

MESSAGE NO: 8256201 MESSAGE DATE: 09/12/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6174209
MESSAGE #
(s):

CASE #(s): A-351-840

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/24/2005 TO 02/28/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR THE RESCISSION OF ADMINISTRATIVE REVIEW OF ANTIDUMPING DUTY ORDER ON CERTAIN ORANGE JUICE FROM BRAZIL (A-351-840)

MESSAGE NO: 8256201

DATE: 09 12 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 6174209

REFERENCE DATE: 06 23 2006

CASES: A - 351 - 840

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PERIOD COVERED: 08 24 2005 TO 02 28 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR THE RESCISSION OF ADMINISTRATIVE REVIEW OF ANTIDUMPING DUTY ORDER ON CERTAIN ORANGE JUICE FROM BRAZIL (A-351-840)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN ORANGE JUICE FROM BRAZIL (A-351-840), COVERING THE PERIOD 08/24/2005 THROUGH 02/28/2007, HAS BEEN RESCINDED FOR THE FIRM LISTED BELOW BECAUSE IT REPORTED TO COMMERCE THAT IT HAD NO SHIPMENTS OF SUBJECT MERCHANDISE DURING THE PERIOD.

COINBRA-FRUTESP (SA)/LOUIS DREYFUS CITRUS

2. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF CERTAIN ORANGE JUICE FROM BRAZIL PRODUCED BY THE FIRM LISTED ABOVE, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING

THE PERIOD 08/24/2005 THROUGH 02/20/2006 AND 03/03/2006 THROUGH 02/28/2007, AND EXPORTED BY FIRMS OTHER THAN THE RESCINDED FIRM LISTED ABOVE, ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE MERCHANDISE FOR THE PERIOD LISTED ABOVE OCCURRED WITH THE PUBLICATION OF THE NOTICE OF FINAL RESULTS OF THE RESCISSION OF THE ADMINISTRATIVE REVIEW (73 FR 46584 ON 08/11/2008). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. NO INJUNCTIONS, INCLUDING ANY INJUNCTION ISSUED, TO DATE, IN CT. NO. 08-00259, ARE APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION. ON 06/19/2008, THE U.S. COURT OF INTERNATIONAL TRADE(CIT)ISSUED A FINAL DECISION IN THE CASE OF LOUIS DREYFUS CITRUS INC. V. UNITED STATES (COURT NO. 06-00122). AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 6174209, DATED 06/23/2006, REFERS, ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON ORANGE JUICE FROM BRAZIL PRODUCED OR EXPORTED BY COINBRA-FRUTESP SA DISSOLVED ON 08/18/2008.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAYS INTEREST ON OVERPAYMENTS OR ASSESSES 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.

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 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 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 TRENTHAM AT 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:EE).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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