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駐美國代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國109年5月11日
發文字號：經美字第1090000379號
速別：普通件
密等及解密條件或保密期限：
附件：如文 (經美1090000379_Attach1.pdf)

主旨：陳報美國商務部公告將啟動反傾銷稅落日複查之案件清單，以及可申請進行反傾銷稅或平衡稅行政複查之案件清單事，敬請查照。

說明：

- 一、商務部於本(2020)年5月1日公告將啟動反傾銷稅及平衡稅落日複查之案件清單，本次涉及我國產品之案件為「鋼釘」(Steel Nails)之反傾銷稅案，案號為A-583-854。清單中案件之落日複查將於本年6月啟動，倘商務部在複查啟動後15天內接獲任何美國國內利害關係人提出參與調查之請求，則將繼續進行該複查。
- 二、商務部亦公告可申請進行反傾銷稅或平衡稅行政複查之案件清單，其中涉及我國產品之案件包括：
 - (一)「碳鋼及合金鋼定長板」(Carbon and Alloy Steel Cut-To-Length Plate；案號：A-583-858；調查期間：2019年5月1 至2020年4月30日)；
 - (二)「圓形焊接碳鋼管」(Certain Circular Welded Carbon Steel Pipes and Tubes)，案號：A-583-008；

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國際貿易局 109/05/12



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調查期間：2019年5月1 至2020年4月30日)。

(三)「聚酯短纖維」(Polyester Staple Fiber，案號：A-583-833；調查期間：2019年5月1 至2020年4月30日)。

(四)「聚乙烯零售提袋」(Polyethylene Retail Carrier Bags，案號：A-583--843；調查期間：2019年5月1 至2020年4月30日)。

(五)「不銹鋼捲板」(Stainless Steel Plate in Coil，案號：A-583--830；調查期間：2019年5月1 至2020年4月30日)。

(六)「螢光增白劑」(Stilbenic Optical Brightening Agents，案號：A-583-848；調查期間：2019年5月1 至2020年4月30日)。

三、檢附本案商務部公告文件如附件，併請卓參。

正本：經濟部國際貿易局

副本：電子公文交換章
2020/05/12 10:29:08





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2506.10.0010, 2506.10.0050, 2506.20.0010, 2506.20.0080, and 7016.90.1050. The HTSUS subheadings set forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Final Negative Determination of Critical Circumstances
- VI. Changes Since the Preliminary Determination
- VII. Discussion of the Issues
 - Comment 1: Whether to Apply Adverse Inference Regarding PESL's Date of Sale Reporting
 - Comment 2: Whether to Cap PESL's Freight, Insurance and Packing Revenue
 - Comment 3: Treatment of PESL's Warranty Expenses
 - Comment 4: Whether to Exclude PESL's Paid U.S. Sample Sales
 - Comment 5: Whether to Rely on Antique Group's Profit Rate and Selling Expenses to Calculate Constructed Value (CV) for PESL
 - Comment 6: Whether to Adjust PESL's General and Administrative (G&A) Expense Ratio

Comment 7: Whether to Allocate the Costs of PESL's Non-prime Products to Prime Products

Comment 8: Treatment of Antique Group's Reported Credit Expenses

Comment 9: Treatment of Antique Group's Reported Quality Discounts

Comment 10: Whether the Arms-Length Test Was Appropriately Applied with Respect to Antique Group's Collapsed Affiliate

Comment 11: Ministerial Error Regarding Application of Antique Group's Reported Billing Adjustments

Comment 12: Whether the Initiation of the Investigation was Contrary to Law

VIII. Recommendation

[FR Doc. 2020-09407 Filed 4-30-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUPPLEMENTARY INFORMATION:

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for June 2020

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in June 2020 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Steel Nails from Malaysia (A-557-815) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.
Steel Nails from Oman (A-523-808) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.
Steel Nails from Republic of Korea (A-580-874) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.
Steel Nails from Socialist Republic of Vietnam (A-552-818) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.
Steel Nails from Taiwan (A-583-854) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.
Countervailing Duty Proceedings	
Steel Nails from Socialist Republic of Vietnam (A-552-819) (1st Review)	Jacqueline Arrowsmith; (202) 482-5255.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in June 2020.

