

## FACT SHEET

### Amended Final Determinations and Issuance of Antidumping Duty Orders: Imports of Certain Frozen Warmwater Shrimp from Brazil, Ecuador, India, Thailand, the People's Republic of China, and the Socialist Republic of Vietnam

On January 26, 2005, the Department of Commerce announced amendments to its final determinations in the antidumping duty investigations on imports of certain frozen warmwater shrimp from Brazil, Ecuador, India, the People's Republic of China (PRC), and the Socialist Republic of Vietnam (Vietnam) and Thailand. These amendments resulted from corrections of ministerial errors<sup>1</sup>, as provided for in U.S. trade law, and the U.S. International Trade Commission's (ITC) final injury determination.

The Commerce Department has extended an offer to the governments of the Republic of India and the Kingdom of Thailand to send to fact-finding teams composed of industry analysts, policy experts and attorneys that would gain a first-hand understanding of the current state of the shrimping industry in each country following the December 26 tsunami. If this offer is accepted, the information gathered would assist Commerce officials in determining whether any conditions exist that would provide a basis under U.S. law for the Department to review its recently announced final determinations.

**Amended Final Dumping Margins:** The Department has determined that it made certain clerical errors in its calculation of dumping margins for several respondent companies in the investigations on imports from Brazil, Ecuador, India, Thailand, the PRC and Vietnam. A more detailed discussion of the Department's analysis and findings is included in our Notice of Amended Final Determinations and Decision Memoranda. These documents will be available on Import Administration's website at [www.ia.ita.doc.gov](http://www.ia.ita.doc.gov). The amended final margins are reflected in the chart below.

**Separate Rate Status for Certain Chinese and Vietnamese Companies:** In its final determinations, the Department found that certain companies that responded to the Section A questionnaires in the Chinese and Vietnamese investigations did not demonstrate that their export activities were not controlled by the government. Therefore, the companies did not qualify for a separate rate (a rate based on the weighted-average of the mandatory respondents' rates), and instead would be subject to the appropriate 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 six companies (four from the PRC and two from Vietnam) were incorrectly denied separate rate status. As a result, imports produced or exported by these companies will be subject to the final amended "separate rate" of 53.68 percent for imports from the PRC and 4.57 percent for imports from Vietnam.

**Scope of the Orders in Light of the ITC's Injury Determination:** In its final injury determination in these investigations, the ITC determined that while non-canned warmwater shrimp and prawns from all six countries have materially injured the U.S. industry, imports of canned warmwater shrimp and prawns from these countries were either negligible or did not materially injure or threaten to injure the domestic

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<sup>1</sup>A 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.

industry. As a result, the scope of the antidumping duty orders issued by the Department do not include canned warmwater shrimp and prawns. A more complete description of the products covered by the order is provided below, in “Scope of the Investigations.”

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

### Final Amended Dumping Margins:

COUNTRY		
<b>People’s Republic of China</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Allied Pacific Group	84.93%	80.19%
Zhanjiang Guolian Aquatic Products Co., Ltd.	0.07%	0.07% ( <i>de minimis</i> )
Shantou Red Garden Foodstuff Co., Ltd.	27.89%	27.89%
Yelin Enterprise Co., Hong Kong	82.27%	82.27%
Separate Rate Margin	55.23%	53.68%
PRC-Wide Rate	112.81%	112.81%
<b>Vietnam</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Minh Phu Seafood Corporation	4.21%	4.38%
Kim Ahn Co., Ltd.	25.76%	25.76%
Minh Hai Joint Stock Seafoods Processing Co.	4.13%	4.30%
Camau Frozen Seafood Processing Import Export Corporation	4.99%	5.24%
Separate Rate Margin	4.38%	4.57%
Vietnam-Wide Rate	25.76%	25.76%

<b>Brazil</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Empresa de Armazenagem Frigorifica Ltda. (EMPAF)	10.70%	7.94%
Central de Industrializacao e Distribuicao de Alimentos Ltda. (CIDA)	9.69%	4.97%
Norte Pesca S.A.	67.80%	67.80%
All Others Rate	10.40%	7.05%

