

## **FACT SHEET**

### **Amended Preliminary Determinations in the Antidumping Duty Investigations on Imports of Certain Frozen and Canned Warmwater Shrimp from Brazil, the People's Republic of China, and the Socialist Republic of Vietnam**

On August 24, 2004, the Department of Commerce announced amendments to the preliminary determinations in the antidumping duty investigations on imports of certain frozen and canned warmwater shrimp from Brazil, the People's Republic of China (PRC), and the Socialist Republic of Vietnam (Vietnam). These amendments resulted from corrections of ministerial errors.<sup>1</sup> As a result of the amendments the Department changed the preliminary margins for one Brazilian respondent and the Brazilian "All Others" rate. In addition, the Department found that certain Chinese producers/exporters and one Vietnamese producer/exporter are now eligible for a "separate rate."

#### **Amended Preliminary Margins in the Investigation on imports from Brazil:**

We have determined that the Department made certain clerical errors in its calculation of the dumping margin for Empresa de Armazenagem Frigorifica Ltda, which had originally been found not to have made sales at less than fair value in the U.S. market. However, after correcting the ministerial errors, we preliminarily find that the company has made sales in the U.S. market at less than fair value, with a weighted-average margin of 12.86 percent.

With regard to the other respondent Brazilian producers/exporters, Central de Industrializacao e Distribuicao de Alimentos Ltda. and Norte Pesca S.A., we find that the Department did not make ministerial errors with regard to those companies; as a result, imports from these companies are still subject to the same cash deposit/bond rates as announced in our preliminary determination.

**Amended Preliminary Margins in the Investigations on imports from the PRC and Vietnam:** In its preliminary determination, the Department found that certain companies that responded to the Section A questionnaire did not qualify for a separate rate. In investigations involving non-market economies such as the PRC and Vietnam, in order to be eligible for separate-rate status, the Department must determine that the company's export activities are not controlled by its government. Such status entitles a producer or exporter to an antidumping duty rate based on the weighted-average of the mandatory respondents' rates rather than the country-wide rate.

In reviewing allegations of certain ministerial errors in the investigations involving imports from the PRC and Vietnam, the Department has concluded that three companies were incorrectly denied separate rate status.

In the investigation on imports from the PRC, based on a further review of the responses of Shantou Shengping Oceanstar Business Co., Ltd., and Shantou Yuexing Enterprise Company, we preliminarily find that both firms are eligible to receive "separate-rate" status. As a result, imports produced or exported by these companies will be subject to the preliminary "separate rate" of 49.09 percent, rather than the original PRC-wide rate of 112.81 percent.

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<sup>1</sup>ISA ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error.

In the investigation on imports from Vietnam, based on a further review of the responses of Kien Giang Seafood Import Export Company (KISIMEX), we preliminarily find that the company is eligible to receive “separate-rate” status. As a result, imports produced or exported by KISIMEX will be subject to a preliminary “separate rate” of 16.01 percent, rather than the original Vietnam-wide rate of 93.13 percent.

**Next Steps:** The Department will consider all interested parties’ submitted comments along with record evidence before making its final determination later this fall. If the Department makes a final affirmative determination, the U.S. International Trade Commission (ITC) is scheduled to make its final injury determination on or about December 23, 2004. If the ITC makes a final affirmative determination that imports are materially injuring, or threaten to materially injure, the domestic industry, the Department will issue an antidumping duty order and will instruct Customs to collect cash deposits on imports of subject merchandise.

**Suspension of Liquidation:** Upon publication of the preliminary determinations in the *Federal Register*, Customs will begin to suspend liquidation of entries of subject merchandise and will collect a bond or cash deposit from the importer of record based on the margins found in the Department’s preliminary determinations.

**Petitioner:** The petitions requesting the initiation of these investigations were filed on December 31, 2003, by the Ad Hoc Shrimp Trade Action Committee, whose members are located in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas.

**Product Description** Products covered include certain warmwater shrimp and prawns, whether frozen or canned, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,<sup>2</sup> deveined or not deveined, cooked or raw, or otherwise processed in frozen or canned form.

The frozen or canned warmwater shrimp and prawn products included in the scope of the investigations are products which are processed from warmwater shrimp and prawns through either freezing or canning and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp, banana prawn, fleshy prawn, giant river prawn, giant tiger prawn, redspotted shrimp, southern brown shrimp, southern pink shrimp, southern rough shrimp, southern white shrimp, blue shrimp, western white shrimp, and Indian white prawn.

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this investigations. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this investigations.

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<sup>2</sup> “Tails” in this context means the tail fan, which includes the telson and the uropods.

Excluded from this scope are (1) breaded<sup>3</sup> shrimp and prawns; (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled; (4) shrimp and prawns in prepared meals; and (5) dried shrimp and prawns.

