

MESSAGE NO: 3218308 MESSAGE DATE: 08/06/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: ADRV-Administrative Review

FR CITE: 78 FR 36168 FR CITE DATE: 06/17/2013

REFERENCE MESSAGE # (s): 3137307, 3210308

CASE #(s): A-570-831

EFFECTIVE DATE: 06/17/2013 COURT CASE #:

PERIOD OF REVIEW: 11/01/2010 TO 10/31/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/17/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for fresh garlic from the People's Republic of China exported by PRC-Wide entity for the period 11/01/2010 through 10/31/2011 (A-570-831)

1. For all shipments of fresh garlic from the People's Republic of China exported by the PRC-wide entity (A-570-831-000) entered, or withdrawn from warehouse, for consumption during the period 11/01/2010 through 10/31/2011, assess an antidumping liability equal to \$4.71 per kilogram of subject merchandise.

2. In Commerce's final results, 78 FR 36168, 06/17/2013, Commerce determined that the following exporters are no longer eligible for a separate rate and are considered part of the PRC-wide entity:

Exporter: Foshan Fuyi Food Co., Ltd.

Case Number: A-570-831-059

The exporter did not have a case number during the period 11/01/2010 through 10/31/2011.

Entries of subject merchandise exported by Foshan Fuyi Food Co., Ltd. may have been made under A-570-831-000.

Exporter: Henan Weite Industrial Co., Ltd.

Case Number: A-570-831-045

Exporter: Shandong Chenhe International Trading Co., Ltd.

Case Number: A-570-831-039

Exporter: Shanghai LJ International Trading Co., Ltd.

Case Number: A-570-831-023

Exporter: Sunny Import & Export Limited

Case Number: A-570-831-015

Exporter: Zhengzhou Huachao Industrial Co., Ltd.

Case Number: A-570-831-051

The exporter did not have a case number during a portion of the period 11/01/2010 through 10/31/2011. Entries of subject merchandise exported by Zhengzhou Huachao Industrial Co., Ltd. may have been made under A-570-831-000.

Exporter: Zhengzhou Yuanli Trading Co., Ltd.

Case Number: A-570-831-046

Therefore, CBP shall liquidate entries of fresh garlic from the People's Republic of China which were exported by the firms listed above in this paragraph and entered, or withdrawn from warehouse, for consumption during the period 11/01/2010 through 10/31/2011 in accordance with the instructions in paragraph 1 above for the PRC-wide entity. Entries of such merchandise may have entered under the following case numbers:

A-570-831-059

A-570-831-045

A-570-831-039

A-570-831-023

A-570-831-015

A-570-831-051

A-570-831-046

A-570-831-000

3. The notice of lifting of suspension of liquidation for entries of subject merchandise covered by paragraphs 1 and 2 occurred with the publication of the final results of administrative review (78 FR 36168, 06/17/2013). Unless instructed otherwise, for all other shipments of fresh garlic from the People's Republic of China, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current cash deposit rates or per-unit amounts.

4. The injunction with court number 13-00142 in message number 3137303, dated 05/17/2013, is applicable to the entries exported by Qingdao Maycarrier Import & Export Co., Ltd. during the period 11/01/2010 through 10/31/2011. Accordingly, until further notice continue to suspend liquidation of these entries until liquidation instructions are issued.

5. The injunction with court number 13-00240 in message number 3210308, dated 07/29/2013, is applicable to the entries exported by Shandong Jinxiang Zhengyang Import & Export Co., Ltd. during the period 11/01/2010 through 10/31/2011. Accordingly, until further notice continue to suspend liquidation of these entries until liquidation instructions are issued.

6. 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, as amended. 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 are 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.

7. Upon assessment of antidumping duties, CBP shall 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 producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O6:LW.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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