<b>Ecuador</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Exporklore S.A.	2.35%	2.48%
Exportadora De Alimenos S.A. (Expalsa)	2.60%	1.97%
Promarisco S.A.	4.48%	4.42%
All Others Rate	3.26%	3.58%

<b>India</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Hindustan Lever Limited (HLL)	13.42%	15.36%
Devi Sea Foods Ltd. (Devi)	5.02%	4.94%
Nekkanti Seafoods Limited (Nekkanti)	9.71%	9.71%
All Others Rate	9.45%	10.17%

<b>Thailand</b>	<b>Final Margin</b>	<b>Amended Final Margin</b>
Andaman Seafood Co., Ltd., Chanthaburi Seafoods Co., Ltd., and Thailand Fishery Cold Storage Public Co., Ltd. (collectively Rubicon Group)	5.79%	5.91%
Thai I-Mei Frozen Foods Co., Ltd., (Thai-I-Mei)	6.20%	5.29%
The Union Frozen Products Co., Ltd. (UFP)	6.82%	6.82%
Chanthaburi Seafoods Co., Ltd.	5.79%	5.91%
Chanthaburi Frozen Foods Co., Ltd.	5.79%	5.91%
Phattana Seafood Co., Ltd.	5.79%	5.91%
S.C.C. Frozen Seafood Co., Ltd.	5.79%	5.91%
Thai International Seafood Co. Ltd.	5.79%	5.91%
Wales & Company Universe, Ltd.	5.79%	5.91%
Y2K Frozen Food Co., Ltd	5.79%	5.91%
All Others Rate	6.03%	5.95%

## Import Statistics:

<b>COUNTRY</b>		<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>PRC</b>	<b>volume (lbs)</b>	59,886,689	105,953,621	169,452,220
	<b>value (\$)</b>	181,492,512	285,277,518	419,323,287
<b>Vietnam</b>	<b>volume (lbs)</b>	72,817,861	96,996,029	124,503,096
	<b>value (\$)</b>	380,531,228	476,536,555	587,722,452
<b>Brazil</b>	<b>volume (lbs)</b>	21,637,743	39,074,412	48,023,165
	<b>value (\$)</b>	\$63,623,487	\$87,651,186	\$96,761,828
<b>Ecuador</b>	<b>volume (lbs)</b>	56,585,818	63,351,921	73,112,375
	<b>value (\$)</b>	\$215,295,629	\$192,328,302	\$206,052,471
<b>India</b>	<b>volume (lbs)</b>	71,795,057	96,654,822	99,180,532
	<b>value (\$)</b>	\$257,010,029	\$354,430,254	\$398,104,342
<b>Thailand</b>	<b>volume (lbs)</b>	296,424,517	247,653,247	281,013,853
	<b>value (\$)</b>	\$1,253,321,999	\$956,439,633	\$956,839,737

Source: ITC DataWeb

## Scope of the Investigations: Certain Frozen Warmwater Shrimp

The scope of these orders include certain warmwater shrimp and prawns, whether frozen, 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 form. The frozen warmwater shrimp and prawn products included in the scope of these orders, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products which are processed from warmwater shrimp and prawns through freezing 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 (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. 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 orders.

Excluded from the scope are: 1) breaded shrimp and prawns (HTS subheading 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 (HTS subheading 0306.23.00.20 and 0306.23.00.40); 4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); 5) dried shrimp and prawns; 6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); 7) certain dusted shrimp; and 8) certain battered shrimp. Dusted shrimp is a shrimp-based product: 1) that 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) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; 4) with the non-shrimp content of the end product constituting between four and 10 percent of the product’s total weight after being dusted, but prior to being frozen; and 5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. 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.

The products covered by these orders are currently classifiable under the following HTS 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, and 1605.20.10.30. These HTS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of these orders is dispositive.

