

FACT SHEET

Final Determination in the Scope and Circumvention Inquiries on the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam

On July 3, the Department of Commerce announced its final determinations in the scope and circumvention inquiries of the antidumping duty (AD) order on certain frozen fish fillets from Vietnam. In this final determination, the Department affirmed its preliminary determination that frozen fish fillets produced by two Cambodian companies, Lian Heng Trading Co., Ltd. (Lian Heng Trading), and Lian Heng Investment Co., Ltd. (Lian Heng Investment) (collectively, Lian Heng), are made from Vietnamese-origin fish and are therefore circumventing the AD order on frozen fish fillets from Vietnam. The Department continues to find the application of adverse facts available (AFA) is appropriate with respect to Lian Heng's use of Vietnamese-origin fish. Use of AFA is warranted because Lian Heng refused to allow the Department to fully verify the accuracy of information submitted by Lian Heng.

The Department also affirms its preliminary determinations to terminate the circumvention inquiries with respect to L.S.H. (Cambodia) Pte., Ltd. (L.S.H.), and Sun Wah Fisheries Co., Ltd. (Sun Wah), and to rescind a concurrently initiated scope inquiry.

Next Steps: In accordance with its final affirmative circumvention determination for Lian Heng, the Department will require suspension of liquidation and a cash deposit at the Vietnam-wide rate of 63.88 percent for all merchandise entered, but not yet liquidated, by Lian Heng between October 22, 2004, and July 15, 2005. For all entries of frozen fish fillets produced by Lian Heng on, or after, July 16, 2005, CBP will allow Lian Heng to submit a certificate stating that no Vietnamese-origin fish were used in the production of its frozen fish fillets. Any entries of frozen fish fillets not accompanied by this certification will be subject to antidumping duty cash deposits at the Vietnam-wide rate of 63.88 percent. Upon request, the Department may conduct a review of these certified entries during the third administrative review period (August 1, 2005 to July 31, 2006). If necessary, the Department will expand the third administrative review period back to October 22, 2004, the date of initiation of the circumvention inquiry, to include all of Lian Heng's entries covered by this determination.

Interested Parties: On May 12, 2004, Piazza, a U.S. seafood importer, filed a scope inquiry request. On August 20, 2004, the Catfish Farmers of America (Petitioners) filed a circumvention inquiry request.

Product Description: The product covered by this order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact ("regular" fillets), boneless fillets with the belly flap removed ("shank" fillets), boneless shank fillets cut into strips ("fillet strips/finger"), which include fillets cut into strips, chunks, blocks, skewers, or any other

shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in cross-section cuts of dressed fish. Nuggets are the belly-flaps. The subject merchandise 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 tariff article code 0304.20.60.33 (Frozen Fish Fillets of the species Pangasius including basa and tra) of the Harmonized Tariff Schedule of the United States (HTSUS). This order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Import Statistics*:

Cambodia	2003	2004	2005
Quantity (lbs.)	70,485	2,743,500	2,201,031
Value (USD)	\$108,985	\$4,265,584	\$2,982,973

*Estimated Customs value, in USD, and quantity, in pounds, of imports from Cambodia.

Source: ITC DataWeb. The subject merchandise falls under “basket” categories of multiple HTS numbers, and therefore data for the exact import quantities and values are unavailable.