

MESSAGE NO: 1054302 MESSAGE DATE: 02/23/2011

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

FR CITE: 69 FR 33626 FR CITE DATE: 06/16/2004

REFERENCE MESSAGE # (s): 4202201, 4205213, 4247201

CASE #(s): A-570-831

EFFECTIVE DATE: 06/16/2004 COURT CASE #:

PERIOD OF REVIEW: 11/01/2001 TO 10/31/2002

PERIOD COVERED: 11/01/2001 TO 10/31/2002

Notice of Lifting of Suspension Date: 06/16/2004

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 PRC-WIDE ENTITY FOR PERIOD 11/01/2001
THROUGH 10/31/2002 (A-570-831)

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EXPORTED BY THE PRC-WIDE ENTITY (A-570-831-000) ENTERED, OR WITHDRAWN FROM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 11/01/2001 THROUGH
10/31/2002, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO 376.67 PERCENT OF THE
ENTERED VALUE.

2. IN THE DEPARTMENT OF COMMERCE'S FINAL RESULTS (69 FR 33626, 06/16/2004),
COMMERCE DETERMINED THAT THE FOLLOWING EXPORTER IS NO LONGER ELIGIBLE
FOR A SEPARATE RATE AND IS CONSIDERED PART OF THE PRC-WIDE ENTITY:

EXPORTER: WO HING (H.K.) TRADING CO.

THEREFORE, ENTRIES OF FRESH GARLIC EXPORTED BY THE FIRM LISTED IN THIS
PARAGRAPH, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION
DURING THE PERIOD 11/01/2001 THROUGH 10/31/2002, SHOULD BE LIQUIDATED IN
ACCORDANCE WITH THE ASSESSMENT INSTRUCTIONS LISTED IN PARAGRAPH 1 ABOVE
FOR THE PRC-WIDE ENTITY. ENTRIES OF SUCH MERCHANDISE MAY HAVE ENTERED
UNDER THE FOLLOWING CASE NUMBERS:

A-570-831-000

A-570-831-010

3. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT
MERCHANDISE DURING THE PERIOD 11/01/2001 THROUGH 10/31/2002, OCCURRED WITH
THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (69 FR 33626,
06/16/2004). 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. THE INJUNCTION WITH COURT NUMBER 04-00240, IN MESSAGE NUMBER 4202201, DATED 07/20/2004 (AS CORRECTED BY MESSAGE NUMBER 4205213, DATED 07/23/2004), IS APPLICABLE TO THE ENTRIES EXPORTED BY JINAN YIPIN CORPORATION, LTD. AND IMPORTED BY AMERICAN YIPIN CORPORATION DURING THE PERIOD 11/01/2001 THROUGH 10/31/2002. THE INJUNCTION WITH COURT NUMBER 04-00284, IN MESSAGE NUMBER 4247201, DATED 09/03/2004, IS APPLICABLE TO THE ENTRIES EXPORTED BY SHANDONG HEZE INTERNATIONAL TRADE AND DEVELOPING COMPANY DURING THE PERIOD 11/01/2001 THROUGH 10/31/2002. ACCORDINGLY, UNTIL FURTHER NOTICE CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE PROVIDED.

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 REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR

RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION,
INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202)
482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:CJR).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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