

FACT SHEET

Preliminary Determination in the Scope and Circumvention Inquiries on The Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam

On February 16, 2006, the Department of Commerce announced its preliminary determination in the scope and circumvention inquiries of the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam (Vietnam). The Department has preliminarily determined that, as adverse facts available under section 776(b) of the Trade Act of 1930, as amended, frozen fish fillets produced by two Cambodian companies, Lian Heng Trading Co. Ltd. (Lian Heng Trading) and Lian Heng Investment Co. Ltd. (Lian Heng Investment) (collectively, Lian Heng), are made from Vietnamese-origin fish and, therefore, circumventing the antidumping duty order on frozen fish fillets from Vietnam. The Department is applying adverse facts available because Lian Heng refused to allow the Department to verify the accuracy of the information submitted by Lian Heng. The Department has also terminated the circumvention inquiry with respect to L.S.H. (Cambodia) Pte. Ltd. (L.S.H.), and Sun Wah Fisheries Co. Ltd. (Sun Wah), and has preliminarily rescinded the concurrently initiated scope inquiry.

Next Steps: The Department has notified the U.S. International Trade Commission (ITC) of this preliminary determination. The ITC may request consultations with the Department and may also provide written advice on this matter. Interested parties may request a hearing within ten days of publication of the preliminary determination, and will have the opportunity to file comments with the Department no later than 20 days after the publication of the preliminary determination. The Department will issue its final determination no later than Monday, April 17, 2006.

In accordance with its preliminary affirmative circumvention determination for Lian Heng, the Department will require suspension of liquidation and a cash deposit at the Vietnam-wide rate of 63.88 percent for all merchandise entered, but not yet liquidated, by Lian Heng between October 22, 2004, and July 15, 2005. For all entries of frozen fish fillets produced by Lian Heng on or after July 16, 2005, CBP will allow Lian Heng to submit a certificate stating that no Vietnamese-origin fish was used in the production of the frozen fish fillets. Any entries of frozen fish fillets not accompanied by this certification will be subject to antidumping duty cash deposits at the Vietnam-wide rate of 63.88 percent.

Interested Parties: Piazza Seafood World LLC filed the request for the scope inquiry on May 12, 2004. The Catfish Farmers of America filed the request for the circumvention inquiry on August 20, 2004.

Product Description: The product covered by this order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include 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 include 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 code 0304.20.60.33 (Frozen Fish Fillets of the species Pangasius including basa and tra) of the Harmonized Tariff Schedule of the United States (HTSUS). This order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Import Statistics:

Vietnam	2003	2004	2005
Quantity (lbs.)	70,485	2,743,500	2,201,031
Value (USD)	\$108,985	\$4,265,584	\$2,982,973

*Estimated Customs value, in USD, and quantity, in pounds, of imports from Cambodia.

**Source: ITC DataWeb. The subject merchandise falls under “basket” categories of multiple HTS numbers, and therefore data for the exact import quantities and values are unavailable.