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Sunset Reviews
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July 6, 2015

MEMORANDUM TO: Paul Piquado
 Assistant Secretary
 for Enforcement and Compliance

FROM: Christian Marsh 
 Deputy Assistant Secretary
 for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Sunset
 Reviews of the Antidumping Duty Orders on Polyethylene Retail
 Carrier Bags from Indonesia, Malaysia, the People's Republic of
 China, Taiwan, Thailand, and the Socialist Republic of Vietnam

Summary

We have analyzed the substantive responses of the domestic interested party¹ in the sunset reviews of the antidumping duty (AD) orders on polyethylene retail carrier bags (PRCBs) from Indonesia, Malaysia, the People's Republic of China (PRC), Taiwan, Thailand, and the Socialist Republic of Vietnam (Vietnam). We received no substantive response from any respondent interested party. Accordingly, we conducted an expedited (120-day) sunset review. We recommend that you approve the positions developed in the "Discussion of the Issues" section of

¹ The Polyethylene Retail Carrier Bag Committee (domestic interested party, or the petitioner), which is comprised of five domestic producers of PRCBs: Hilex Poly Co., LLC, Superbag Corporation, Unistar Plastics, LLC, Command Packaging, and Roplast Industries, Inc. See letters from domestic interested party: "Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From Indonesia: Domestic Industry's Substantive Response" (May 1, 2015) (Indonesia Substantive Response); 2) "Second Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From Malaysia: Domestic Industry's Substantive Response" (May 1, 2015) (Malaysia Substantive Response); 3) "Second Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From The People's Republic Of China: Domestic Industry's Substantive Response" (May 1, 2015) (PRC Substantive Response); 4) "Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From Taiwan: Domestic Industry's Substantive Response" (May 1, 2015) (Taiwan Substantive Response); 5) "Second Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From Thailand: Domestic Industry's Substantive Response" (May 1, 2015) (Thailand Substantive Response); and 6) "Five-Year ('Sunset') Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags From The Socialist Republic Of Vietnam: Domestic Industry's Substantive Response" (May 1, 2015) (Vietnam Substantive Response).

this memorandum. Below is the complete list of the issues in these sunset reviews for which we received substantive responses:

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the margin likely to prevail

Scope of the Orders

The merchandise covered in the sunset reviews of the AD orders on PRCBs from Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam is PRCBs, which 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 (0.00889 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 order 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.

As a result of changes to the Harmonized Tariff Schedule of the United States (HTSUS), imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the HTSUS. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

History of the Orders

Indonesia

On April 1, 2010, the Department of Commerce (the Department) published the final determination of sales at less than fair value on PRCBs from Indonesia.² In the final determination, the Department found AD margins as follows:

² See *Polyethylene Retail Carrier Bags From Indonesia: Final Determination of Sales at Less Than Fair Value*, 75 FR 16431 (April 1, 2010) (*Indonesia LTFV Final*).

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ³
P.T. Sido Bangun Indonesia	85.17
P.T. Super Exim Sari Ltd. and P.T. Super Makmur	69.64
All Others	69.64

Following the publication of the Department's final determination, the U.S. International Trade Commission (ITC) found that the U.S. industry was materially injured by reason of the imports of subject merchandise.⁴ On May 4, 2010, the Department published the AD order on PRCBs from Indonesia.⁵

Malaysia

On June 18, 2004, the Department published the final determination of sales at less than fair value on PRCBs from Malaysia.⁶ In the final determination, the Department found AD margins as follows:

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ⁷
Bee Lian Plastic Industries Sdn. Bhd. (excluded)	0.91
Teong Chuan Plastic and Timber Sdn. Bhd.	101.74
Brandpak Industries Sdn. Bhd.	101.74
Gants Pac Industries	101.74
Sido Bangun Sdn. Bhd.	101.74
Zhin Hin/Chin Hin Plastic Manufacturer Sdn. Bhd.	101.74
All Others	84.94

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise.⁸ On January 28, 2004, the Department published the AD order on PRCBs from Malaysia.⁹

³ *Id.*

⁴ See *Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam*, Investigation Nos. 701-TA-462 and 731-TA-1156-1158 (Final), USITC Publication 4144 (April 2010) (*Second ITC Determination*).

⁵ See *Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010).

⁶ See *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 34128 (June 18, 2004) (*Malaysia LTFV Final*).

⁷ *Id.*

⁸ See *Polyethylene Retail Carrier Bags from PRC, Malaysia, and Thailand*, Invs. 731-TA-1043-1045, Publication No. 3710 (August 2004); *Polyethylene Retail Carrier Bags from PRC, Malaysia, and Thailand*, 69 FR 47957 (August 6, 2004) (collectively, *First ITC Determinations*).

⁹ See *Antidumping Duty Order: Polyethylene Retail Carrier Bags From Malaysia*, 69 FR 48203 (August 9, 2004).

PRC

On June 18, 2004, the Department published the final determination of sales at less than fair value on PRCBs from the PRC.¹⁰ On July 15, 2004, the Department published its amended final determination in response to the petitioner's allegations of ministerial errors in the calculations of dumping margins.¹¹ In the final determination, as amended, the Department found AD margins as follows:

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ¹²
Hang Lung Plastic Manufactory, Ltd. (excluded)	0.24
Dongguan Huang Jiang United Wah Plastic Bag Factory (also known as Dongguan Nozawa Plastics Ltd. and United Power Packaging, Ltd.)	23.22
Nantong Huasheng Plastic Products Co., Ltd. (excluded)	0.01
Rally Plastics Company, Ltd.	23.85
Shanghai Glopac Packing Company, Ltd., and Sea Lake Polyethylene Enterprise, Ltd.	19.79
Xiamen Ming Pak Plastics Company, Ltd.	35.58
Zhongshan Dongfeng Hung Wai Plastic Bag Manufactory	41.28
Beijing Lianbin Plastics and Printing Company, Ltd.	25.69
Dongguan Maruman Plastic Packaging Co., Ltd. (formerly Dongguan Zhongqiao Combine Plastic bag factory)	25.69
Good-in Holdings, Ltd.	25.69
Guangdong Esquel Packaging Co., Ltd.	25.69
Nan Sing Plastics, Ltd.	25.69
Ningbo Fanrong Plastics Products Co., Ltd.	25.69
Ningbo Huansen Plastics Co., Ltd.	25.69
Rain Continent Shanghai Company, Ltd.	25.69
Shanghai Dazhi Enterprise Development Company, Ltd.	25.69
Shanghai Fangsheng Coloured Packaging Company, Ltd.	25.69
Shanghai Jingtai Packaging Material Company, Ltd.	25.69
Shanghai Light Industrial Products Import and Export Corporation	25.69
Shanghai Minmetals Development, Ltd.	25.69
Shanghai New Ai Lian Import and Export Company, Ltd.	25.69
Shanghai Overseas International Trading Company, Ltd.	25.69
Shanghai Yafu Plastics Industries Company, Ltd.	25.69
Weihai Weiquan Plastic and Rubber Products Company, Ltd.	25.69
Xiamen Xingyatai Industry Company, Ltd.	25.69
Xinhui Henglong	25.69
PRC-wide Rate	77.57

¹⁰ See Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from the People's Republic of China, 69 FR 34125 (June 18, 2004) (PRC LTFV Final).

¹¹ See Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From the People's Republic of China, 69 FR 42419 (July 15, 2004).

¹² *Id.*

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise.¹³ On January 28, 2004, the Department published the AD order on PRCBs from the PRC.¹⁴

Taiwan

On March 26, 2010, the Department published the final determination of sales at less than fair value on PRCBs from Taiwan.¹⁵ In the final determination, the Department found the AD margins as follows:

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ¹⁶
Ipsido Corporation	95.81
TCI Plastic Co., Ltd.	36.54
All Others	36.54

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise.¹⁷ On May 4, 2010, the Department published the AD order on PRCBs from Taiwan.¹⁸

Thailand

On June 18, 2004, the Department published the final determination of sales at less than fair value on PRCBs from Thailand.¹⁹ On July 15, 2004, the Department published its amended final determination in response to the petitioner's allegations of ministerial errors in the calculations of dumping margins.²⁰ In the final determination, as amended, the Department found the AD margins as follows:

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ²¹
Thai Plastic Bags Industries Co., Ltd.	2.26
Universal Polybags Co. Ltd./Advance Polybags Inc./ Alpine Plastics Inc./API Enterprises Inc.	5.35

¹³ See *First ITC Determinations*.

¹⁴ See *Antidumping Duty Order: Polyethylene Retail Carrier Bags From the People's Republic of China*, 69 FR 48201 (August 9, 2004).

¹⁵ See *Polyethylene Retail Carrier Bags from Taiwan: Final Determination of Sales at Less Than Fair Value*, 75 FR 14569 (March 26, 2010) (*Taiwan LTFV Final*).

¹⁶ *Id.*

¹⁷ See *Second ITC Determination*.

¹⁸ See *Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010).

¹⁹ See *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from Thailand*, 69 FR 34122 (June 18, 2004) (*Thailand LTFV Final*).

²⁰ See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From Thailand*, 69 FR 42419 (July 15, 2004).

²¹ *Id.*

TRC Polypack	122.88
Champion Paper Polybags Ltd.	122.88
Zip-Pac Co., Ltd.	122.88
All Others	2.80

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise.²² On January 28, 2004, the Department published the AD order on PRCBs from Thailand.²³

On August 12, 2010, the Department published the results of a section 129 proceeding concerning the AD order on PRCBs from Thailand.²⁴ As a result of this proceeding, the Department found the AD margins as follows:

<u>Company</u>	<u>Weighted-Average Margin (Percent)</u> ²⁵
Thai Plastic Bags Industries Co., Ltd.	0.00 ²⁶
Universal Polybags Co. Ltd./Advance Polybags Inc./ Alpine Plastics Inc./API Enterprises Inc.	4.69
TRC Polypack	122.88
Champion Paper Polybags Ltd.	122.88
Zip-Pac Co., Ltd.	122.88
All Others	4.69

Vietnam

On April 1, 2010, the Department published the final determination of sales at less than fair value on PRCBs from Vietnam.²⁷ In the final determination, the Department found the AD margins as follows:

²² See *First ITC Determinations*.

²³ See *Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010).

²⁴ See *Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand*, 75 FR 48940 (August 12, 2010) (*Thailand 129 Proceeding*). As a result of this proceeding, we revoked Thai Plastic Bags Industries Co., Ltd., from the order.

²⁵ *Id.*

²⁶ Because the recalculated margin for Thai Plastic Bags Industries Co., Ltd., was zero, the Department revoked the order with respect to this company effective July 28, 2010. *Id.*

²⁷ See *Polyethylene Retail Carrier Bags From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value*, 75 FR 16434 (April 1, 2010) (*Vietnam LTFV Final*).

<u>Manufacturer</u>	<u>Exporter</u>	<u>Weighted-Average Margin (Percent)</u> ²⁸
Alpha Plastics (Vietnam) Co.,Ltd.	Alpha Plastics (Vietnam) Co., Ltd.	52.30
Alta Company	Alta Company	52.30
Ampac Packaging Vietnam Ltd.	Ampac Packaging Vietnam Ltd.	52.30
BITAHACO	BITAHACO	52.30
Chin Sheng Co., Ltd.	Chin Sheng Co., Ltd.	52.30
Chung Va (Vietnam) Plastic Packaging Co., Ltd.	Chung Va Century Macao Commercial Offshore Limited	52.30
Hanoi 27-7 Packaging Company Limited, aka Hanoi 27-7 Packing Company Limited, aka HAPACK Co. Ltd, aka HAPACK	Hanoi 27-7 Packaging Company Limited, aka Hanoi 27-7 Packing Company Limited, aka HAPACK Co. Ltd, aka HAPACK	52.30
Hoi Hung Company Limited	Kong Wai Polybag Printing Company	52.30
Kinsplastic Vietnam Ltd. Co.	Kinsplastic Vietnam Ltd. Co.	52.30
Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Company, aka Loc Cuong Trading Producing Co. Ltd.	Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Company, aka Loc Cuong Trading Producing Co. Ltd.	52.30
Ontrue Plastics Co., Ltd. (Vietnam)	Ontrue Plastics Co., Ltd. (Vietnam)	52.30
Richway Plastics Vietnam Co., Ltd.	Richway Plastics Vietnam Co., Ltd.	52.30
RKW Lotus Limited Co., Ltd., aka RKW Lotus Limited, aka RKW Lotus Ltd.	RKW Lotus Limited Co., Ltd., aka RKW Lotus Limited, aka RKW Lotus Ltd.	52.30
VINAPACKINK Co., Ltd.	VINAPACKINK Co., Ltd.	52.30
VN K's International Polybags Joint Stock Company	K's International Polybags MFG Ltd.	52.30
VN Plastic Industries Co. Ltd Vietnam-Wide Entity	VN Plastic Industries Co. Ltd.	52.30
		76.11

