

MESSAGE NO: 6362205 MESSAGE DATE: 12/28/2006
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-549-813

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/2004 TO 06/30/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: PARTIAL RESCISSION OF ADMINISTRATIVE REVIEW ON CANNED PINEAPPLE
FRUIT FROM THAILAND FROM PRACHUAB FRUIT CANNING CO. LTD (PRAFT) (A-549-813-
009)

MESSAGE NO: 6362205

DATE: 12 28 2006

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 549 - 813

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PERIOD COVERED: 07 01 2004 TO 06 30 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: PARTIAL RESCISSION OF ADMINISTRATIVE REVIEW ON CANNED
PINEAPPLE FRUIT FROM THAILAND FROM PRACHUAB FRUIT
CANNING CO. LTD (PRAFT) (A-549-813-009)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON
CANNED PINEAPPLE FRUIT FROM THAILAND (A-549-813), COVERING THE
PERIOD 07/01/2004 THROUGH 06/30/2005, HAS BEEN RESCINDED FOR THE
PRACHUAB FRUIT CANNING CO. LTD. (PRAFT) (A-549-813-009) BECAUSE
PRAFT REPORTED TO COMMERCE THAT IT HAD NO SHIPMENTS OF SUBJECT
MERCHANDISE DURING THE PERIOD.

2. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT

REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF CANNED PINEAPPLE FRUIT FROM THAILAND PRODUCED BY PRAFT, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD

07/01/2004 THROUGH 06/30/2005, ENTERED UNDER CASE NUMBER A-549-813-009, AND EXPORTED BY FIRMS OTHER THAN PRAFT, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY. THE "ALL OTHERS" RATE FOR CANNED PINEAPPLE FRUIT FROM THAILAND IS 24.64 PERCENT.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION FOR SUBJECT MERCHANDISE FROM THE EXPORTER/MANUFACTURER IDENTIFIED ABOVE THAT ENTERED DURING THE PERIOD 07/01/2004 THROUGH 06/30/2005 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF FINAL RESULTS AND PARTIAL RESCISSION OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEW ON 12/07/2006 (71 FR 70948). FOR ALL OTHER SHIPMENTS OF CANNED PINEAPPLE FRUIT FROM THAILAND YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON 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 AND 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 OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT 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 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 RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. 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 O4: MAZ).

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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