

MESSAGE NO: 9282210 MESSAGE DATE: 10/09/2009  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8253207  
MESSAGE #  
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/01/2005 TO 10/31/2006

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA PRODUCED AND EXPORTED BY JINXIANG DONG YUN FREEZING STORAGE CO. (A-570-831); CT # 08-00211

MESSAGE NO: 9282210

DATE: 10 09 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8253207

REFERENCE DATE: 09 09 2008

CASES: A - 570 - 831

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PERIOD COVERED: 11 01 2005 TO 10 31 2006

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA  
PRODUCED AND EXPORTED BY JINXIANG DONG YUN FREEZING  
STORAGE CO. (A-570-831); CT # 08-00211

1. ON 04/20/2009, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) DISMISSED THE CASE OF JINXIANG DONG YUN FREEZING STORAGE CO., LTD., V. UNITED STATES, COURT NO. 08-00211 WITH RESPECT TO THE AFOREMENTIONED COMPANY.

AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 8253207 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA FOR THE PERIOD 11/01/2005 THROUGH 10/31/2006

PRODUCED AND EXPORTED BY DONG YUN FREEZING STORAGE CO., LTD.,  
DISSOLVED ON 04/20/2009.

2. FOR ALL SHIPMENTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA PRODUCED AND EXPORTED BY JINXIANG DONG YUN FREEZING STORAGE CO., LTD. IMPORTED BY THE FIRMS LISTED BELOW AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 11/01/2005 THROUGH 10/31/2006, ASSESS ANTIDUMPING LIABILITY AD VALOREM PERCENT OF THE ENTERED VALUE LISTED BELOW.

PRODUCER/EXPORTER: JINXIANG DONG YUN FREEZING STORAGE CO., LTD.  
IMPORTER: JINXIANG DONG YUN FREEZING STORAGE CO., LTD.  
FINAL RATE: 19.72% (AD VALOREM)

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 11/01/2005 THROUGH 10/31/2006. FOR ALL OTHER SHIPMENTS OF FRESH GARLIC FROM THE PEOPLES 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 OTHER 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'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.

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:AV).

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