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise.²⁹ On May 4, 2010, the Department published the AD order on PRCBs from Vietnam.³⁰

²⁸ *Id.* In the initiation notice, the Department stated that it would calculate combination rates for respondents that are eligible for a separate rate in this investigation. See *Polyethylene Retail Carrier Bags From Indonesia, Taiwan, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 74 FR 19049 (April 27, 2009). This practice is described in *Separate Rates and Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries*, 70 FR 17233 (April 5, 2005).

²⁹ See *Second ITC Determination*.

Administrative Reviews

Indonesia, Taiwan, and Vietnam

Since the publication of the AD orders, the Department has conducted no administrative reviews of the AD orders on PRCBs from Indonesia, Taiwan, or Vietnam.

PRC

Since the publication of the AD order, the Department has completed four administrative reviews of the AD order on PRCBs from the PRC.³¹ In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from the PRC with the order in place.

Malaysia

Since the publication of the AD order, the Department has completed three administrative reviews of the AD order on PRCBs from Malaysia.³² In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from Malaysia with the order in place.

³⁰ See *Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010).

³¹ See *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 72 FR 12762 (March 19, 2007), amended in *Polyethylene Retail Carrier Bags from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 72 FR 26336 (May 9, 2007) (*PRC 2004-2005 Final Results*); *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 73 FR 14216 (March 17, 2008) (*PRC 2005-2006 Final Results*); *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 6857 (February 11, 2009) (*PRC 2006-2007 Final Results*); *Polyethylene Retail Carrier Bags From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 63718 (December 4, 2009) (*PRC 2007-2008 Final Results*). In addition, we initiated reviews of the August 1, 2008, through July 31, 2009, period, the August 1, 2009, through July 31, 2010, period, the August 1, 2010, through July 31, 2011, period, and the August 1, 2011, through July 31, 2012, period, but all requests for review were withdrawn and we rescinded these reviews in their entirety. See *Polyethylene Retail Carrier Bags From the People's Republic of China: Rescission of Antidumping Duty Administrative Review*, 74 FR 68253 (December 23, 2009); *Polyethylene Retail Carrier Bags From the People's Republic of China: Rescission of Antidumping Duty Administrative Review*, 76 FR 11203 (March 1, 2011); *Polyethylene Retail Carrier Bags From the People's Republic of China: Rescission of Antidumping Duty Administrative Review*, 77 FR 2959 (January 20, 2012); *Polyethylene Retail Carrier Bags From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 88 (January 2, 2013).

³² See *Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Duty Administrative Review*, 72 FR 44825 (August 9, 2007) (*Malaysia 2005-2006 Final Results*), *Polyethylene Retail Carrier Bags From Malaysia: Final Results of Antidumping Duty Administrative Review*, 74 FR 58947 (November 16, 2009) (*Malaysia 2007-2008 Final Results*); *Polyethylene Retail Carrier Bags From Malaysia: Final Results of Antidumping Duty Administrative Review*, 75 FR 61128 (October 4, 2010) (*Malaysia 2008-2009 Final Results*).

Thailand

Since the publication of the AD order, the Department has completed eight administrative reviews of the AD order on PRCBs from Thailand.³³ Currently, the Department is in the process of conducting the administrative review for the period August 1, 2013, through July 31, 2014.³⁴ In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from Thailand with the order in place.

Deposit rates remain in effect for imports of subject merchandise from the Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam.

Duty-Absorption Findings, Changed-Circumstances Reviews, Section 129 Proceedings, Scope Inquiries, Anticircumvention Inquiries

Indonesia and Vietnam

There have been no duty-absorption findings, changed-circumstances reviews, proceedings conducted pursuant to section 129 of the Uruguay Round Agreements Act (section 129 proceedings), scope inquiries, or anticircumvention inquiries concerning the AD orders on PRCBs from Indonesia and Vietnam.

Malaysia

Since the publication of the AD order, the Department has made no duty-absorption determinations, changed-circumstances reviews, section 129 proceedings, or anticircumvention inquiries concerning PRCBs from Malaysia.

There have been numerous scope rulings with respect to PRCBs from Malaysia:

³³ See *Polyethylene Retail Carrier Bags from Thailand: Final Results of Antidumping Duty Administrative Review*, 72 FR 1982 (January 17, 2007) (*Thailand 2004-2005 Final Results*); *Polyethylene Retail Carrier Bags from Thailand: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 64580 (November 16, 2007) (*Thailand 2005-2006 Final Results*); *Polyethylene Retail Carrier Bags from Thailand: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 2511 (January 15, 2009) (*Thailand 2006-2007 Final Results*); *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*, 74 FR 65751 (December 11, 2009) (*Thailand 2007-2008 Final Results*); *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*, 76 FR 12700 (March 8, 2011) (*Thailand 2008-2009 Final Results*); *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*, 76 FR 59999 (September 28, 2011) (*Thailand 2009-2010 Final Results*); *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*; 2011-2012, 78 FR 50376 (August 19, 2013) (*Thailand 2011-2012 Final Results*); *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*; 2012-2013, 79 FR 51953 (September 2, 2014) (*Thailand 2012-2013 Final Results*). In addition, we initiated reviews of the August 1, 2010, through July 31, 2011, period, but all requests for review were withdrawn and we rescinded this review in its entirety. See *Polyethylene Retail Carrier Bags From Thailand: Rescission of Antidumping Duty Administrative Review*, 77 FR 25684 (May 1, 2012).

³⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 79 FR 58729 (September 30, 2014).

- May 9, 2005 – Polyethylene sample bags are covered by the order.³⁵
- September 29, 2005 – Bags with molded handles and a snapping closure are covered by the order.³⁶
- November 15, 2007 – Certain hospital belongings bags are covered by the order.³⁷
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order.³⁸
- May 8, 2008 – Six of the hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not.³⁹

PRC

Since the publication of the AD order, the Department made one affirmative duty-absorption determination concerning PRCBs from the PRC with respect to Dongguan Nozawa Plastics Ltd. and United Power Packaging, Ltd. (collectively, Nozawa)⁴⁰ on all U.S. sales made through its affiliated importers in the 2005-2006 Review.⁴¹

There have been no changed-circumstances reviews or section 129 proceedings concerning the AD order on PRCBs from the PRC.

There have been numerous scope rulings with respect to PRCBs from the PRC:

- May 9, 2005 – Polyethylene sample bags are covered by the order.⁴²
- September 29, 2005 – Bags with molded handles and a snapping closure are covered by the order.⁴³
- June 5, 2006 – Thirty-five of 58 plastic bags from Consolidated Packaging LLP are not covered by the order.⁴⁴
- October 2, 2006 – Twenty-three plastic bags imported by Consolidated Packaging LLP are not covered by the order.⁴⁵
- November 15, 2007 – Certain hospital patient-belongings bags are not covered by the order.⁴⁶
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order.⁴⁷

³⁵ See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

³⁶ See *Notice of Scope Rulings*, 70 FR 70785 (November 23, 2005).

³⁷ See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).

³⁸ See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).

³⁹ See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

⁴⁰ While known as Dongguan Huang Jiang United Wah Plastic Bag Factory, subsequent reviews indicate that the firm and its affiliates are also known by the following names: Dongguan Nozawa Plastics, Dongguan Nozawa Plastic Co., Ltd., Dong Guan (Dong Wan) Nozawa Plastic Co., Ltd., Dongguan Nozawa Plastic Products Co., Ltd., United Power Packaging, and United Power Packaging Limited. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 56631, 56633 (September 28, 2005), unchanged in PRC 2004-2005 Final Results.

⁴¹ See *PRC 2005-2006 Final Results*.

⁴² See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

⁴³ See *Notice of Scope Rulings*, 70 FR 70785 (November 23, 2005).

⁴⁴ See *Notice of Scope Rulings*, 71 FR 42807 (July 28, 2006).

⁴⁵ See *Notice of Scope Rulings*, 72 FR 5677 (February 7, 2007).

⁴⁶ See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).

- May 8, 2008 – Six of the hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not.⁴⁸
- July 3, 2008 – Sealable polyethylene plastic bag is not covered by the order.⁴⁹
- July 14, 2008 – A certain polyethylene bag is covered by the order.⁵⁰
- September 2, 2008 – Against All Odds Tee and Jacket Bags are covered by the order.⁵¹
- October 2, 2008 – A certain promotional bag is covered by the order.⁵²
- November 19, 2008 – Certain gift bags are not covered by the order.⁵³
- January 8, 2009 – Certain MABIS Healthcare hospital bags are not covered by the order.⁵⁴
- July 7, 2009 – Certain gift bags are not covered by the order.⁵⁵
- July 17, 2009 – Certain bags designed for hospital use are not covered by the order.⁵⁶
- July 6, 2012 – Certain ice bags are not covered by the order.⁵⁷
- October 5, 2012 – Certain valet laundry bags are not covered by the order.⁵⁸

There has been one anticircumvention inquiry concerning the AD order on PRCBs from the PRC.⁵⁹

Taiwan

There have been no duty-absorption findings, changed-circumstances reviews, or section 129 proceedings concerning the AD orders on PRCBs from Taiwan.

There have been two scope rulings with respect to PRCBs from Taiwan:

- July 16, 2012 – Certain specialty patient bags are covered by the order.⁶⁰
- November 19, 2012 – model Item TSHP bags are covered by the order.⁶¹

There has been one anticircumvention inquiry concerning the AD order on PRCBs from Taiwan.⁶²

⁴⁷ See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).

⁴⁸ See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

⁴⁹ See *Notice of Scope Rulings*, 73 FR 72771 (December 1, 2008).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² See *Notice of Scope Rulings*, 74 FR 14521 (March 31, 2009).

⁵³ *Id.*

⁵⁴ See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).

⁵⁵ See *Notice of Scope Rulings*, 75 FR 14138 (March 24, 2010).

⁵⁶ See *Notice of Scope Rulings*, 75 FR 14138 (March 24, 2010).

⁵⁷ See *Notice of Scope Rulings*, 78 FR 9370 (February 8, 2013).

⁵⁸ See *Notice of Scope Rulings*, 78 FR 32372 (May 30, 2013).

⁵⁹ See *Polyethylene Retail Carrier Bags From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 79 FR 16292 (March 25, 2014).

⁶⁰ See *Notice of Scope Rulings*, 78 FR 9370 (February 8, 2013).

⁶¹ See *Notice of Scope Rulings*, 78 FR 32372 (May 30, 2013).

⁶² See *Polyethylene Retail Carrier Bags From Taiwan: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 79 FR 61056 (October 9, 2014).

Thailand

Since the publication of the AD order, the Department has made an affirmative duty-absorption determination concerning PRCBs from Thailand with respect to UPC/API on all U.S. sales in the 2005-2006 review and with respect to Master Packaging on all U.S. sales in the 2007-2008 review.⁶³

There have been no changed-circumstances reviews or anticircumvention inquiries concerning the AD order on PRCBs from Thailand.

There have been numerous scope rulings with respect to PRCBs from Thailand:

- May 9, 2005 – Polyethylene sample bags are covered by the order.⁶⁴
- November 15, 2007 – Certain hospital belongings bags are not covered by the order.⁶⁵
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order.⁶⁶
- May 8, 2008 – Six hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not.⁶⁷

As noted above, there has been a section 129 proceeding concerning the AD order on PRCBs from Thailand.

