



DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-831]

Fresh Garlic from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 23, 2026, the U.S. Court of International Trade (the Court) issued its final judgment in *Export Packers Company Limited v. United States*, Court No. 24-00061, sustaining the U.S. Department of Commerce (Commerce)'s remand redetermination pertaining to the final scope ruling of the antidumping duty order on fresh garlic from the People's Republic of China (China). In the underlying scope ruling, Commerce determined that individually quick frozen (IQF) cooked garlic cloves imported by Export Packers Company Limited (Export Packers) were covered by the scope of the order. Commerce is notifying the public that the Court's final judgment is not in harmony with Commerce's final scope ruling, and that Commerce's final scope ruling finds that Export Packers' IQF cooked garlic cloves are outside the scope of the order.

DATES: Applicable March 5, 2026.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo or Jacob Saude, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3797 or (202) 482-0981, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 2024, Commerce issued its Final Scope Ruling finding that Export Packers' IQF cooked garlic cloves were covered by the scope of the *Order*.¹ Export Packers appealed Commerce's Final Scope Ruling. On April 18, 2025, the Court remanded the Final Scope Ruling to Commerce, holding that: (1) based on its reading of the plain language of the scope of the *Order*, Export Packers' IQF cooked garlic cloves are "clearly prepared by heat processing and physically transformed by that process;" (2) Commerce improperly focused on the Trinity and Amexim scope rulings in its analysis pursuant to 19 CFR 351.225(k)(1), which analyzed blanched garlic, whereas the inquiry merchandise is "cooked" garlic; (3) Commerce's reliance on the Trinity and Amexim scope rulings in its analysis of the inquiry merchandise's physical characteristics under 19 CFR 351.225(k)(2) was "plainly unreasonable"; and (4) Commerce's remaining analysis of the factors listed in 19 CFR 351.225(k)(2) was not supported by substantial evidence.²

In its final remand redetermination, issued on December 9, 2025, Commerce found, under protest, the Export Packers' IQF cooked garlic cloves to be outside the scope of the *Order*.³ On February 23, 2026, the Court sustained Commerce's final redetermination.⁴

Timken Notice

In its decision in *Timken*,⁵ as clarified by *Diamond Sawblades*,⁶ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in

¹ See Memorandum, "Final Scope Ruling on Export Packers' Certain Individually Quick Frozen Cooked Garlic Cloves," dated February 21, 2024 (Final Scope Ruling); see also *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) (*Order*).

² See *Export Packers Company Limited v. United States*, 780 F. Supp. 3d 1342 (CIT 2025) (*Remand Order*).

³ See *Final Results of Redetermination Pursuant to Court Remand, Export Packers Company Limited v. United States*, Court No. 24-00061, Slip Op. 25-45, dated April 18, 2025 (*Final Remand*).

⁴ See *Export Packers Company Limited v. United States*, Slip Op. 26-19 (CIT February 23, 2026).

⁵ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁶ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s February 23, 2026, judgment constitutes a final decision of the Court that is not in harmony with Commerce’s Final Scope Ruling. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Scope Ruling

In accordance with the Court’s February 23, 2026, final judgment, Commerce is providing notice of its Final Scope Ruling, finding that Export Packers’ IQF cooked garlic cloves are outside the scope of the *Order*.

Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, the cash deposit rate will be zero percent for entries of IQF cooked garlic cloves imported by Export Packers. In the event that the CIT’s final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to lift suspension of liquidation of such entries, and to liquidate entries of IQF cooked garlic cloves imported by Export Packers without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: March 4, 2026.

Christopher Abbott,
Deputy Assistant Secretary
for Policy and Negotiations,
performing the non-exclusive functions and duties
of the Assistant Secretary for Enforcement and Compliance.
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