

MESSAGE NO: 0095302 MESSAGE DATE: 04/05/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 75 FR 16434 FR CITE DATE: 04/01/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): A-552-806

EFFECTIVE DATE: 04/01/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS (PRCBS) FROM VIETNAM (A-552-806)

1. ON 04/01/2010, THE U.S. DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER (75 FR 16434) ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM.

2. THE MERCHANDISE COVERED BY THESE INVESTIGATIONS IS POLYETHYLENE RETAIL CARRIER BAGS (PRCBS), WHICH ALSO MAY BE REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN 0.035 INCH (0.889 MM) AND NO LESS THAN 0.00035 INCH (0.0089 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS, E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS, TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS. THE SCOPE OF THE INVESTIGATION EXCLUDES (1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN CONSUMER PACKAGING WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS, E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS.

IMPORTS OF MERCHANDISE INCLUDED WITHIN THE SCOPE OF THE INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER STATISTICAL CATEGORY 3923.21.0085 OF THE

HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING MAY ALSO COVER PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THE INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-552-806.

4. FOR IMPORTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 04/01/2010.

5. EFFECTIVE , CBP SHALL REQUIRE, FOR ENTRIES OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE EXPORTER/PRODUCER COMBINATIONS LISTED BELOW, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE ANTIDUMPING DUTY RATES SHOWN BELOW:

EXPORTER: ALPHA PLASTICS (VIETNAM) CO., LTD.
PRODUCER: ALPHA PLASTICS (VIETNAM) CO., LTD.
CASE NUMBER: A-552-806-001
CASH DEPOSIT RATE: 52.30

EXPORTER: ALTA COMPANY
PRODUCER: ALTA COMPANY
CASE NUMBER: A-552-806-002
CASH DEPOSIT RATE: 52.30

EXPORTER: AMPAC PACKAGING VIETNAM LTD.
PRODUCER: AMPAC PACKAGING VIETNAM LTD.
CASE NUMBER: A-552-806-003
CASH DEPOSIT RATE: 52.30

EXPORTER: BITAHACO
PRODUCER: BITAHACO
CASE NUMBER: A-552-806-004
CASH DEPOSIT RATE: 52.30

EXPORTER: CHEN SHENG CO., LTD.
PRODUCER: CHEN SHENG CO., LTD.
CASE NUMBER: A-552-806-005
CASH DEPOSIT RATE: 52.30

EXPORTER: CHUNG VA CENTURY MACAO COMMERCIAL OFFSHORE LIMITED
PRODUCER: CHUNG VA (VIETNAM) PLASTIC PACKAGING CO., LTD.
CASE NUMBER: A-552-806-006
CASH DEPOSIT RATE: 52.30

EXPORTER: HANOI 27-7 PACKAGING COMPANY LIMITED, AKA HANOI 27-7 PACKING
COMPANY LIMITED, AKA HAPACK CO. LTD, AKA HAPACK
PRODUCER: HANOI 27-7 PACKAGING COMPANY LIMITED, AKA HANOI 27-7 PACKING
COMPANY LIMITED, AKA HAPACK CO. LTD, AKA HAPACK
CASE NUMBER: A-552-806-007
CASH DEPOSIT RATE: 52.30

EXPORTER: KONG WAI POLYBAG PRINTING COMPANY
PRODUCER: HOI HUNG COMPANY LIMITED
CASE NUMBER: A-552-806-008
CASH DEPOSIT RATE: 52.30

EXPORTER: KINSPLASTIC VIETNAM LTD. CO.
PRODUCER: KINSPLASTIC VIETNAM LTD. CO.
CASE NUMBER: A-552-806-009
CASH DEPOSIT RATE: 52.30

EXPORTER: LOC CUONG TRADING PRODUCING COMPANY
PRODUCER: LOC CUONG TRADING PRODUCING COMPANY
CASE NUMBER: A-552-806-010
CASH DEPOSIT RATE: 52.30

EXPORTER: ONTRUE PLASTICS CO., LTD. (VIETNAM)
PRODUCER: ONTRUE PLASTICS CO., LTD. (VIETNAM)
CASE NUMBER: A-552-806-011
CASH DEPOSIT RATE: 52.30

EXPORTER: RICHWAY PLASTICS VIETNAM CO., LTD.
PRODUCER: RICHWAY PLASTICS VIETNAM CO., LTD.
CASE NUMBER: A-552-806-012
CASH DEPOSIT RATE: 52.30

EXPORTER: RKW LOTUS LIMITED
PRODUCER: RKW LOTUS LIMITED
CASE NUMBER: A-552-806-013
CASH DEPOSIT RATE: 52.30

EXPORTER: VINAPACKINK CO., LTD.
PRODUCER: VINAPACKINK CO., LTD.
CASE NUMBER: A-552-806-014
CASH DEPOSIT RATE: 52.30

EXPORTER: K'S INTERNATIONAL POLYBAGS MFG., LTD.
PRODUCER: VN K'S INTERNATIONAL POLYBAGS JOINT STOCK COMPANY
CASE NUMBER: A-552-806-015
CASH DEPOSIT RATE: 52.30