Sunset Reviews

2009 Sunset Review

On October 19, 2009, the Department published the notice of the final results of the sunset review of the AD orders on PRCBs from Malaysia, the PRC, and Thailand in which it determined that the revocation of the AD orders on PRCBs from these countries would be likely to lead to the continuation or recurrence of dumping.⁶⁸ On June 28, 2010, the ITC published its determination that the revocation of the AD orders on PRCBs from these countries would be likely to lead to continuation or recurrence of material injury to a U.S. industry within a reasonably foreseeable time.⁶⁹ Based on these results, the Department published a notice of continuation of the AD orders on PRCBs from these countries on July 7, 2010.⁷⁰

⁶³ See *Thailand 2005-2006 Final Results* and *Thailand 2007-2008 Final Results*, respectively.

⁶⁴ See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

⁶⁵ See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).

⁶⁶ See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).

⁶⁷ See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

⁶⁸ See *Polyethylene Retail Carrier Bags From the People's Republic of China, Thailand, and Malaysia: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 74 FR 53470 (October 19, 2009) (*Sunset Review 2009*) and the accompanying Issues and Decision Memorandum (I&D Memo).

⁶⁹ See *Polyethylene Retail Carrier Bags From China, Malaysia, and Thailand; Determinations*, Investigation Nos. 731-TA-1043-1045 (Review), 75 FR 36679 (June 28, 2010).

⁷⁰ See *Polyethylene Retail Carrier Bags From the People's Republic of China, Malaysia, and Thailand: Continuation of Antidumping Duty Orders*, 75 FR 38978 (July 7, 2010).

Current Sunset Reviews

On April 1, 2015, the Department published the notice of initiation of the sunset reviews of the AD orders on PRCBs from Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).⁷¹

On April 16, 2015, the Department received notices of intent to participate in these sunset reviews from the domestic interested party within the 15-day period specified in 19 CFR 351.218(d)(1)(i).⁷² The domestic interested party claimed interested-party status under section 771(9)(C) of the Act as producers of a domestic like product in the United States.⁷³

On May 1, 2015, the Department received complete substantive responses to the *Notice of Initiation* from the domestic interested party within the 30-day period specified in 19 CFR 351.218(d)(3)(i).⁷⁴ The Department received no substantive responses from respondent interested parties. As a result, in accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting expedited (120-day) sunset reviews of the AD orders on PRCBs from Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam.

Discussion of the Issues

Legal Framework

In accordance with section 751(c)(1) of the Act, the Department is conducting this sunset review to determine whether revocation of the AD orders would be likely to lead to continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the period before, and the period after, the issuance of the AD orders.

As explained in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act (URAA), the Department normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping when: (a) dumping continued at any level above *de minimis* after issuance of the order; (b) imports of the subject merchandise ceased after issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly. Alternatively, the Department normally will determine that revocation of an AD order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.⁷⁵ In addition, as a base period for import volume comparison to the sunset review period, it is the Department's practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-

⁷¹ See *Initiation of Five-year ("Sunset") Review*, 80 FR 17388 (April 1, 2015) (*Notice of Initiation*).

⁷² See Notices of Intent to Participate in Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam Sunset Reviews (April 16, 2015).

⁷³ See, e.g., Notice of Intent to Participate in Indonesia Sunset Review at 2 (April 16, 2015).

⁷⁴ See Domestic Industry's Substantive Responses in Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam Sunset Reviews (May 1, 2015).

⁷⁵ See SAA, H.R. Rep. No. 103-316, Vol. 1 (1994), at 889-90.

order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew comparison.⁷⁶

Further, section 752(c)(3) of the Act states that the Department shall provide to the ITC the magnitude of the margin of dumping likely to prevail if the order were revoked. Generally, the Department selects the margin(s) from the final determination in the original investigation, as this is the only calculated rate that reflects the behavior of exporters without the discipline of an order in place.⁷⁷ However, the Department may use a rate from a more recent review where the dumping margin increased, as this rate may be more representative of a company's behavior in the absence of an order (*e.g.*, where a company increases dumping to maintain or increase market share with an order in place).⁷⁸ Finally, pursuant to section 752(c)(4)(A) of the Act, a dumping margin of “zero or *de minimis* shall not by itself require” the Department to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at LTFV.⁷⁹

In the *Final Modification for Reviews*, the Department announced that it was modifying its practice in sunset reviews, such that it will not rely on weighted-average dumping margins that were calculated using the methodology determined by the Appellate Body to be World Trade Organization (WTO)-inconsistent.⁸⁰ The Department also noted that “*only in the most extraordinary circumstances* will the Department rely on margins other than those calculated and published in prior determinations.”⁸¹ The Department further noted that it does not anticipate that it will need to recalculate the dumping margins in sunset determinations to avoid WTO inconsistency, apart from in the “most extraordinary circumstances” provided for in its regulations.⁸² The Department further stated that apart from the “most extraordinary circumstances,” it would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to section 129 proceedings, dumping margins determined based on the use of total adverse facts available (AFA), and dumping margins where no offsets were denied because all comparison results were positive.”⁸³

⁷⁶ See, *e.g.*, *Small Diameter Graphite Electrodes From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 79 FR 26208 (May 7, 2014) (*SDGE from PRC*) and the accompanying I&D Memo at 8; *Stainless Steel Bar from Germany: Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007) (*Stainless Steel Bar*), and the accompanying I&D Memo at Comment 1.

⁷⁷ See SAA at 890. See, *e.g.*, *Persulfates from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and the accompanying I&D Memo at Comment 2.

⁷⁸ See SAA at 890-91.

⁷⁹ *Id.* at 890; see also *Folding Gift Boxes from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007) (*Folding Gift Boxes*) and the accompanying I&D Memo at Comment 1.

