

MESSAGE NO: 6209302 MESSAGE DATE: 07/27/2016

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 6207307
MESSAGE #
(s):

CASE #(s): A-552-802

EFFECTIVE DATE: 07/19/2016 COURT CASE #: 14-00258, 14-00276

PERIOD OF REVIEW: 02/01/2012 TO 01/31/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/25/2016

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain frozen warmwater shrimp from the Socialist Republic of Vietnam exported by Minh Phu Group for the period 02/01/2012 through 01/31/2013 (A-552-802)

1. As discussed in message 6207307, dated 07/25/2016, on 07/19/2016, as corrected on 07/20/2016, the U.S. Court of International Trade issued an order of judgment by stipulation in *Tri Union Frozen Products, Inc. et al. v. United States* (court numbers 14-00258 and 14-00276, consolidated under court number 14-00249). As a result of these orders, certain entries which are subject to the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam for the period 02/01/2012 through 01/31/2013, exported by the Minh Phu Group (see paragraph 2 below), are no longer enjoined. In addition, on 07/18/2016 Commerce entered into a settlement agreement with the Government of Vietnam with respect to certain entries of subject merchandise.

2. For all shipments of certain frozen warmwater shrimp from the Socialist Republic of Vietnam exported by the Minh Phu Group (see below), imported by or sold to (as indicated on the commercial invoice or Customs documentation) Mseafood Corporation and entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013, liquidate the entries without regard to antidumping duties (i.e., release all bonds and refund all cash deposits without interest).

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.

3. Special instructions to impacted Ports of Entry: Prior to the impacted Ports of Entry executing these liquidation instructions, please retrieve all physical copies of the associated entries and then contact, via email, Bruce Ingalls (BRUCE.INGALLS@CBP.DHS.GOV) and Kara Welty (KARA.N.WELTY@CBP.DHS.GOV) for further specific liquidation instructions.

4. The preliminary injunctions in Tri Union Frozen Products, Inc. et al. v. United States (court numbers 14-00258 and 14-00276, consolidated under court number 14-00249) discussed in message 4322309, dated 11/18/2014 (as corrected by message 4332303, dated 11/28/2014) and message 4330312, dated 11/26/2014 remain applicable to the shipments from the exporters identified therein, other than the Minh Phu Group, that were entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013. Accordingly, until further notice, continue to suspend liquidation of these entries until liquidation instructions are issued.

5. Additionally, the preliminary injunction in Tri Union Frozen Products, Inc. et al. v. United States (court number 14-00249), discussed in message number 4301302, dated 10/28/2014, is applicable to the shipments from the exporters identified in paragraph 2 above, that were imported by Tri Union Frozen Products, Inc., d.b.a. Chicken of the Sea Frozen Foods, a.k.a. Empress International Ltd; Mazzetta Company LLC; or Ore-Cal Corporation during, and that entered, or were withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013. Accordingly, until further notice, continue to suspend liquidation of these entries until liquidation instructions are issued.

6. The notice of lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2 occurred on 07/25/2016, the date of message 6207307 notifying CBP of amended injunctions in court numbers 14-00258 and 14-00276 (consolidated under court number 14-00249). Unless instructed otherwise, for all other shipments of certain frozen warmwater shrimp from the Socialist Republic of Vietnam you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

7. Pursuant to the order of judgment by stipulation discussed in paragraph 1, the interest provisions of section 778 of the Tariff Act of 1930, as amended, do not apply to the entries described in paragraph 2.

8. 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.

9. 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)

10. 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