

MESSAGE NO: 9197211 MESSAGE DATE: 07/16/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 9155203
MESSAGE #
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/01/2006 TO 10/31/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR RESCISSION OF ADMIN. REVIEW OF
ANTIDUMPING DUTY ORDER OF FRESH GARLIC FROM CHINA (A-570-831-000/032/040/044)

MESSAGE NO: 9197211

DATE: 07 16 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 9155203

REFERENCE DATE: 06 01 2009

CASES: A - 570 - 831

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PERIOD COVERED: 11 01 2006 TO 10 31 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR RESCISSION OF ADMIN.
REVIEW OF ANTIDUMPING DUTY ORDER OF FRESH GARLIC FROM
CHINA (A-570-831-000/032/040/044)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON
FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-831),
COVERING THE PERIOD 11/01/2006 THROUGH 10/31/2007, HAS BEEN
RESCINDED FOR THE FIRMS LISTED BELOW BECAUSE: 1) EACH OF THE
FOLLOWING COMPANIES TIMELY CERIFIED TO THE DEPARTMENT OF
COMMERCE (DEPARTMENT) THAT IT HAD NO SHIPMENTS OF SUBJECT
MERCHANDISE DURING THE PERIOD AND 2) THE DEPARTMENT CONFIRMED
WITH CBP THAT EACH OF THESE COMPANIES HAD NO SHIPMENTS DURING
THE PERIOD IN QUESTION. SEE NO SHIPMENT INQUIRY MESSAGE

8067208 DATED 03/07/2008; SEE ALSO NO SHIPMENT INQUIRY MESSAGE
9155203 DATED 06/01/2009.

COMPANY: JINAN FARMLADY TRADING CO., LTD.
CASE NUMBER: A-570-831-044

COMPANY: QINGDAO TIAN TAIXING FOODS CO., LTD.
CASE NUMBER: A-570-831-040

COMPANY: QINGDAO XINTIANFENG FOODS CO., LTD.
CASE NUMBER: A-570-831-032

ENTRIES FOR THE FIRMS LISTED ABOVE MAY HAVE ENTERED UNDER
A-570-831-000.

2. 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 THE RESCISSION OF

ADMINISTRATIVE REVIEW (74 FR 29174, 6/19/2009). 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 RATES.

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

4. 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.

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 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.

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 O6:NC).

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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