

MESSAGE NO: 9275205 MESSAGE DATE: 10/02/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8260203
MESSAGE #
(s):

CASE #(s): A-570-863

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2005 TO 11/30/2006

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR HONEY FROMCHINA PRODUCED/ EXPORTED
BY ZHEJIANG NATIVE PRODUCE (A-570-863)

MESSAGE NO: 9275205

DATE: 10 02 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8260203

REFERENCE DATE: 09 16 2008

CASES: A - 570 - 863

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PERIOD COVERED: 12 01 2005 TO 11 30 2006

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR HONEY FROMCHINA PRODUCED/
EXPORTED BY ZHEJIANG NATIVE PRODUCE (A-570-863)

1. ON 09/10/2009, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
DISMISSED THE CASE OF ZHEJIANG NATIVE PRODUCE AND ANIMAL
BY-PRODUCTS IMPORT & EXPORT GROUP CORP. V. UNITED STATES, COURT
NO. 08-00251.

AS A RESULT OF THIS DISMISSAL, THE INJUNCTION TO WHICH MESSAGE
8260203 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE
SUBJECT TO THE ANTIDUMPING DUTY ORDER ON HONEY FROM THE PEOPLE'S
REPUBLIC OF CHINA FOR THE PERIOD 12/01/2005 THROUGH 11/30/2006

EXPORTED BY ZHEJIANG NATIVE PRODUCE DISSOLVED ON 09/10/2009.

2. FOR ALL SHIPMENTS OF HONEY FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY ZHEJIANG NATIVE PRODUCE (AKA ZHEJIANG NATIVE PRODUCE AND ANIMAL BY-PRODUCTS IMPORT AND EXPORT GROUP CORP., AND ZHEJIANG NATIVE PRODUCE AND ANIMAL BY-PRODUCTS I/E GROUP CORPORATION), AND ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 12/01/2005 THROUGH 11/30/2006, ASSESS AN ANTIDUMPING LIABILITY OF \$0.98 PER KILOGRAM.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 12/01/2005 THROUGH 11/30/2006. FOR ALL OTHER SHIPMENTS OF HONEY 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.

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

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 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 O9:BW).

8. 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