⁸⁰ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

⁸¹ *Id.* (emphasis added)

⁸² *Id.*

⁸³ *Id.*

1. Likelihood of Continuation or Recurrence of Dumping

Interested Party Comments

The domestic interested party argues that the revocation of the AD orders on PRCBs from Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam would likely lead to a continuation or recurrence of dumping by the producers and exporters of the subject merchandise.⁸⁴

Citing the *Sunset Policy Bulletin*,⁸⁵ the domestic interested party argues that the Department normally will determine that revocation of an antidumping order or termination of a suspended dumping investigation is likely to lead to continuation or recurrence of dumping where: (a) dumping continued at any level above *de minimis* after the issuance of the order or the suspension agreement, as applicable; (b) imports of the subject merchandise ceased after issuance of the order or the suspension agreement, as applicable; or (c) dumping was eliminated after the issuance of the order or the suspension agreement, as applicable, and import volumes for the subject merchandise declined significantly.⁸⁶

The domestic interested party contends that an affirmative determination of continuation or recurrence is warranted because dumping continued at above *de minimis* rates after the issuance of the orders with respect to Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam.⁸⁷ Alternatively, the domestic interested party argues, an affirmative determination of continuation or recurrence is warranted with respect to Indonesia, Taiwan, and Vietnam because imports from these countries declined precipitously following issuance of their respective orders.⁸⁸

Department's Position:

As discussed above, drawing on the guidance provided in the legislative history accompanying the URAA,⁸⁹ the Department normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping where: (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.⁹⁰ In addition, pursuant to section 752(c)(1)(B) of the Act and in accordance with the Department's practice, in order to determine

⁸⁴ See Indonesia substantive response at 5-6; Malaysia substantive response at 6; PRC substantive response at 5-6; Taiwan substantive response at 5; Thailand substantive response at 5-6; and Vietnam substantive response at 5.

⁸⁵ See *Policies Regarding The Conduct Of Five-Year ("Sunset") Reviews Of Antidumping And Countervailing Duty Orders; Policy Bulletin 98.3*, 63 FR 18871 (April 16, 1998) (*Sunset Policy Bulletin*).

⁸⁶ See Indonesia substantive response at 5; Malaysia substantive response at 6; PRC substantive response at 5-6; Taiwan substantive response at 5; Thailand substantive response at 5-6; and Vietnam substantive response at 5.

⁸⁷ See Indonesia substantive response at 6; Malaysia substantive response at 6-7; PRC substantive response at 6-8; Taiwan substantive response at 6; Thailand substantive response at 6-8; and Vietnam substantive response at 6.

⁸⁸ See Indonesia substantive response at 7; Taiwan substantive response at 7; and Vietnam substantive response at 7.

⁸⁹ See, e.g., SAA at 889.

⁹⁰ *Id.* at 889-890. See also *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 5819 (February 2, 2009), and the accompanying I&D Memo at 3, and *Folding Gift Boxes*, 72 FR 16765, and the accompanying I&D Memo at 5.

whether revocation of an AD order would be likely to lead to continuation of dumping, the Department considers the volume of imports of the subject merchandise for the one-year period immediately preceding the initiation of the investigation as a base period for comparison to the sunset review period.⁹¹

Pursuant to section 752(c)(1)(A) of the Act, the Department considered the weighted-average dumping margins determined in the respective investigations. In the reviews for Indonesia, Taiwan, and Vietnam, we examined import volumes in 2008 (the year prior to those investigations) as compared to import volumes during this sunset review period (*i.e.*, 2010-2014). As discussed below, the Department examined import volume data submitted by the domestic interested party. Furthermore, where necessary, the Department examined the weighted-average dumping margins in effect to determine whether dumping continued at above *de minimis* levels during this sunset period. As noted above, in accordance with the *Final Modification for Reviews*, the Department will not rely on weighted-average dumping margins that were calculated using zeroing methodology.

With respect to the reviews for Malaysia, PRC, and Thailand, the base period would have been 2002 (the year prior to those investigations). However, the HTS subheading for subject merchandise did not come into existence until July 2005.⁹² As a result it is not feasible to determine the trend in import volumes from the base period through the sunset review period.

Indonesia

Our review of the available data indicates that imports of the subject merchandise from Indonesia dropped significantly, such that the year with the largest volume of imports during the sunset review period (2010, with 45,323 kilograms (kg) imported) was less than 1.7 percent of the 2008 volume.⁹³

Moreover, there have been no reviews of the Indonesia order, so the above *de minimis* dumping margins established in the investigation are still in effect.⁹⁴ As stated in the *Final Modification for Reviews*, “{i}f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”⁹⁵ Here, the dumping margins established for the respondents were calculated either using the average-to-average methodology or total AFA; thus, all margins were calculated without zeroing.⁹⁶

⁹¹ See *Stainless Steel Bar*, 72 FR 56985 and the accompanying I&D Memo at Comment 1.

⁹² See, e.g., *Polyethylene Retail Carrier Bags from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 72 FR 12762, 12763 (March 19, 2007) at footnote 9.

⁹³ See Indonesia substantive response at Attachment 1. Indonesian PRCBs imports in kg: 2008 – 2,819,569; 2010 – 45,323; 2011 – 10,216; 2012 – 3,080; 2013 – 0; 2014 – 1,790.

⁹⁴ See *Indonesia LTFV Final*, 75 FR at 16433.

⁹⁵ See *Final Modification for Reviews*, 77 FR at 8103.

⁹⁶ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006).

Thus, given the continued existence of dumping margins and the virtual cessation in import volumes since the issuance of the order, the Department determines that dumping would be likely to continue or recur if the Indonesia order were revoked.

Malaysia

As described above, because the HTS subheading for subject merchandise did not come into existence until July 2005, it is not feasible to determine the trend in import volumes from the period before through the period after issuance of the order.

It is the Department's practice to make an affirmative finding in sunset reviews where, pursuant to the SAA, dumping continued after issuance of the order.⁹⁷ The rates we calculated for Teong Chuan Plastic and Timber Sdn. Bhd., Brandpak Industries Sdn. Bhd., Gants Pac Industries, Sido Bangun Sdn. Bhd., and Zhin Hin/Chin Hin Plastic Manufacturer Sdn. Bhd. were based on total AFA and did not involve zeroing.⁹⁸ We have not conducted administrative reviews of any of these companies since the investigation. Moreover, the margin for most recently completed administrative review was also based on total AFA and did not involve zeroing.⁹⁹ Thus, given the continued existence of dumping margins and because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue if the order was revoked.