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<sup>3</sup>Pursuant to our scope determination on battered shrimp, we find that breaded shrimp includes battered shrimp.

## Preliminary and Amended Preliminary Dumping Margins:

COUNTRY	MARGIN
<b>People's Republic of China</b>	
Allied Pacific Group	90.05%
Zhanjiang Guolian Aquatic Products Co., Ltd.	0.04% ( <i>de minimis</i> )
Shantou Red Garden Foodstuff Co., Ltd.	7.67%
Yelin Enterprise Co., Hong Kong	98.34%
Separate Rate Margin	49.09%
PRC-Wide Rate	112.81%
<b>Vietnam</b>	
Minh Phu Seafood Corporation	14.89%
Kim Ahn Co., Ltd.	12.11%
Minh Hai Joint Stock Seafoods Processing Co.	18.68%
Camau Frozen Seafood Processing Import Export Corporation	19.60%
Separate Rate Margin	16.01%
Vietnam-Wide Rate	93.13%
<b>Brazil</b>	
Empresa de Armazenagem Frigorifica Ltda. (EMPAF)	<b>12.86% (AMENDED)</b>
Central de Industrializacao e Distribuicao de Alimentos Ltda. (CIDA)	8.41%
Norte Pesca S.A.	67.80%
All Others Rate	<b>23.66% (AMENDED)</b>
<b>Ecuador</b>	
Exporklore S.A.	9.35%
Exportadora De Alimenos S.A. (Expalsa)	6.08%
Promarisco S.A.	6.77%
All Others Rate	7.30%
<b>India</b>	
Hindustan Lever Limited (HLL)	27.49%
Devi Sea Foods Ltd. (Devi)	3.56%
Nekkanti Seafoods Limited (Nekkanti)	9.16%
All Others Rate	14.20%
<b>Thailand</b>	
Andaman Seafood Co., Ltd., Chanthaburi Seafoods Co., Ltd., and Thailand Fishery Cold Storage Public Co., Ltd. (collectively Rubicon Group)	5.56%

Thai I-Mei Frozen Foods Co., Ltd., (Thai-I-Mei)	5.91%
The Union Frozen Products Co., Ltd. (UFP)	10.25%
All Others Rate	6.39%

## Case Calendar:

EVENT	DATE
Petitions Filed	December 31, 2003
Initiation Date	January 20, 2004
ITC Preliminary Determination	February 17, 2004
ITA Preliminary Determinations:	July 2, 2004 (PRC & Vietnam)
	July 28, 2004 (Brazil, Ecuador, India & Thailand)
ITA Final Determinations:	November 24, 2004 (PRC & Vietnam)
	December 17, 2004 (Brazil, Ecuador, India & Thailand)
ITC Final Determinations:*	January 31, 2005
Issuance of Order:**	February 7, 2005

\*This will take place only in the event of a final affirmative determination from the Department.

\*\*This will take place only in the event of final affirmative determinations by both the Department and the ITC.

## Import Statistics:

COUNTRY		2001	2002	2003
PRC	volume (lbs)	59,886,689	105,953,621	169,452,220
	value (\$)	181,492,512	285,277,518	419,323,287
Vietnam	volume (lbs)	72,817,861	96,996,029	124,503,096
	value (\$)	380,531,228	476,536,555	587,722,452

Source: ITC DataWeb

**Certain Frozen and Canned Warmwater Shrimp**  
**from the People's Republic of China:**  
**Results of Section A Respondents**

**A. Section A Respondents Receiving a Separate Rate**

Beihai Zhengwu Industry Co., Ltd.  
Chenghai Nichi Lan Food Co., Ltd.  
Dalian Ftz Sea-Rich International Trading Co., Ltd.  
Dongri Aquatic Products Freezing Plants  
Gallant Ocean (Liangjiang) Co., Ltd.  
Meizhou Aquatic Products Quick-Frozen Industry Co., Ltd.  
Pingyang Xinye Aquatic Products Co., Ltd.  
Savvy Seafood Inc.  
Shanghai Taoen International Trading Co., Ltd  
Shantou Jinyuan District Mingfeng Quick-Frozen Factory  
Shantou Long Feng Foodstuffs Co., Ltd.  
Shantou Ocean Freezing Industry and Trade General Corporation  
Shantou Shengping Oceanstar Business Co., Ltd. (AMENDED PRELIMINARY)  
Shantou Wanya Food Factory Co., Ltd.  
Shantou Yuexing Enterprise Company (AMENDED PRELIMINARY)  
Xuwen Hailang Breeding Co., Ltd.  
Yantai Wei-Cheng Food Co., Ltd.  
Zhangjiang Newpro Food Co., Ltd.  
Zhangjiang Bobogo Ocean Co., Ltd.  
Zhanjiang Universal Seafood Corp.  
Zhoushan Lizhou Fishery Co., Ltd.  
Zhoushan Huading Seafood Co., Ltd.  
Zhoushan Cereals Oils and Foodstuffs Import and Export Co., Ltd.

