

MESSAGE NO: 0105310 MESSAGE DATE: 04/15/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 9236203, 0099302
MESSAGE #
(s):

CASE #(s): A-533-840

EFFECTIVE DATE: 01/28/2010 COURT CASE #: 09-00326

PERIOD OF REVIEW: 02/01/2007 TO 01/31/2008

PERIOD COVERED: 02/01/2007 TO 01/31/2008

Notice of Lifting of Suspension Date: 04/13/2010

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED FOR PERIOD 02/01/2007 THROUGH 01/31/2008 (A-533-840-001)

1. ON 01/28/2010 THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A STIPULATED DISMISSAL IN THE CASE OF AD HOC SHRIMP TRADE ACTION COMMITTEE V. UNITED STATES (COURT NO. 09-00326). AS A RESULT OF THIS DISMISSAL, THE INJUNCTION TO WHICH MESSAGE 9236203 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA FOR PERIOD 02/01/2007 THROUGH 01/31/2008 PRODUCED AND/OR EXPORTED BY THE COMPANY LISTED IN THE COMPANY-DETAILS TABLE APPENDED TO THE BOTTOM OF THIS MESSAGE DISSOLVED ON 01/28/2010.

2. FOR ALL SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED, IMPORTED BY DEVI SEA FOODS LIMITED, AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2007 THROUGH 01/31/2008, LIQUIDATE WITHOUT REGARD TO ANTIDUMPING LIABILITIES.

3. FOR ALL SHIPMENTS OF MERCHANDISE PRODUCED BY DEVI SEA FOODS LIMITED AND EXPORTED BY ONE OF THE COMPANIES LISTED IN MESSAGE NUMBER 0099302, ASSESS ANTIDUMPING DUTIES OF 0.79 PERCENT OF THE ENTERED VALUE, UNLESS PARAGRAPH TWO APPLIES.

4. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2007 THROUGH 01/31/2008, ENTERED UNDER CASE NUMBER A-533-840-001, AND NOT COVERED BY PARAGRAPH TWO OR THREE, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY. THE ALL-OTHERS RATE FOR CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA IS 10.17 PERCENT.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2007 THROUGH 01/31/2008. FOR ALL OTHER SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES AT THE CURRENT RATES.

6. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

7. 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.

8. 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.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM 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 O2:HP).

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

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

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

Case #	Rate	Party Indicator*	Party ID	Party Name
A-533-840-001	0.00%	I		Devi Sea Foods Limited