PRC

As described above, because the HTS subheading for subject merchandise did not come into existence until July 2005, it is not feasible to determine the trend in import volumes from the period before through the period after issuance of the order.

It is the Department's practice to make an affirmative finding in sunset reviews where, pursuant to the SAA at 890, dumping continued after issuance of the order.¹⁰⁰ The rate we calculated for the single PRC-wide entity was based on total AFA and did not involve zeroing.¹⁰¹ We have not conducted any administrative reviews of the single PRC-wide entity since the investigation. Thus, given the continued existence of a dumping margin that did not involve zeroing and

⁹⁷ See SAA at 890; see, e.g., *Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 10239 (March 10, 2009), and the accompanying I&D Memo at Comment 1, and *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and the accompanying I&D Memo at Comment 1.

⁹⁸ See *Malaysia LTFV Final*, 69 FR at 34129. We excluded Bee Lian Plastic Industries Sdn. Bhd. from the order because we calculated a *de minimis* rate for this company. *Id.*

⁹⁹ See *Malaysia 2008-2009 Final Results*, 75 FR at 61129.

¹⁰⁰ See, e.g., *Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 10239 (March 10, 2009), and the accompanying I&D Memo at Comment 1, and *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and the accompanying I&D Memo at Comment 1.

¹⁰¹ See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 3544, 3548-9 (January 26, 2004), unchanged in *PRC LTFV Final*.

because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue if the order was revoked.

Taiwan

Our review of the available data indicates that imports of the subject merchandise from Taiwan dropped significantly, such that the year with the largest volume of imports during the sunset review period (2013, with 79,209 kg imported) was less than 1.8 percent of the 2008 volume.¹⁰²

Moreover, there have been no reviews of the Taiwan order, so the above *de minimis* dumping margins established in the investigation are still in effect.¹⁰³ As stated in the *Final Modification for Reviews*, “[i]f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”¹⁰⁴ Here, the rate we calculated for Ipsido Corporation was based on total AFA and did not involve zeroing.¹⁰⁵

Thus, given the continued existence of a dumping margin without zeroing and the virtual cessation in import volumes since the issuance of the order, as well as the fact that no party argued or submitted any evidence to the contrary, the Department determines that dumping would be likely to continue or recur if the Taiwan order was revoked.

Thailand

As described above, because the HTS subheading for subject merchandise did not come into existence until July 2005, it is not feasible to determine the trend in import volumes from the period before through the period after issuance of the order.

It is the Department’s practice to make an affirmative finding in sunset reviews where, pursuant to the SAA at 890, dumping continued after issuance of the order.¹⁰⁶ The rates we calculated for Champion Paper Polybags Ltd. and TRC Polypack in the investigation were based on total AFA and did not involve zeroing.¹⁰⁷ We have not conducted administrative reviews of either of these companies since the investigation. Moreover, the margins in the most recently completed administrative review were based either on total AFA or on the all-others rate recalculated

¹⁰² See Taiwan substantive response at Attachment 1. Taiwanese PCBs imports in kg: 2008 – 4,575,499; 2010 – 32,207; 2011 – 40,846; 2012 – 61,777; 2013 – 79,209; 2014 – 57,445.

¹⁰³ See *Taiwan LTFV Final*, 75 FR at 14571.

¹⁰⁴ See *Final Modification for Reviews*, 77 FR at 8103.

¹⁰⁵ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006).

¹⁰⁶ See, e.g., *Malleable Cast Iron Pipe Fittings from the People’s Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 10239 (March 10, 2009), and the accompanying I&D Memo at Comment 1, and *Freshwater Crawfish Tail Meat from the People’s Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and the accompanying I&D Memo at Comment 1.

¹⁰⁷ See *Thailand LTFV Final*, 69 FR at 34123-4.

pursuant to *Thailand 129 Proceeding*; none of these margins involved zeroing.¹⁰⁸ Thus, given the continued existence of dumping margins and because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue if the order was revoked.

Vietnam

Our review of the available data indicates that imports of the subject merchandise from Vietnam dropped significantly, such that the year with the largest volume of imports during the sunset review period (2013, with 177,864 kg imported) was less than 2.6 percent of their 2008 volume.¹⁰⁹

Moreover, there have been no reviews of the Vietnam order, so the above *de minimis* dumping margins established in the investigation are still in effect.¹¹⁰ As stated in the *Final Modification for Reviews*, “[i]f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”¹¹¹ Here, the dumping margins established for the respondents were all based on total AFA and did not involve zeroing.¹¹²

Thus, given the continued existence of dumping margins and the virtual cessation in import volumes since the issuance of the order, the Department determines that dumping would be likely to continue or recur if the Vietnam order was revoked.

2. Magnitude of the Margin Likely to Prevail

Interested-Party Comments

For Indonesia, the domestic interested party argues that the Department should find that the likely dumping margins in the event of revocation of the order are those set forth in the AD order.¹¹³ According to the domestic interested party, these dumping margins are WTO-consistent, as they were calculated after the Department eliminated its practice of zeroing in investigations using the average-to-average methodology.¹¹⁴

For Malaysia, the domestic interested party argues that the Department should find that the likely dumping margins in the event of revocation are those set forth in the AD order.¹¹⁵ The domestic

¹⁰⁸ See *Polyethylene Retail Carrier Bags From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 33505 (June 11, 2014) and the accompanying Preliminary Decision Memorandum (unchanged in final; 79 FR 51953, September 2, 2014).

¹⁰⁹ See Vietnam substantive response at Attachment 1. Vietnamese PRCBs imports in kg: 2008 – 7,192,325; 2010 – 155,363; 2011 – 16,118; 2012 – 64,654; 2013 – 177,864; 2014 – 13,493.

¹¹⁰ See *Vietnam LTFV Final*, 75 FR at 16433.

¹¹¹ See *Final Modification for Reviews*, 77 FR at 8103.

¹¹² See *Vietnam LTFV Final*, 75 FR at 16433.

¹¹³ See Indonesia substantive response at 8.