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

## **Certain Frozen Warmwater Shrimp from the People's Republic of China: Results of Section A/Separate Rate Analysis**

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

Asian Seafoods (Zhanjiang) Co., Ltd  
Beihai Zhengwu Industry Co., Ltd.  
Chaoyang Qiaofeng Group Co., Ltd. (Shantou Qiaofeng (Group) Co., Ltd.)  
Chenghai Nichi Lan Food Co., Ltd.  
Dalian Ftz Sea-Rich International Trading Co., Ltd.  
Dongri Aquatic Products Freezing Plants  
Fuqing Dongwei Aquatic Products Industry Co., Ltd.  
Gallant Ocean (Liangjiang) 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.  
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 Wanya Food Factory Co., Ltd.  
Shantou Ocean Freezing Industry and Trade General Corporation  
Shantou Shengping Oceanstar Business Co., Ltd.  
Shantou Yuexing Enterprise Company  
Shantou Ruiyuan Industry Co., Ltd.  
Shantou Freezing Aquatic Product Food Stuffs Co.  
Shantou Jinhang Aquatic Industry Co., Ltd.  
Xuwen Hailang Breeding Co., Ltd.  
Yantai Wei-Cheng Food Co., Ltd.  
Zhangjiang Newpro Food Co., Ltd.  
Zhangjiang Bobogo Ocean Co., Ltd.  
Zhangjiang Runhai Foods Co., Ltd.  
Zhanjiang Go-Harvest Aquatic Products Co., Ltd.  
Zhanjiang Universal Seafood Corp.  
Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.  
Zhejiang Cereals, Oils & Foodstuffs Import & Export Co., Ltd.  
Zhoushan Diciyuan Aquatic Products Co., Ltd.  
Zhoushan Lizhou Fishery Co., Ltd.  
Zhoushan Huading Seafood Co., Ltd.  
Zhoushan Cereals Oils and Foodstuffs Import and Export Co., Ltd.  
Zhoushan Xifeng Aquatic Co., Ltd.

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

Fuqing Longwei Aquatic Foodstuff Co., Ltd. (Longwei Aquatic Foodstuff Co., Ltd.)

Meizhou Aquatic Products Quick Frozen Industry Company, Ltd. Shengping Shantou

Shanghai Linghai Fisheries Economic & Trading Co., Ltd.

Shantou Sez Xu Hao Fastness Freeze Aquatic Factory Co., Ltd.

Taizhou Zhonghuan Industrial Co., Ltd.

Zhejiang Evernew Seafood Co., Ltd.

Zhejiang Daishan Baofa Aquatic Product 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 Industrial Co., Ltd.

ZJ CNF Sea Products Engineering Ltd.

## **Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Results of Section A/Separate Rate Analysis**

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

Amanda Foods (Vietnam) Ltd. (Amanda)  
Aquatic Products Trading Company (APT)  
Bac Lieu Fisheries Company Limited (Bac Lieu)  
C.P. Vietnam Livestock  
Coastal Fisheries Development Corporation (COFIDEC)  
Cai Doi Vam Seafood Import-Export Company (Cadovimex)  
Cam Rahn Seafoods Processing Enterprise Company (Cam Rahn)  
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.  
Investment Commerce Fisheries Corporation  
Kien Giang Sea-Product Import-Export Company (KISIMEX)  
Minh Hai Export Frozen Seafood Processing Joint-Stock Company (Minh Hai Jostoco)  
Minh Hai Seaproducts Co Ltd. (Seaprimexco)  
Ngoc Sinh Company  
Nha Trang Fisheries Joint Stock Company  
Nha Trang Seaproduct Company (Nha Trang Seafoods)  
Pataya Food Industries (Vietnam) Ltd. (Pataya VN)  
Phu Cuong Seafood Processing  
Phuong Nam Co., Ltd  
Sao Ta Foods Joint Stock Company (Fimex VN)  
Soc Trang Aquatic Products and General Import Export Company (STAPIMEX)  
Song Huong ASC Import-Export Company  
Thuan Phuoc Seafoods and Trading Corporation  
UTXI Aquatic Products Processing Company  
Viet Foods Co., Ltd.  
Viet Nhan Company  
Vietnam Fish-One Company, Co, Ltd.  
Vinh Loi Import Export Company

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

Hai Thuan Company  
Nha Trang Fisheries, Co.  
Truc An Company