



FACT SHEET

Commerce Preliminarily Finds Dumping of Imports of Laminated Woven Sacks from Vietnam

- On October 4, 2018, the Department of Commerce (Commerce) announced its affirmative preliminary determination in the antidumping duty (AD) investigation of imports of laminated woven sacks from Vietnam.
- The AD law provides U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market distorting effects caused by injurious dumping of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells an imported product in the United States at less than fair value.
- Commerce assigned a preliminary dumping rate of 161.16 percent to mandatory respondent Duong Vinh Hoa Packaging Company Limited. Commerce determined a preliminary dumping rate of 292.61 percent for the Vietnam-wide entity (which included mandatory respondent Xinsheng Plastic Industry Co., Ltd.), based entirely on adverse facts available. Commerce preliminarily determined a dumping rate of 161.16 percent for all other exporters from Vietnam that Commerce found to be eligible for a separate rate.
- As a result of the preliminary affirmative determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to require cash deposits based on these preliminary rates.
- The petitioners are the Laminated Woven Sacks Fair Trade Coalition and its individual members, Polytex Fibers Corporation (Houston, TX) and ProAmpac Holdings Inc. (Cincinnati, OH).
- The merchandise covered by this investigation is laminated woven sacks. Laminated woven sacks are bags consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (BOPP), polyester (PET), polyethylene (PE), nylon, or any film suitable for printing, or to an exterior ply of paper; printed; displaying, containing, or comprising three or more visible colors (*e.g.*, laminated woven sacks printed with three different shades of blue would be covered by the scope), not including the color of the woven fabric; regardless of the type of printing process used; with or without lining; with or without handles; with or without special closing features (including, but not limited to, closures that are sewn, glued, easy-open (*e.g.*, tape or thread), re-closable (*e.g.*, slider, hook and loop, zipper), hot-welded, adhesive-welded, or press-to-close); whether finished or unfinished (*e.g.*, whether or not closed on one end and whether or not in roll form, including, but not limited to, sheets, lay-flat, or formed in tubes); not exceeding one kilogram in actual weight. Laminated woven sacks produced in Vietnam are subject to the scope regardless of the country of origin of the fabric used to make the sack.

Subject laminated woven sacks are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 6305.33.0040. If entered with plastic coating on both sides of the

fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including, but not limited to, sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings, including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

- In 2017, imports of laminated woven sacks from Vietnam were valued at an estimated \$21.1 million.
- The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. Please refer to case number A-522-823.

NEXT STEPS

- Commerce is scheduled to announce its final determination on or about December 18, 2018, unless postponed.
- If Commerce makes an affirmative final determination, and the U.S. International Trade Commission (ITC) makes an affirmative final determination that imports of laminated woven sacks from Vietnam materially injure, or threaten material injury to, the domestic industry, Commerce will issue an AD order. If either Commerce or the ITC issue negative final determinations, no AD order will be issued. The ITC is scheduled to make its final injury determination approximately 45 days after Commerce issues its final determination, if affirmative.

PRELIMINARY DUMPING RATES:

COUNTRY	EXPORTER	PRODUCER	DUMPING RATES	CASH DEPOSIT RATES
Vietnam	Duong Vinh Hoa Packaging Company Limited	Duong Vinh Hoa Packaging Company Limited	161.16%	158.43%
	C.P. Packaging (Vietnam) Industry Co., Ltd.	C.P. Packaging (Vietnam) Industry Co., Ltd.	161.16%	156.19%
	Tan Dai Hung d.b.a. Tan Dai Hung Joint Stock Co. and Tan Dai Hung Plastic Joint Stock Company	Tan Dai Hung d.b.a. Tan Dai Hung Joint Stock Co. and Tan Dai Hung Plastic Joint Stock Company	161.16%	156.19%
	TKMB Joint Stock Company	TKMB Joint Stock Company	161.16%	156.19%
	Trung Dong Corporation	Trung Dong Corporation	161.16%	156.19%
	Vietnam-Wide Entity*			292.61%

*The Vietnam-wide entity includes Xinsheng Plastic Industry Co., Ltd.

CASE CALENDAR:

EVENT	DATE
Petition Filed	March 7, 2018
DOC Initiation Date	March 27, 2018
ITC Preliminary Determination	April 27, 2018
DOC Preliminary Determination	October 3, 2018
DOC Final Determination	December 17, 2018
ITC Final Determination*	January 31, 2019
Issuance of Order**	February 7, 2019

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a)(1) of the Tariff Act of 1930, as amended. These deadlines may be extended under certain circumstances.

*This will take place only in the event of an affirmative final determination from Commerce.

**This will take place only in the event of affirmative final determinations from Commerce and the ITC.

†Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

IMPORT STATISTICS

VIETNAM	2015	2016	2017
Volume (metric tons)	8,005	6,742	8,755
Value (USD)	20,508,828	15,918,933	21,133,872

Source: U.S. Census Bureau, accessed through Global Trade Atlas. (HTSUS 6305.33.0040)