¹¹⁴ *Id.*

¹¹⁵ See Malaysia substantive response at 9.

interested party also contends that, for Euro Plastics, which did not participate in the investigation, the Department should find that its current rate of 101.74 percent (calculated in the *Malaysia 2008-2009 Final Results*), which is higher than the 84.94 percent “all others” rate from the investigation, is the rate likely to prevail.¹¹⁶ According to the domestic interested party, these dumping margins are WTO-consistent, as they were based on AFA using the highest margin alleged in the petition.¹¹⁷

For the PRC, the domestic interested party argues that the original dumping margins represent the best evidence of exporters’ behavior in the absence of an order and that the Department should find that the likely dumping margins in the event of revocation are those set forth in the AD order.¹¹⁸

For Taiwan, the domestic interested party argues that the Department should find that the likely dumping margins in the event of revocation of the order are those set forth in the AD order.¹¹⁹ According to the domestic interested party, these dumping margins are WTO-consistent, as they were calculated after the Department eliminated its practice of zeroing in investigations using the average-to-average methodology.¹²⁰

For Thailand, the domestic interested party argues that the Department should rely on the investigation margins as recalculated, consistent with WTO zeroing rulings, in the Section 129 proceeding.¹²¹ The domestic interested party further argues that, for those exporters that did not participate in the investigation but that received margins in subsequent reviews exceeding the 4.69 percent all others rate, the Department should use the higher, more recently-calculated margins.¹²²

For Vietnam, the domestic interested party argues that the Department should find that the likely dumping margins in the event of revocation of the order are those set forth in the AD order.¹²³ According to the domestic interested party, these dumping margins are WTO-consistent, as they were calculated after the Department eliminated its practice of zeroing in investigations using the average-to-average methodology.¹²⁴

Department’s Position:

Section 752(c)(3) of the Act provides that the administering authority shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if the order were revoked.¹²⁵

¹¹⁶ *Id.*

¹¹⁷ *Id.*, at 10.

¹¹⁸ *See* PRC substantive response at 9.

¹¹⁹ *See* Taiwan substantive response at 8.

¹²⁰ *Id.*

¹²¹ *See* Thailand substantive response at 9-10.

¹²² *Id.*, at 10.

¹²³ *See* Vietnam substantive response at 8.

¹²⁴ *Id.*, at 9.

¹²⁵ *See, e.g., Certain Hot-Rolled Carbon Steel Flat Products from Argentina, the People’s Republic of China, India, Indonesia, Kazakhstan, Romania, South Africa, Taiwan, Thailand, and Ukraine; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 71 FR 70506 (December 5, 2006), and the accompanying I&D Memo at Comment 2.

The Department prefers selecting a margin from the investigation because such rates are the only calculated rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of a finding/order or suspension agreement in place.¹²⁶ Under certain circumstances, however, the Department may select a more recently calculated margin to report to the ITC.¹²⁷ As explained above, in accordance with the *Final Modification for Reviews*, the Department will not rely on weighted-average dumping margins that were calculated using the WTO-inconsistent methodology.¹²⁸

As discussed above, there are AD margins which were established in the LTFV investigations of each of these orders that did not involve zeroing. We find that the AD margins in the LTFV investigations of these orders are probative of the behavior of manufacturers/exporters from these countries if the orders were revoked because these margins are the only margins which reflect the behavior of these manufacturers/exporters absent the discipline of the orders. Furthermore, for the reasons described below, we have determined that each of these margins do not involve zeroing.¹²⁹ Thus, the Department determines that the magnitude of the margin of dumping likely to prevail in the event of revocation of these orders would be weighted-average margins up to the following percentages:

- Indonesia: P.T. Sido Bangun Indonesia – 85.17 percent (Does not involve zeroing because it is an AFA rate based on the highest average-to-average comparison margin we found for this company in the preliminary determination).¹³⁰
- Malaysia: Brandpak Industries Sdn. Bhd. – 101.74 percent (Does not involve zeroing because it is an AFA rate based entirely on the highest margin alleged in the petition).¹³¹
- PRC: PRC-Wide Entity – 77.57 percent (Does not involve zeroing because it is an AFA rate based entirely on the highest margin alleged in the petition adjusted using final determination surrogate values).¹³²
- Taiwan: Ipsido Corporation – 95.81 percent (Does not involve zeroing because it is an AFA rate based entirely on the highest margin alleged in the petition).¹³³
- Thailand: Champion Paper Polybags Ltd. – 122.88 percent (Does not involve zeroing because it is an AFA rate based entirely on the highest margin alleged in the petition).¹³⁴
- Vietnam: Vietnam-Wide Entity – 76.11 percent (Does not involve zeroing because it is an AFA rate based entirely on the highest margin alleged in the petition).¹³⁵

¹²⁶ See *Eveready Battery*, 77 F. Supp. 2d at 1333; SAA at 890.

¹²⁷ See section 752(c)(3) of the Act and *Final Results of Full Sunset Review: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands*, 65 FR 65294 (November 1, 2000), and the accompanying I&D Memo at “Magnitude of the Margin Likely to Prevail,” Comment 3.

¹²⁸ See *Final Modification for Reviews*, 77 FR at 8103.

¹²⁹ *Id.*

¹³⁰ See *Indonesia LTFV Final*, 75 FR at 16433.

¹³¹ See *Malaysia LTFV Final*, 69 FR at 34129.

¹³² See *PRC LTFV Final*, 69 FR at 34127.

¹³³ See *Taiwan LTFV Final*, 75 FR at 14571.

¹³⁴ See *Thailand LTFV Final*, 69 FR at 34125.

¹³⁵ See *Vietnam LTFV Final*, 75 FR at 16435.

Final Results of Reviews

We determine that revocation of the AD orders on PRCBs from Indonesia, Malaysia, the PRC, Taiwan, Thailand, and Vietnam would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margin of dumping likely to prevail would be weighted-average margins up to the following percentages:

<u>Country</u>	<u>Weighted-Average Margin (Percent)</u>
Indonesia	85.17
Malaysia	101.74
PRC	77.57
Taiwan	95.81
Thailand	122.88
Vietnam	76.11

Recommendation

Based on our analysis of the responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of reviews in the *Federal Register*.

AGREE

DISAGREE



Paul Piquado
Assistant Secretary
for Enforcement and Compliance

6 July 2015
Date