

FACT SHEET

Final Determinations in the Antidumping Duty Investigations on Certain Frozen and Canned Warmwater Shrimp from Brazil, Ecuador, India, and Thailand

On December 20, the Department of Commerce (Department) announced its final determinations in the antidumping duty investigations on imports of certain frozen and canned warmwater shrimp from Brazil, Ecuador, India, and Thailand. The Department found that producers/exporters have sold frozen and canned warmwater shrimp from Brazil, Ecuador, India, and Thailand in the U.S. market at less than fair value, with margins ranging from 9.69 to 67.80 percent for Brazil, 2.35 to 4.48 percent for Ecuador, 5.02 to 13.42 percent for India, and 5.79 to 6.82 percent for Thailand.

Companion Investigations: The Department announced its final determinations in the investigations on certain frozen and canned warmwater shrimp from the People's Republic of China and Vietnam on November 30, 2004.

Next Steps: The U.S. International Trade Commission (ITC) is currently scheduled to announce its final injury determinations on or about January 31, 2005. If the ITC makes final affirmative determinations that imports are materially injuring, or threatening to materially injure, the domestic industry, the Department will issue antidumping duty orders and will instruct U.S. Customs and Border Protection (Customs) to collect cash deposits on imports of subject merchandise. If the ITC makes negative injury determinations, the investigations will be terminated and no orders will be issued.

Critical Circumstances: The petitioners alleged that critical circumstances exist with respect to imports of certain frozen and canned warmwater shrimp from India and Thailand. The Department has determined that critical circumstances do not exist for imports from either country.

Petitioners: 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. The list of petitioners was subsequently amended to include Versaggi Shrimp Corporation and Indian Ridge Shrimp Company.

Product Description: The scope of these investigations includes 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, 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, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products that are processed from warmwater shrimp and prawns through either freezing or canning and that are sold in any count size. A more complete description of the scope of these investigations is included

below, in “Scope of the Investigations.”

Final Dumping Margins:

Brazil	Margin
Empresa de Armazenagem Frigorifica Ltda. (EMPAF)	10.70%
Central de Industrializacao e Distribuicao de Alimentos Ltda. (CIDA)	9.69%
Norte Pesca S.A.	67.80%
All Others Rate	10.40%
Ecuador	Margin
Exporklore S.A.	2.35%
Exportadora De Alimentos S.A. (Expalsa)	2.62%
Promarisco S.A.	4.48%
All Others Rate	3.26%
India	Margin
Hindustan Lever Limited (HLL)	13.42%
Devi Sea Foods Ltd. (Devi)	5.02%
Nekkanti Seafoods Limited (Nekkanti)	9.71%
All Others Rate	9.45%
Thailand	Margin
Andaman Seafood Co., Ltd., Chanthaburi Seafoods Co., Ltd., and Thailand Fishery Cold Storage Public Co., Ltd. (collectively Rubicon Group)	5.79%
Thai I-Mei Frozen Foods Co., Ltd., (Thai-I-Mei)	6.20%
The Union Frozen Products Co., Ltd. (UFP)	6.82%
All Others Rate	6.03%

Case Calendar:

EVENT	DATE
Petitions Filed	December 31, 2003
Initiation Date	January 20, 2004
ITC Preliminary Determinations	February 17, 2004
ITA Preliminary Determinations	July 28, 2004
ITA Final Determinations	December 17, 2004
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 by the ITC.

Import Statistics:

COUNTRY		2001	2002	2003
Brazil	volume (lbs)	21,637,743	39,074,412	48,023,165
	value (\$)	\$63,623,487	\$87,651,186	\$96,761,828
Ecuador	volume (lbs)	56,585,818	63,351,921	73,112,375
	value (\$)	\$215,295,629	\$192,328,302	\$206,052,471
India	volume (lbs)	71,795,057	96,654,822	99,180,532
	value (\$)	\$257,010,029	\$354,430,254	\$398,104,342
Thailand	volume (lbs)	296,424,517	247,653,247	281,013,853
	value (\$)	\$1,253,321,999	\$956,439,633	\$956,839,737

Source: ITC DataWeb

Scope of the Investigations: Certain Frozen and Canned Warmwater Shrimp

The scope of these investigations includes 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,¹ 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, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products that are processed from warmwater shrimp and prawns through either freezing or canning and that 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 these 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 these investigations.

Excluded from the scope are: (1) breaded shrimp and prawns (1605.20.10.20); (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 (0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (1605.20.05.10); and (5) dried shrimp and prawns; (6) dusted shrimp²; and (7) battered shrimp³.

The products covered by these investigations are currently classifiable under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10,

¹ “Tails” in this context means the tail fan, which includes the telson and the uropods.

² Dusted shrimp is a shrimp-based product that: (1) is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) so that the entire surface of the shrimp flesh is thoroughly and evenly coated with the flour; and (4) the non-shrimp content of the end product constitutes between 4 to 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) is subjected to IQF freezing immediately after application of the dusting layer.

³ Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried.

1605.20.10.30, and 1605.20.10.40. These HTSUS subheadings are provided for convenience and customs purposes only and are not dispositive, but rather the written description of the scope of these investigations is dispositive.

Departmental Decisions on Scope: The Department has issued nine decisions regarding the scope of the merchandise covered by these investigations: (1) On May 21, 2004, the Department declined to expand the scope of these investigations to include fresh (never frozen) shrimp; (2) on July 2, 2004, pursuant to a request from Ocean Duke, the Department found that its “Seafood Mix” is excluded from the scope of these investigations; (3) on July 2, 2004, the Department found that salad shrimp, sold in counts of 250 pieces or higher, are included within the scope of these investigations; (4) on July 2, 2004, the Department found *Macrobrachium Rosenbergii* and organic shrimp are included within the scope of these investigations; (5) on July 2, 2004, the Department found that peeled shrimp are included within the scope of these investigations; (6) on November 29, 2004, the Department found that Lee Kum Kee’s shrimp sauce is excluded from the scope of these investigations; (7) on November 29, 2004, the Department found that shrimp scampi is included within the scope of these investigations; (8) on November 29, 2004, the Department found certain dusted shrimp are excluded from the scope of these investigations; and (9) on November 29, 2004, the Department found certain battered shrimp are excluded from the scope of these investigations.