Summary

We have analyzed the substantive responses of the domestic interested party\(^1\) 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: Hill Ex 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).
Weighted-Average Company Margin (Percent)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:

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

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 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).
⁴ See Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam, 75 FR 23667 (May 4, 2010).
⁵ 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).
⁶ 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).
⁷ See Antidumping Duty Order: Polyethylene Retail Carrier Bags From Malaysia, 69 FR 48203 (August 9, 2004).
On June 18, 2004, the Department published the final determination of sales at less than fair value on PRCBs from the PRC. 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. In the final determination, as amended, the Department found AD margins as follows:

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

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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. On January 28, 2004, the Department published the AD order on PRCBs from the PRC.

Taiwan

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

<table>
<thead>
<tr>
<th>Company</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ipsido Corporation</td>
<td>95.81</td>
</tr>
<tr>
<td>TCI Plastic Co., Ltd.</td>
<td>36.54</td>
</tr>
<tr>
<td>All Others</td>
<td>36.54</td>
</tr>
</tbody>
</table>

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. On May 4, 2010, the Department published the AD order on PRCBs from Taiwan.

Thailand

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

<table>
<thead>
<tr>
<th>Company</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thai Plastic Bags Industries Co., Ltd.</td>
<td>2.26</td>
</tr>
<tr>
<td>Universal Polybags Co. Ltd./Advance Polybags Inc./</td>
<td></td>
</tr>
<tr>
<td>Alpine Plastics Inc./API Enterprises Inc.</td>
<td>5.35</td>
</tr>
</tbody>
</table>

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. On January 28, 2004, the Department published the AD order on PRCBs from Thailand.

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

<table>
<thead>
<tr>
<th>Company</th>
<th>Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thai Plastic Bags Industries Co., Ltd.</td>
<td>0.00</td>
</tr>
<tr>
<td>Universal Polybags Co. Ltd./Advance Polybags Inc./Alpine Plastics Inc./API Enterprises Inc.</td>
<td>4.69</td>
</tr>
<tr>
<td>TRC Polypack</td>
<td>122.88</td>
</tr>
<tr>
<td>Champion Paper Polybags Ltd.</td>
<td>122.88</td>
</tr>
<tr>
<td>Zip-Pac Co., Ltd.</td>
<td>122.88</td>
</tr>
<tr>
<td>All Others</td>
<td>4.69</td>
</tr>
</tbody>
</table>

**Vietnam**

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

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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.
<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Exporter</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Plastics (Vietnam) Co., Ltd.</td>
<td>Alpha Plastics (Vietnam) Co., Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>Alta Company</td>
<td>Alta Company</td>
<td>52.30</td>
</tr>
<tr>
<td>Ampac Packaging Vietnam Ltd.</td>
<td>Ampac Packaging Vietnam Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>BITAHACO</td>
<td>BITAHACO</td>
<td>52.30</td>
</tr>
<tr>
<td>Chin Sheng Co., Ltd.</td>
<td>Chin Sheng Co., Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>Chung Va (Vietnam) Plastic Packaging Co., Ltd.</td>
<td>Chung Va Century Macao Commercial Offshore Limited</td>
<td>52.30</td>
</tr>
<tr>
<td>Hoi Hung Company Limited</td>
<td>Kong Wai Polybag Printing Company</td>
<td>52.30</td>
</tr>
<tr>
<td>Kinsplastic Vietnam Ltd. Co.</td>
<td>Kinsplastic Vietnam Ltd. Co.</td>
<td>52.30</td>
</tr>
<tr>
<td>Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Company, aka Loc Cuong Trading Producing Co. Ltd.</td>
<td>Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Co. Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>Ontrue Plastics Co., Ltd. (Vietnam)</td>
<td>Ontrue Plastics Co., Ltd. (Vietnam)</td>
<td>52.30</td>
</tr>
<tr>
<td>Richway Plastics Vietnam Co., Ltd.</td>
<td>Richway Plastics Vietnam Co., Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>VINAPACKINK Co., Ltd.</td>
<td>VINAPACKINK Co., Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>VN K’s International Polybags Joint Stock Company</td>
<td>K’s International Polybags MFG Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>VN Plastic Industries Co. Ltd</td>
<td>VN Plastic Industries Co. Ltd.</td>
<td>52.30</td>
</tr>
<tr>
<td>Vietnam-Wide Entity</td>
<td></td>
<td>76.11</td>
</tr>
</tbody>
</table>

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. On May 4, 2010, the Department published the AD order on PRCBs from Vietnam.

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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. 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. 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).
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:

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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).

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).
\(^{41}\) 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).
60 See Notice of Scope Rulings, 78 FR 9370 (February 8, 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-

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).
order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew comparison.\textsuperscript{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.\textsuperscript{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).\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.”\textsuperscript{83}

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{78} See SAA at 890-91.

\textsuperscript{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.

\textsuperscript{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).

\textsuperscript{81} Id. (emphasis added)

\textsuperscript{82} Id.

\textsuperscript{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.\(^4\)

Citing the *Sunset Policy Bulletin*,\(^5\) 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.\(^6\)

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.\(^7\) 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.\(^8\)

Department’s Position:

As discussed above, drawing on the guidance provided in the legislative history accompanying the URAA,\(^9\) 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.\(^10\) In addition, pursuant to section 752(c)(1)(B) of the Act and in accordance with the Department’s practice, in order to determine

\(^{4}\) 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.


\(^{6}\) See Indonesia substantive response at 5; Malaysia substantive response at 6; PRC substantive response at 5; Taiwan substantive response at 5; Thailand substantive response at 5-6; and Vietnam substantive response at 5.

\(^{7}\) See Indonesia substantive response at 6; Malaysia substantive response at 6; PRC substantive response at 6-7; Taiwan substantive response at 6; Thailand substantive response at 6-8; and Vietnam substantive response at 6.

\(^{8}\) See Indonesia substantive response at 7; Taiwan substantive response at 7; and Vietnam substantive response at 7.

\(^{9}\) See, e.g., SAA at 889.

\(^{10}\) 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 \textit{de minimis} levels during this sunset period. As noted above, in accordance with the \textit{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.

\textit{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 \textit{de minimis} dumping margins established in the investigation are still in effect.\(^{94}\) As stated in the \textit{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.\(^{96}\)

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\(^{91}\) 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.


\(^{94}\) 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 Expeditied 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, “If 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


\(^{103}\) 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. 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. 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. As stated in the *Final Modification for Reviews*, “if 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.” Here, the dumping margins established for the respondents were all based on total AFA and did not involve zeroing.

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. 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.

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. The domestic

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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).


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. 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.

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.

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. 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.

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. 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.

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. 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.

**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.

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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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
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<td>PRC</td>
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<td>Taiwan</td>
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<td>Thailand</td>
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<tr>
<td>Vietnam</td>
<td>76.11</td>
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</tbody>
</table>

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 Piquette
Assistant Secretary
for Enforcement and Compliance

6 July 2015
Date