

MESSAGE NO: 0242207 MESSAGE DATE: 08/29/2000
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-549-813

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/1997 TO 06/30/1998

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQ. INSTRUCTIONS FOR CANNED PINEAPPLE FRUIT FROM THAILAND (A-549-813)

MESSAGE NO: 0242207

DATE: 08 29 2000

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 549 - 813

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PERIOD COVERED: 07 01 1997 TO 06 30 1998

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: LIQ. INSTRUCTIONS FOR CANNED PINEAPPLE FRUIT FROM
THAILAND (A-549-813)

1. THE DEPARTMENT OF COMMERCE HAS PUBLISHED IN THE FEDERAL REGISTER (64 FR 69481) ON 12/13/1999 THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE ANTIDUMPING ORDER ON CANNED PINEAPPLE FRUIT FROM THAILAND FOR THE PERIOD JULY 1, 1997 THROUGH JUNE 30, 1998.

2. TWO OF THE EIGHT MANUFACTURERS/EXPORTERS OF CANNED PINEAPPLE FRUIT INITIALLY EXCEPTED FROM AUTOMATIC LIQUIDATION INSTRUCTIONS FOR THIS ADMINISTRATIVE REVIEW PERIOD (MESSAGE NO. 9083117 ISSUED

ON MARCH 24,1999),WERE SUBSEQUENTLY WITHDRAWN FROM CONSIDERATION

IN THIS REVIEW. THESE FIRMS ARE IDENTIFIED BELOW UNDER PARA 3. LIQUIDATION INSTRUCTIONS FOR THE APPLICABLE PERIOD WERE NOT ISSUED FOR THESE TWO FIRMS AT THE END OF THE ADMINISTRATIVE REVIEW (SEE MESSAGE NOS. 0069203, 0069204, 0069205, 0069206 AND 0069207 MARCH 9, 2000).

3. BASED ON THE FACT THAT THESE TWO FIRMS WERE WITHDRAWN FROM CONSIDERATION IN THE ADMINISTRATIVE REVIEW PRIOR TO THE DEPARTMENT'S REGULATORY DEADLINE, ALL SHIPMENTS OF CANNED PINEAPPLE FRUIT FROM THAILAND FOR THE FIRMS LISTED BELOW, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 07/01/97-06/30/98 SHALL BE LIQUIDATED AT RATES EQUAL TO THE MARGINS SHOWN BELOW.

MFR/PRODUCER EXPORTERS	CUSTOMS ID NUMBER	MARGIN/ PERCENTAGE
DOLE THAILAND	A-549-813-003	1.73
MALEE SAMPRAN PUBLIC COMPANY, LTD	A-549-813-004	0.00

4. IN ADDITION, SHIPMENTS OF CANNED PINEAPPLE FRUIT FROM THAILAND FOR THAI PINEAPPLE CANNING INDUSTRY CORP. LTD., ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 07/01/97-02/12/98 SHALL BE LIQUIDATED AT A RATE EQUAL TO THE MARGIN SHOWN BELOW. DO NOT LIQUIDATE ENTRIES OF CANNED PINEAPPLE FRUIT FROM THE THAI PINEAPPLE CANNING INDUSTRY CORP., LTD DURING THE PERIOD 02/13/98-06/30/98 BECAUSE THESE SHIPMENTS ARE COVERED BY AN OUTSTANDING INJUNCTION.

EXPORTER NUMBER PERCENTAGE

THAI PINEAPPLE CANNING A-549-813-007 4.37
INDUSTRY CORP., LTD

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIODS LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES UNLESS OTHERWISE INSTRUCTED.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE 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 CUSTOMS 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 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.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS 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 HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT DAVID LAYTON AT 202-482-0371, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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