EXPORTER: VN PLASTIC INDUSTRIES CO. LTD.
PRODUCER: VN PLASTIC INDUSTRIES CO. LTD.
CASE NUMBER: A-552-806-016
CASH DEPOSIT RATE: 52.30

EXPORTER: VIETNAM-WIDE ENTITY
PRODUCER: VIETNAM-WIDE ENTITY
CASE NUMBER: A-552-806-000
CASH DEPOSIT RATE: 76.11

6. FOR ALL OTHER ENTRIES OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM, THE FOLLOWING CASH DEPOSIT/BONDING INSTRUCTIONS APPLY:

A. FOR ALL VIETNAMESE EXPORTERS OF POLYETHYLENE RETAIL CARRIER BAGS WHICH HAVE NOT RECEIVED THEIR OWN RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE VIETNAM-WIDE RATE.

B. FOR ALL NON-VIETNAMESE EXPORTERS OF POLYETHYLENE RETAIL CARRIER BAGS WHICH HAVE NOT RECEIVED THEIR OWN RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE RATE APPLICABLE TO THE PRODUCER/EXPORTER COMBINATIONS THAT SUPPLIED THAT NON-VIETNAMESE EXPORTER.

7. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, 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 CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY. (GENERATED BY O4: SMH).

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

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

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

Case #	Rate	Party Indicator*	Party ID	Party Name
A-552-806-000	76.11%	E		VIETNAM-WIDE ENTITY
A-552-806-000		M		VIETNAM-WIDE ENTITY
A-552-806-001	52.30%	E		ALPHA PLASTICS (VIETNAM) CO., LTD.
A-552-806-001		M		ALPHA PLASTICS (VIETNAM) CO., LTD.
A-552-806-002	52.30%	E		ALTA COMPANY
A-552-806-002		M		ALTA COMPANY
A-552-806-003	52.30%	E		AMPAC PACKAGING VIETNAM LTD.
A-552-806-003		M		AMPAC PACKAGING VIETNAM LTD.
A-552-806-004	52.30%	E		BITAHACO
A-552-806-004		M		BITAHACO
A-552-806-005	52.30%	E		CHEN SHENG CO., LTD.
A-552-806-005		M		CHEN SHENG CO., LTD.
A-552-806-006	52.30%	E		CHUNG VA CENTURY MACAO COMMERCIAL OFFSHORE LIMITED
A-552-806-006		M		CHUNG VA (VIETNAM) PLASTIC PACKAGING CO., LTD.
A-552-806-007	52.30%	E		HANOI 27-7 PACKAGING COMPANY LIMITED (AKA NAMES SEE PARA. 5 IN MSG BODY)
A-552-806-007		M		HANOI 27-7 PACKAGING COMPANY LIMITED

Case #	Rate	Party Indicator*	Party ID	Party Name
A-552-806-008	52.30%	E		KONG WAI POLYBAG PRINTING COMPANY
A-552-806-008		M		HOI HUNG COMPANY LIMITED
A-552-806-009	52.30%	E		KINSPLASTIC VIETNAM LTD. CO.
A-552-806-009		M		KINSPLASTIC VIETNAM LTD. CO.
A-552-806-010	52.30%	E		LOC CUONG TRADING PRODUCING COMPANY
A-552-806-010		M		LOC CUONG TRADING PRODUCING COMPANY
A-552-806-011	52.30%	E		ONTRUE PLASTICS CO., LTD. (VIETNAM)
A-552-806-011		M		ONTRUE PLASTICS CO., LTD. (VIETNAM)
A-552-806-012	52.30%	E		RICHWAY PLASTICS VIETNAM CO., LTD.
A-552-806-012		M		RICHWAY PLASTICS VIETNAM CO., LTD.
A-552-806-013	52.30%	E		RKW LOTUS LIMITED
A-552-806-013		M		RKW LOTUS LIMITED
A-552-806-014	52.30%	E		VINAPACKINK CO., LTD.
A-552-806-014		M		VINAPACKINK CO., LTD.
A-552-806-015	52.30%	E		KS INTERNATIONAL POLYBAGS MFG., LTD.
A-552-806-015		M		VN KS INTERNATIONAL POLYBAGS JOINT STOCK COMPANY

Case #	Rate	Party Indicator*	Party ID	Party Name
A-552-806-016	52.30%	E		VN PLASTIC INDUSTRIES CO. LTD.
A-552-806-016		M		VN PLASTIC INDUSTRIES CO. LTD.