

# FACT SHEET

## **Preliminary Determination in Antidumping Duty Investigations: Certain Frozen and Canned Warmwater Shrimp from Brazil, Ecuador, India, and Thailand**

On July 29, the Department announced its preliminary determinations in the antidumping duty investigations on imports of certain frozen and canned warmwater shrimp from Brazil, Ecuador, India, and Thailand. We preliminarily find 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 0.00 to 67.80 percent for Brazil, 6.08 to 9.35 percent for Ecuador, 3.56 to 27.49 percent for India, and 5.56 to 10.25 percent for Thailand.

**Next Steps:** Interested parties are invited to submit comments on these preliminary determinations. The Department will consider all submitted comments along with record evidence before making its final determinations on or about December 17, 2004. If the Department makes a final affirmative determination in these investigations, the U.S. International Trade Commission (ITC) is scheduled to make its final injury determination on or about January 31, 2005. If the ITC makes a final affirmative determination that imports were materially injuring, or threatening to materially injure, the domestic industry, the Department will issue antidumping duty orders 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. The list of petitioners was subsequently amended to include Versaggi Shrimp Corporation and Indian Ridge Shrimp Company.

**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>1</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

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<sup>1</sup> "Tails" in this context means the tail fan, which includes the telson and the uropods.

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 prawns, fleshy prawns, giant river prawns, giant tiger prawns, redspotted shrimp, southern brown shrimp, southern pink shrimp, southern rough shrimp, southern white shrimp, blue shrimp, western white shrimp, and Indian white prawns.

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 prawns are also included in the scope of these investigations.

Excluded from the scope are (1) breaded<sup>2</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.

**Critical Circumstances:** Petitioner has alleged that critical circumstances exist with regard to imports of subject merchandise from India and Thailand. With regard to imports from India, the Department has preliminarily determined that there is sufficient evidence to warrant a finding that critical circumstances exist with respect to imports produced/exported by Hindustan Lever Limited. With regard to imports from Thailand, the Department has preliminarily determined that there is insufficient evidence at this time to warrant a determination that critical circumstances exist. The Department will continue to review and consider information and interested parties’ submissions on this issue, and will make a decision as part of the final determinations in these cases.

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<sup>2</sup>Pursuant to our scope determination on battered shrimp, we find that breaded shrimp includes battered shrimp.

## Preliminary Dumping Margins

<b>Brazil</b>	<b>Margin</b>
<b>Empresa de Armazenagem Frigorifica Ltda. (EMPAF)</b>	<b>0.00%</b>
<b>Central de Industrializacao e Distribuicao de Alimentos Ltda. (CIDA)</b>	<b>8.41%</b>
<b>Norte Pesca S.A.</b>	<b>67.80%</b>
<b>All Others Rate</b>	<b>36.91%</b>
<b>Ecuador</b>	<b>Margin</b>
<b>Exporklore S.A.</b>	<b>9.35%</b>
<b>Exportadora De Alimenos S.A. (Expalsa)</b>	<b>6.08%</b>
<b>Promarisco S.A.</b>	<b>6.77%</b>
<b>All Others Rate</b>	<b>7.30%</b>
<b>India</b>	<b>Margin</b>
<b>Hindustan Lever Limited (HLL)</b>	<b>27.49%</b>
<b>Devi Sea Foods Ltd. (Devi)</b>	<b>3.56%</b>
<b>Nekkanti Seafoods Limited (Nekkanti)</b>	<b>9.16%</b>
<b>All Others Rate</b>	<b>14.20%</b>
<b>Thailand</b>	<b>Margin</b>
<b>Andaman Seafood Co., Ltd., Chanthaburi Seafoods Co., Ltd., and Thailand Fishery Cold Storage Public Co., Ltd. (collectively Rubicon Group)</b>	<b>5.56%</b>
<b>Thai I-Mei Frozen Foods Co., Ltd., (Thai-I-Mei)</b>	<b>5.91%</b>
<b>The Union Frozen Products Co., Ltd. (UFP)</b>	<b>10.25%</b>
<b>All Others Rate</b>	<b>6.39%</b>

## Case Calendar

EVENT	DATE
Petitions Filed	December 31, 2003
Initiation Date	January 20, 2004
ITC Preliminary Determination	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 from the Department of Commerce.

\*\*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
<b>Brazil</b>	volume (lbs)	21,637,743	39,074,412	48,023,165
	value (\$)	63,623,487	87,651,186	96,761,828
<b>Ecuador</b>	volume (lbs)	56,585,818	63,351,921	73,112,375
	value (\$)	215,295,629	192,328,302	206,052,471
<b>India</b>	volume (lbs)	71,795,057	96,654,822	99,180,532
	value (\$)	257,010,029	354,430,254	398,104,342
<b>Thailand</b>	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