

MESSAGE NO: 3252206 MESSAGE DATE: 09/09/2003

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ADM PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3188201
MESSAGE #
(s):

CASE #(s): A-552-801

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 06/23/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING DUTY INVESTIGATION OF CERTAIN FROZEN FISH FILLETS FROM THE SOCIALIST REPUBLIC OF VIETNAM (A-552-801)

MESSAGE NO: 3252206

DATE: 09 09 2003

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REFERENCE: 3188201

REFERENCE DATE: 07 07 2003

CASES: A - 552 - 801

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PERIOD COVERED: 06 23 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING DUTY INVESTIGATION OF CERTAIN FROZEN FISH
FILLETS FROM THE SOCIALIST REPUBLIC OF VIETNAM
(A-552-801)

1. ON JULY 24, 2003, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION, IN THE INVESTIGATION OF CERTAIN FROZEN FISH FILLETS FROM THE SOCIALIST REPUBLIC OF VIETNAM (A-552-801). THIS IS AN AMENDMENT OF MESSAGE #3188201 ON JULY 7, 2003.

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCT COVERED IS FROZEN FISH FILLETS, INCLUDING REGULAR, SHANK AND STRIP FILLETS

AND PORTIONS THEREOF, WHETHER OR NOT BREADED OR MARINATED, OF THE SPECIES PANGASIU BOCOURTI, PANGASIU HYPOPHTHALAMUS (ALSO KNOWN AS PANGASIU PANGASIU), AND PANGASIU MICRONEMUS. FROZEN FISH FILLETS ARE LENGTHWISE CUTS OF WHOLE FISH. THE FILLET PRODUCTS COVERED BY THE SCOPE INCLUDES 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 INCLUDES 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 CODES 0304.20.60.30 (FROZEN CATFISH FILLETS), 0304.20.60.96 (FROZEN FISH FILLETS, NESOI), 0304.20.60.43 (FROZEN FRESHWATER FISH FILLETS) AND 0304.20.60.57 (FROZEN SOLE FILLETS) OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). THIS INVESTIGATION COVERS ALL FROZEN FISH FILLETS MEETING THE ABOVE SPECIFICATIONS, REGARDLESS OF TARIFF CLASSIFICATION. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-552-801.

4. THE DEPARTMENT OF COMMERCE CONTINUES TO DETERMINE THAT CRITICAL CIRCUMSTANCES EXIST FOR IMPORTS OF CERTAIN FROZEN FISH FILLETS FROM THE SOCIALIST REPUBLIC OF VIETNAM. FOR IMPORTS OF CERTAIN FROZEN FISH FILLETS, THE BUREAU OF CUSTOMS AND BORDER PROTECTION ("CUSTOMS") SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION ON OR AFTER
NOVEMBER 2, 2002, WHICH IS 90 DAYS PRIOR TO THE DATE OF THE
PRELIMINARY DETERMINATION, FROM THE FOLLOWING MANUFACTURERS,
PRODUCERS, OR EXPORTERS:

MFR/PRODCR/EXPORTER	CUSTOMS ID NUMBER
CAFATEX	A-552-801-006
QVD	A-552-801-009
DA NANG	A-552-801-007
AFIEX	A-552-801-005
VINH LONG	A-552-801-011
NAM VIET	A-552-801-003
VIETNAM-WIDE ENTITY	A-552-801-000

5. FOR IMPORTS OF CERTAIN FROZEN FISH FILLETS FROM THE
SOCIALIST REPUBLIC OF VIETNAM, CUSTOMS SHALL CONTINUE TO SUSPEND
LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM
WAREHOUSE, FOR CONSUMPTION ON OR AFTER JANUARY 31, 2003 FROM THE
FOLLOWING MANUFACTURERS OR EXPORTERS FOR WHICH CRITICAL
CIRCUMSTANCES DO NOT EXIST:

AGIFISH	A-552-801-001
CATACO	A-552-801-004
VINH HOAN	A-552-801-002
MEKONIMEX	A-552-801-008

VIET HAI

A-552-801-010

6. EFFECTIVE JUNE 23, 2003 CUSTOMS SHALL REQUIRE FOR ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS RATES SHOWN BELOW:

MFR/PRODUCER/EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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VIETNAM-WIDE	A-552-801-000	63.88
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AGIFISH	A-552-801-001	47.05
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(ALSO TRADING AS: AGIFISH COMPANY, AN GIANG FISHERIES IMPORT AND EXPORT JOINT STOCK COMPANY, AN GIANG FISHERY EXPORT IMPORT COMPANY, AN GIANG FISHERIES IMPORT-EXPORT CO.)

VINH HOAN	A-552-801-002	36.84
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(ALSO TRADING AS: VINH HOAN COMPANY LIMITED)

CATACO	A-552-801-004	45.81
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(ALSO TRADING AS: CAN THO AGRICULTURAL AND ANIMAL PRODUCTS IMPORT-EXPORT COMPANY)

NAM VIET	A-552-801-003	53.68
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(ALSO TRADING AS: NAM VIET COMPANY LIMITED)

AFIEX	A-552-801-005	45.55
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(ALSO TRADING AS: A. SEAFOOD INDUSTRY, AN GIANG AGRICULTURE AND FOOD IMPORT EXPORT COMPANY)

CAFATEX	A-552-801-006	45.55
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(ALSO TRADING AS: CAN THO ANIMAL FISHERY PRODUCTS PROCESSING EXPORT ENTERPRISE)

DA NANG	A-552-801-007	45.55
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(ALSO TRADING AS: DA NANG SEAPRODUCTS IMPORT-EXPORT CORPORATION)

MEKONIMEX	A-552-801-008	45.55
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(ALSO TRADING AS: MEKONG FISH COMPANY)

QVD A-552-801-009 45.55
(ALSO TRADING AS: QVD FOOD COMPANY LIMITED)

VIET HAI A-552-801-010 45.55
(ALSO TRADING AS: VIET HAI SEAFOOD COMPANY LIMITED, VIETNAM FISH
ONE COMPANY LIMITED)

VINH LONG A-552-801-011 45.55
(ALSO TRADING AS: VINH LONG IMPORT-EXPORT COMPANY)

CUSTOMS SHOULD APPLY THE AGIFISH MARGIN PERCENTAGE TO ENTRIES
MADE BY AGIFISH COMPANY, AN GIANG FISHERIES IMPORT AND EXPORT
JOINT STOCK COMPANY, AN GIANG FISHERY EXPORT IMPORT
COMPANY, AN
GIANG FISHERIES IMPORT-EXPORT CO. SIMILARLY, CUSTOMS SHOULD
APPLY THE AFIEX MARGIN PERCENTAGE TO ENTRIES MADE BY A. SEAFOOD
INDUSTRY. ADDITIONALLY, CUSTOMS SHOULD APPLY THE VIET HAI MARGIN
PERCENTAGE TO ANY ENTRIES MADE BY VIETNAM FISH ONE COMPANY
LIMITED.

7. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CUSTOMS,
CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE ENTRY BASIC
IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND
ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR
COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE
EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO
POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES,
CUSTOMS OFFICERS MUST REQUIRE A SINGLE ENTRY BASIC IMPORTATION
AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO
ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE
BONDING REQUIREMENTS.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS
OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE

CONTACT ALEX VILLANUEVA AT ALEXVILLANUEVA (AT) ITA.DOC.GOV, OR
AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION,

INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE,
AT 202-482-3208.

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party