of the companies identified below, but produced by a company not identified below. The effective date of the revocation is 07/18/2016, as specified in the Federal Register notice of revocation (81 FR 47756, 07/22/2016).

Producer and Exporter: Collectively Minh Phu Group

Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka

Minh Phu Seafood Corp., aka

Minh Phu Seafood Corporation, aka

Minh Phu Seafood Pte, or

Minh Qui Seafood, aka

Minh Qui Seafood Co., Ltd., aka

Minh Qui, or

Minh Phat Seafood Co., Ltd., aka

Minh Phat Seafood, aka

Minh Phat Seafood Corp., aka

Minh Phat, or

Minh Phu Hau Giang Seafood Joint Stock Company, aka

Minh Phu Hau Giang Seafood Corp., aka

Minh Phu Hau Giang Seafood Processing Co., Ltd., aka

Minh Phu Hau Giang Seafood Co., Ltd.

Case number: A-552-802-004

Note to CBP: Where "Minh" in the name "Minh Phu Seafood Corp." is misspelled as "Mihn," please consider them as the same entity.

2. Therefore, CBP is directed to terminate the suspension of liquidation for all shipments of certain frozen warmwater shrimp from the Socialist Republic of Vietnam which were both produced and exported to the United States by any combination of the producers and exporters identified in paragraph 1 and entered, or withdrawn from warehouse, for consumption on or after 07/18/2016 (the effective date of revocation). Merchandise entered, or withdrawn from warehouse, for consumption on or after 07/18/2016 should be liquidated without regard to antidumping duties (i.e., release all bonds and refund all cash deposits).

3. Notice of the lifting of suspension of liquidation of entries covered by paragraphs 1 and 2 which were entered, or withdrawn from warehouse, for consumption on or after 07/18/2016 occurred with the publication of the notice of revocation in the Federal Register (81 FR 47756, 07/22/2016). Entries may have been made under A-552-802-004.

4. As noted above, merchandise both produced by and exported to the United States by any combination of the producers and exporters identified in paragraph 1, entered, or withdrawn from warehouse, for consumption, on or after the effective date of revocation, 07/18/2016, are no longer subject to the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam. However, in order for no cash deposit to be required for such entries, the following importer and exporter certification and documentation requirements must be met:

A. On or after the effective date of revocation, 07/18/2016, importers of merchandise subject to the partial revocation as described in paragraph 1 must maintain the following certification, as well as documentation supporting the certification:

Importer Certification

I hereby certify that I am an official of (insert name of importer), and that the frozen warmwater shrimp from the Socialist Republic of Vietnam that (insert name of importer) is importing and declaring as not subject to the antidumping duty order on frozen warmwater shrimp from Vietnam, and that is the subject of this certification, is produced by (insert name of producer) and exported to the United States by (insert name of exporter). I further certify that both (insert name of producer) and (insert name of exporter) are identified in the list of producers/exporters below:

Producer and Exporter: Collectively Minh Phu Group

Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka

Minh Phu Seafood Corp., aka

Minh Phu Seafood Corporation, aka

Minh Phu Seafood Pte, or

Minh Qui Seafood, aka

Minh Qui Seafood Co., Ltd., aka

Minh Qui, or

Minh Phat Seafood Co., Ltd., aka

Minh Phat Seafood, aka

Minh Phat Seafood Corp., aka

Minh Phat, or

Minh Phu Hau Giang Seafood Joint Stock Company, aka

Minh Phu Hau Giang Seafood Corp., aka

Minh Phu Hau Giang Seafood Processing Co., Ltd., aka

Minh Phu Hau Giang Seafood Co., Ltd.

Note to CBP: Where "Minh" in the name "Minh Phu Seafood Corp." is misspelled as "Mihn," please consider them as the same entity.

