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

FR CITE: 75 FR 34976 FR CITE DATE: 06/21/2010

REFERENCE MESSAGE # 0193303
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: 06/21/2010 COURT CASE #:

PERIOD OF REVIEW: 11/01/2007 TO 10/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/21/2010

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation Instructions for Fresh Garlic from the People's Republic of China Exported by the NME-Wide Entity for Period 11/01/2007 through 10/31/2008

This message replaces message 0193303 dated 07/12/2010, which was inadvertently inactivated.

1. FOR ALL SHIPMENTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE PRC-WIDE ENTITY (A-570-831-000) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 11/01/2007 THROUGH 10/31/2008, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO \$4.71 FOR EACH KILOGRAM OF SUBJECT MERCHANDISE.

2. IN THE DEPARTMENT'S FINAL RESULTS (75 FR 34976, 06/21/2010), THE DEPARTMENT DETERMINED THAT THE FOLLOWING EXPORTERS ARE NO LONGER ELIGIBLE FOR A SEPARATE RATE AND ARE CONSIDERED PART OF THE PRC-ENTITY:

EXPORTER: JINAN YIPIN CORPORATION LTD.

PRODUCER: JINAN YIPIN CORPORATION LTD.

EXPORTER: HEZE EVER-BEST INTERNATIONAL TRADE CO., LTD.

(F/K/A SHANDONG HEZE INTERNATIONAL TRADE AND DEVELOPING COMPANY)

EXPORTER: JINING TRANS-HIGH CO., LTD.

PRODUCER: JINING YUN FENG AGRICULTURAL PRODUCTS CO. LTD.

EXPORTER: SHANGHAI EVER RICH TRADE COMPANY

EXPORTER: JINXIANG DONGYUN FREEZING STORAGE CO., LTD.

(A/K/A JINXIANG EASTWARD SHIPPING IMPORT AND EXPORT LIMITED COMPANY)

EXPORTER: TAIYAN ZIYANG FOOD CO., LTD.

PRODUCER: TAIYAN ZIYANG FOOD CO., LTD.

EXPORTER: JINXIANG SHANYANG FREEZING STORAGE CO., LTD.

EXPORTER: SHENZHEN FANHUI IMPORT & EXPORT CO., LTD.

EXPORTER: QUFU DONGBAO IMPORT & EXPORT TRADE CO., LTD.

EXPORTER: QINGDAO SATURN INTERNATIONAL TRADE CO., LTD.

EXPORTER: SHENZHEN GREENING TRADING CO., LTD.

PRODUCER: SHENZHEN GREENING TRADING CO., LTD

THEREFORE, ENTRIES OF GARLIC EXPORTED BY THE FIRMS LISTED IN THIS PARAGRAPH, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 11/01/2007 THROUGH 10/31/2008, SHOULD BE LIQUIDATED IN ACCORDANCE WITH THE ASSESSMENT INSTRUCTIONS LISTED IN PARAGRAPH 1 ABOVE FOR THE PRC ENTITY. ENTRIES OF SUCH MERCHANDISE MAY HAVE ENTERED UNDER THE FOLLOWING CASE NUMBERS:

(A-570-831-003)

(A-570-831-004)

(A-570-831-008)

(A-570-831-012)

(A-570-831-017)

(A-570-831-018)

(A-570-831-019)

(A-570-831-025)

(A-570-831-026)

(A-570-831-031)

(A-570-831-043)

3. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 11/01/2007 THROUGH 10/31/2008, OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS AND PARTIAL RESCISSION OF THE 14TH ANTIDUMPING DUTY ADMINISTRATIVE REVIEW (75 FR 34976, 06/21/2010). FOR ALL OTHER SHIPMENTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

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. 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 SHOULD 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 MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

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. (GENERATED BY O6: SL).

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