**B. Section A Respondents Not Receiving a Separate Rate (assigned PRC-wide rate)**

Asian Seafoods (Zhanjiang) Co., Ltd.  
Chaoyang Qiaofeng Group Co., Ltd. (Shantou Qiaofeng (Group) Co., Ltd.)  
Fuqing Longwei Aquatic Foodstuff Co., Ltd. (Longwei Aquatic Foodstuff Co., Ltd.)  
Fuqing Dongwei Aquatic Products Industry Co., Ltd.  
Hainan Fruit Vegetable Food Allocation Co., Ltd.  
Hainan Golden Spring Foods Co., Ltd.  
Jinfu Trading Co., Ltd.  
Kaifeng Ocean Sky Industry Co., Ltd.  
Leizhou Zhulian Frozen Food Co., Ltd.  
Shanghai Linghai Fisheries Economic & Trading Co., Ltd.  
Shantou Freezing Aquatic Product Food Stuffs Co.  
Shantou Jinhang Aquatic Industry Co., Ltd.  
Shantou Ruiyuan Industry Co., Ltd.  
Shantou Sez Xu Hao Fastness Freeze Aquatic Factory Co., Ltd.

Taizhou Zhonghuan Industrial Co., Ltd.  
Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.  
Zhanjiang Go-Harvest Aquatic Products Co., Ltd.  
Zhanjiang Runhai Foods Co., Ltd.  
Zhejiang Evernew Seafood Co., Ltd.  
Zhejiang Daishan Baofa Aquatic Product Co., Ltd.  
Zhejiang Cereals, Oils & Foodstuffs Import & Export Co., Ltd.  
Zhejiang Zhenglong Foodstuffs Co., Ltd.  
Zhejiang Taizhou Lingyang Aquatic Products Co. Ltd.  
Zhoushan Zhenyang Developing Co., Ltd.  
Zhoushan Putuo Huafa Sea Products Co., Ltd.  
Zhoushan Haichang Food Co., Ltd.  
Zhoushan Xifeng Aquatic Co., Ltd.  
Zhoushan Industrial Co., Ltd.  
Zhoushan Diciyuan Aquatic Products Co., Ltd.  
ZJ CNF Sea Products Engineering Ltd.



**Certain Frozen and Canned Warmwater Shrimp**  
**from the Socialist Republic of Vietnam:**  
**Results of Section A Respondents**

**A. Section A Respondents Receiving a Separate Rate**

Amanda Foods (Vietnam) Ltd. (Amanda)  
C.P. Vietnam Livestock  
Cai Doi Vam Seafood Import Export Company  
Can Tho Agriculture and Animal Products Import Export Company (CATACO)  
Cantho Animal Fisheries Product Processing Export Enterprise  
Cuu Long Seaproducts Company (CUULONG SEAPRO)  
Danang Seaproducts Import Export Company  
Hanoi Seaproducts Import Export Corp.  
Kien Giang Seafood Import Export Company (KISIMEX) (**AMENDED PRELIMINARY**)  
Minh Hai Export Frozen Seafood Processing Joint-Stock Company (Minh Hai Jostoco)  
Minh Hai Seaproducts Co LTd. ("Seaprimexco")  
Nha Trang Fisheries Joint Stock Company (Nha Trang Fisco)  
Nha Trang Seaproduct Company (Nha Trang Seafoods)  
Pataya Food Industries (Vietnam) Ltd. (Pataya VN)  
Sao Ta Foods Joint Stock Company (Fimex VN)  
Soc Trang Aquatic Products and General Import Export Company (STAPIMEX)  
Thuan Phuoc Seafoods and Trading Corporation  
Viet Nhan Company

**B. Section A Respondents Not Receiving a Separate Rate (assigned Vietnam-wide rate)**

Aquatic Product Trading Company (APT)  
Aquatic Songhuong Company  
Bac Lieu Seafood  
Camranh Seafoods Processing Enterprise PTE (Camranh Seafoods)  
Coastal Fisheries Development Corporation (COFIDEC)  
Hai Thuan Company  
Investment Commerce Fisheries Corporation (Incomfish)  
Ngoc Sinh Company  
Nha Trang Fisheries Co  
Phu Cuong Company  
Phuong Nam Co., Ltd  
Truc An Company  
UTXI Aquatic Products Processing Company  
Viet Foods Co., Ltd.  
Vietnam Fish-One Company, Co, Ltd.  
Vinh Loi Import Export Company (VIMEXCO)