

MESSAGE NO: 3171305 MESSAGE DATE: 06/20/2013  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE MESSAGE # (s): 5041208, 5137204, 5160201, 3105307

CASE #(s): A-570-893

EFFECTIVE DATE: 12/24/2012 COURT CASE #: 05-00080

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/16/2004 TO 01/31/2011

Notice of Lifting of Suspension Date: 06/20/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for certain frozen warmwater shrimp from China exported by Shantou Red Garden Foodstuff Co., Ltd. for the period 7/16/2004 through 01/31/2011 (A-570-893-002)

These instructions constitute the notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3 below.

1. On 10/23/2012, the U.S. Court of International Trade issued a final decision in the case of Shantou Red Garden Foodstuff Co., Ltd., v. United States (Court No. 05-00080). As a result of this decision, the injunction to which message 5137204, dated 05/17/2005 and message 5160201, dated 06/09/2005 refer enjoining liquidation of entries which are subject to the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China exported by Shantou Red Garden Foodstuff Co., Ltd. and entered, or withdrawn from warehouse, for consumption on or after 7/16/2004 dissolved on 12/24/2012.

2. For all shipments of certain frozen warmwater shrimp from the People's Republic of China exported by Shantou Red Garden Foodstuff Co., Ltd. and entered, or withdrawn from warehouse, for consumption on or after 07/16/2004 through 01/12/2005 and on or after 01/27/2005 through 1/31/2011, assess an antidumping liability equal to 112.81 percent of the entered value unless paragraph 3 is applicable. Such shipments may have entered under case number A-570-893-002 or A-570-893-000 or other case number.

3. If a bond or cash deposit was collected as security for an estimated antidumping duty for any shipment of certain frozen warmwater shrimp from the PRC exported by Shantou Red Garden Foodstuff Co., Ltd. that was entered, or withdrawn from warehouse, for consumption during the period 07/16/2004 through 01/12/2005, assess an antidumping liability equal to 112.81 percent of the entered value or equal to the amount of the bond or cash deposit, whichever is less.

4. In addition, as instructed in Message 5041208 dated 02/10/2005, suspension of liquidation was discontinued from 01/13/2005 through 01/26/2005. CBP was directed to liquidate all shipments of certain frozen warmwater shrimp from the PRC entered, or withdrawn from warehouse, for consumption during the period from 1/13/2005 through 1/26/2005 without regard to antidumping

duties and to release any bond or other security and refund any cash deposit.

5. Commerce has not yet published the final results of review for the subsequent periods covering 02/01/2011 to 03/21/2013 (e.g., the last day prior to the effective date of the partial revocation discussed in the next paragraph). Accordingly, no liquidation instructions have yet been issued for these periods.

6. Additionally, Commerce revoked the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China, in part, effective 03/22/2013. The revocation in part applies to the exporter/producer combination identified below:

Exporter: Shantou Red Garden Foodstuff Co., Ltd., or Red Garden Food Processing Co., Ltd.

Producer: Red Garden Food Processing Co., Ltd., or Chaoyang Jindu Hengchang Aquatic Products Enterprise Co., Ltd., or Raoping County Longfa Seafoods Co., Ltd., or Meizhou Aquatic Products Quick-Frozen Industry Co., Ltd., or Shantou Jinyuan District Mingfeng Quick-Frozen Factory, or Shantou Long Feng Foodstuffs Co., Ltd., or Red Garden Food Processing Co., Ltd.

Shipments of subject merchandise from this exporter/producer combination entered, or withdrawn from warehouse, for consumption on or after 03/22/2013 should be liquidated without regard to antidumping duties pursuant to message 3105307, dated 4/15/2013. Such entries may have come in under case number A-570-893-002 or A-570-893-000 or other case number.

7. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of certain frozen warmwater shrimp from the People's Republic of China you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

8. 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 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.

9. 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.

10. 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 O9:IG.)

11. 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