

# FACT SHEET

## Preliminary Determination in the Antidumping Duty Investigation of Certain Frozen Fish Fillets from Vietnam

On January 27, 2003, the Department of Commerce (the Department) announced its preliminary determination in the antidumping investigation on imports of certain frozen fish fillets from the Socialist Republic of Vietnam (“Vietnam”), preliminarily finding that Vietnamese producers/exporters have made sales to U.S. customers at less than fair value.

**Preliminary Margins:** For the four mandatory respondents in this investigation, An Giang Fisheries Import and Export Joint Stock Company (“Agifish”), Can Tho Agricultural and Animal Products Import Export Company (“Cataco”), Nam Viet Company Limited (“Nam Viet”), and Vinh Hoan Company Limited (“Vinh Hoan”), we calculated preliminary margins ranging from 37.94 to 61.88 percent.

For those Vietnamese producers/exporters who voluntarily responded to Section A of the Department’s questionnaire, and that the Department determined were eligible for a separate rate (An Giang Agriculture and Food Import Export Company (“Afiex”), Can Tho Animal Fishery Products Processing Export Enterprise (“CAFATEX”), Da Nang Seaproducts Import-Export Corporation (“Da Nang”), Mekong Fish Company (“Mekonimex”), QVD Food Company Limited (“QVD”), and Viet Hai Seafood Company Limited (“Viet Hai”)), we assigned a margin of 49.16 percent, based on the weighted-average margin of the mandatory respondents.

Imports from all other Vietnamese producers/exporters will be subject to the Vietnam-wide rate of 63.88 percent.

**Petitioners:** The petition requesting these investigations was filed on June 28, 2002, by the Catfish Farmers of America (representing a number of catfish farmers/processors, primarily located in Mississippi, Louisiana, Alabama, and Arkansas); America’s Catch Inc.; Consolidated Catfish Co., L.L.C.; Delta Pride Catfish, Inc.; Harvest Select Catfish, Inc.; Heartland Catfish Company; Pride of the Pond; Simmons Farm Raised Catfish, Inc.; and Southern Pride Catfish Co., Inc.

**Vietnam’s Economic Status:** On November 8, 2002, the Department of Commerce’s Import Administration announced its determination in the inquiry into the status of the Socialist Republic of Vietnam as a non-market economy country or a market economy country under the U.S. antidumping and countervailing duty laws. While Vietnam has made significant progress on a number of reforms, the Department’s analysis indicates that Vietnam has not yet made the transition to a market economy. Until revoked, Vietnam’s non-market economy status will apply to all future administrative proceedings covering periods of investigation or review that fall after the effective date of this decision.

**Product Description:** For purposes of this investigation, the products covered are frozen fish fillets, including regular, shank, and strip fillets, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. The merchandise subject to this investigation will be hereinafter referred to as frozen “basa” and “tra” fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under article codes 0304.20.60.30 (frozen catfish fillets); 0304.20.60.96 (frozen

fish fillets, NESOI); 0304.20.60.43 (frozen freshwater fish fillets); and 0304.20.60.57<sup>1</sup> (frozen sole fillets) of the Harmonized Tariff Schedule of the United States (HTSUS). This investigation covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

**Critical Circumstances:** Petitioners alleged that critical circumstances exist with regard to imports of subject frozen fish fillets from Vietnam. The Department has made a preliminary determination that critical circumstances exist with respect to imports from the Vietnam-wide entity and Nam Viet, but has determined that critical circumstances do not exist with respect to imports from Agifish, Cataco, and Vinh Hoan. The Department will make its preliminary determination on critical circumstances for the producers/exporters who voluntarily responded to Section A of the Department’s questionnaire, and that the Department determined were eligible for a separate rate, as soon as it solicits and receives company-specific shipment information from them. If the Department and the International Trade Commission (ITC) make final affirmative determinations that critical circumstances do exist with regard to imports of frozen fish fillets, antidumping duties will be assessed retroactively on goods imported up to 90 days prior to the publication of the Department’s preliminary determination.

**Preliminary Antidumping Margins:**

Company	Margin
Agifish	61.88%
Cataco	41.06%
Nam Viet	53.96%
Vinh Hoan	37.94%
Respondents who voluntarily submitted Section A responses	49.16%
Vietnam-Wide	63.88%

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<sup>1</sup> The Petitioners have included this tariff classification code because they believe that the merchandise under investigation is entering the United States under this classification based on previous uses of the term ‘sole’ to describe Vietnamese basa and tra.

**Case Calendar:**

<b>Event</b>	<b>Date</b>
<b>Petition Filed</b>	June 28, 2002
<b>Initiation Deadline</b>	July 18, 2002
<b>ITC Preliminary Determination</b>	August 9, 2002
<b>ITA Preliminary Determination*</b>	January 24, 2003
<b>DOC Final Determination**</b>	June 16, 2003
<b>ITC Final Determination***</b>	July 31, 2003
<b>Order ****</b>	August 7, 2003

\* This deadline was fully extended in accordance with the governing statute.

\*\* Estimated deadline with full extension in accordance with the governing statute.

\*\*\* Estimated deadline.

\*\*\*\* This will take place only in the event of a final affirmative determination from the Department and the International Trade Commission (ITC).

**Import Statistics\*:**

<b>Vietnam</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>Jan.-Nov. 2002</b>
<b>Volume (KG)</b>	3,269,000	8,624,000	13,475,000	18,266,000
<b>Value (USD)</b>	\$13,371,000	\$29,667,000	\$38,286,000	\$55,091,000

(Source: ITC Dataweb)

\* Volume and value are for all four HTS numbers in the product description.