This certification applies to entry number(s) (insert entry number(s)). I also hereby certify that (insert name of importer) maintains sufficient documentation supporting this certification. I understand that agents of the importer, such as brokers, are not permitted to make this certification. Also, I am aware that records pertaining to this certification may be requested by U.S. Customs and Border Protection or the U.S. Department of Commerce and I consent to verification with respect to this certification and these records. I understand that this certification should be completed by the time of the entry. Also, I understand that failure to maintain the required certification or failure to substantiate the information herein will result in suspension of all unliquidated entries for which these requirements were not met and the requirement that the importer post an antidumping duty cash deposit on those entries equal to the rate in effect at the time of the entry for such entries.

Also, I am aware that U.S. law (including, but not limited to, 18 U.S.C. §1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

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B. On or after the effective date of revocation, 07/18/2016, both the importer and exporters of merchandise subject to the partial revocation as described in paragraph 1 must maintain the following exporter certification, as well as documentation supporting the certification:

Exporter Certification

I hereby certify that I am an official of (insert name of exporter), and that the frozen warmwater shrimp from the Socialist Republic of Vietnam that (insert name of exporter) is exporting to the United States, and is the subject of this certification, is produced by (insert name of producer). I further certify that both (insert name of producer) and (insert name of exporter) are identified in the list of producers/exporters below:

Producer and Exporter: Collectively Minh Phu Group

Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), aka

Minh Phu Seafood Corp., aka

Minh Phu Seafood Corporation, aka

Minh Phu Seafood Pte, or

Minh Qui Seafood, aka

Minh Qui Seafood Co., Ltd., aka

Minh Qui, or

Minh Phat Seafood Co., Ltd., aka

Minh Phat Seafood, aka

Minh Phat Seafood Corp., aka

Minh Phat, or

Minh Phu Hau Giang Seafood Joint Stock Company, aka

Minh Phu Hau Giang Seafood Corp., aka

Minh Phu Hau Giang Seafood Processing Co., Ltd., aka

Minh Phu Hau Giang Seafood Co., Ltd.

Note to CBP: Where "Minh" in the name "Minh Phu Seafood Corp." is misspelled as "Mihn," please consider them as the same entity.

This certification applies to the exports identified as follows: (insert invoice numbers, purchase order numbers, export documentation numbers, or other identifying information linking the exports to this certification). I also hereby certify that (insert name of exporter) maintains sufficient documentation supporting this certification. I am aware that records pertaining to this certification may be requested by U.S. Customs and Border Protection or the U.S. Department of Commerce and I consent to verification with respect to this certification and these records. I understand that this certification should be completed by the time of shipment. Also, I understand that failure to maintain the required certification or failure to substantiate the information herein will result in suspension of all unliquidated entries for which these requirements were not met and the requirement that the importer post an antidumping duty cash deposit on those entries equal to the rate in effect at the time of the entry for such entries.

Also, I am aware that U.S. law (including, but not limited to, 18 U.S.C. §1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

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5. The importer and exporter certifications and supporting documentation described in paragraph 4 must be maintained by the parties described above but will only be provided to U.S. Customs and Border Protection (CBP) at the request of CBP or the U.S. Department of Commerce (Commerce) in the form requested by each agency. These documents should not be provided by the importer as part of the entry document package, unless specifically requested by CBP.

6. The importer must also maintain a copy of the relevant exporter certification and supporting documentation.

7. The importer certification described in paragraph 4 must be completed, signed, and dated by the time of the entry of the relevant entries. The exporter certification described in paragraph 4 must be completed, signed, and dated by the time of shipment of the relevant entries.

8. For entries on or after 07/18/2016 (the effective date of revocation) but before 08/17/2016 (30 days after the effective date of revocation), for which certifications are required, importers and exporters should complete the required certification within 30 days of 08/17/2016 (30 days after the effective date of revocation).

9. CBP may accept the importer and exporter certifications described in paragraph 4 (and if required by CBP, supporting documentation) to establish that the merchandise is not covered by the scope of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam. If the importer does not provide the aforementioned required certification or documentation at CBP's request, CBP is instructed to suspend all unliquidated entries for which the certification or documentation requirements were not provided, and require the posting of an antidumping duty cash deposit on those entries equal to the Vietnam-wide entity rate's in effect at the time of entry.

10. 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.

11. 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:IG.)

12. 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