

FACT SHEET

Preliminary Determinations in the Antidumping Duty Investigations on Certain Frozen and Canned Warmwater Shrimp from the People's Republic of China and the Socialist Republic of Vietnam

On July 6, the Department announced its preliminary determinations in the antidumping duty investigations on imports of certain frozen and canned warmwater shrimp from the People's Republic of China (PRC) and the Socialist Republic of Vietnam (Vietnam). We preliminarily find that with the exception of one Chinese producer/exporter, Zhangjiang Guolian Aquatic Products Co., Ltd., Chinese and Vietnamese producers/exporters have sold frozen and canned warmwater shrimp in the U.S. market at less than fair value, with margins ranging from 7.67 percent to 112.81 percent for imports from the PRC and 12.11 percent to 93.13 percent for imports from Vietnam.

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 November 24, 2004. If the Department makes a final affirmative determination in either or both investigations, the U.S. International Trade Commission (ITC) is scheduled to make its final injury determinations on or about January 8, 2005. If the ITC makes a final affirmative determination 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.

Companies Qualifying for a "Separate Rate": Based on the voluntary questionnaire responses submitted by certain Chinese and Vietnamese companies, the Department has preliminarily determined that these companies have demonstrated an absence of government control that is required to be eligible to receive "separate-rate" status. The Department will apply the weighted-average dumping margin of the mandatory respondents in each of the investigations to these companies for the purpose of the preliminary determination. A list of the companies preliminarily found eligible for a separate rate is attached.

Critical Circumstances: Petitioner has alleged that critical circumstances exist with regard to imports of subject merchandise from the PRC and Vietnam. With regard to imports from the PRC, 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 the PRC-wide entity, Yelin Enterprise Co., and Allied Pacific Group. With regard to imports from Vietnam, 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.

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,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 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.

Excluded from this scope are (1) breaded² 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.

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

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

Preliminary Dumping Margins:

COUNTRY	MARGIN
People's Republic of China	
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%
Vietnam	
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%

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
ITA Final Determinations	November 24, 2004
ITC Final Determinations*	January 8, 2005
Issuance of Order**	January 15, 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 Wanya Food Factory Co., Ltd.
Shantou Ocean Freezing Industry and Trade General Corporation
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.
Shantou Shengping Oceanstar Business Co., Ltd.
Shantou Yuexing Enterprise Company
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.
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)
Kien Giang Seafood Import Export Company (KISIMEX)

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)