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within

15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 22, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020-09329 Filed 4-30-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT:

Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation Federal Register notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether

particular companies should be "collapsed" (i.e., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (i.e., investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of

initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity to Request a Review: Not later than the last day of May 2020,² interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

	Period
Antidumping Duty Proceedings	
AUSTRIA: Carbon and Alloy Steel Cut-To-Length Plate, A-433-812	5/1/19-4/30/20
BELGIUM:	
Carbon and Alloy Steel Cut-To-Length Plate, A-423-812	5/1/19-4/30/20
Stainless Steel Plate in Coils, A-423-808	5/1/19-4/30/20
BRAZIL: Iron Construction Castings, A-351-503	5/1/19-4/30/20
CANADA:	

¹ See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

² Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

	Period
Citric Acid and Certain Citrate Salts, A-122-853	5/1/19-4/30/20
Large Diameter Welded Pipe, A-122-863	8/27/18-4/30/20
Polyethylene Terephthalate Resin, A-122-855	5/1/19-4/30/20
FRANCE: Carbon and Alloy Steel Cut-To-Length Plate, A-427-828	5/1/19-4/30/20
GERMANY: Carbon and Alloy Steel Cut-To-Length Plate, A-428-844	5/1/19-4/30/20
GREECE: Large Diameter Welded Pipe, A-484-803	8/27/18-4/30/20
INDIA:	
Certain Welded Carbon Steel Standard Pipes and Tubes, A-533-502	5/1/19-4/30/20
Polyethylene Terephthalate Resin, A-533-861	5/1/19-4/30/20
Silicomanganese, A-533-823	5/1/19-4/30/20
INDONESIA: Polyethylene Retail Carrier Bags, A-560-822	5/1/19-4/30/20
ITALY:	
Carbon and Alloy Steel Cut-To-Length Plate, A-475-834	5/1/19-4/30/20
Carbon and Alloy Steel Wire Rod, A-475-836	5/1/19-4/30/20
JAPAN:	
Carbon and Alloy Steel Cut-To-Length Plate, A-588-875	5/1/19-4/30/20
Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products, A-588-869	5/1/19-4/30/20
Gray Portland Cement and Cement Clinker, A-588-815	5/1/19-4/30/20
KAZAKHSTAN: Silicomanganese, A-834-807	5/1/19-4/30/20
OMAN: Polyethylene Terephthalate Resin, A-523-810	5/1/19-4/30/20
REPUBLIC OF KOREA:	
Carbon and Alloy Steel Cut-To-Length Plate, A-580-887	5/1/19-4/30/20
Carbon and Alloy Steel Wire Rod, A-580-891	5/1/19-4/30/20
Ferrovanadium, A-580-886	5/1/19-4/30/20
Large Diameter Welded Pipe, A-580-897	8/27/18-4/30/20
Polyester Staple Fiber, A-580-839	5/1/19-4/30/20
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, A-552-806	5/1/19-4/30/20
SOUTH AFRICA: Stainless Steel Plate in Coils, A-791-805	5/1/19-4/30/20
SPAIN: Carbon and Alloy Steel Wire Rod, A-469-816	5/1/19-4/30/20
TAIWAN:	
Carbon and Alloy Steel Cut-To-Length Plate, A-583-858	5/1/19-4/30/20
Certain Circular Welded Carbon Steel Pipes and Tubes, A-583-008	5/1/19-4/30/20
Polyester Staple Fiber, A-583-833	5/1/19-4/30/20
Polyethylene Retail Carrier Bags, A-583-843	5/1/19-4/30/20
Stainless Steel Plate in Coil, A-583-830	5/1/19-4/30/20
Stilbenic Optical Brightening Agents, A-583-848	5/1/19-4/30/20
THE PEOPLE'S REPUBLIC OF CHINA:	
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP), A-570-045	5/1/19-4/30/20
Aluminum Extrusions, A-570-967	5/1/19-4/30/20
Cast Iron Soil Pipe, A-570-079	8/31/18-4/30/20
Carton-Closing Staples, A-570-055	5/1/19-4/30/20
Certain Steel Wheels, A-570-082	10/30/18-4/30/20
Circular Welded Carbon Quality Steel Line Pipe, A-570-935	5/1/19-4/30/20
Citric Acid and Certain Citrate Salts, A-570-937	5/1/19-4/30/20
Iron Construction Castings, A-570-502	5/1/19-4/30/20
Oil Country Tubular Goods, A-570-943	5/1/19-4/30/20
Polyethylene Terephthalate Resin, A-570-024	5/1/19-4/30/20
Pure Magnesium, A-570-832	5/1/19-4/30/20
Stilbenic Optical Brightening Agents, A-570-972	5/1/19-4/30/20
TURKEY:	
Carbon and Alloy Steel Wire Rod, A-489-831	5/1/19-4/30/20
Circular Welded Carbon Steel Pipes and Tubes, A-489-501	5/1/19-4/30/20
Large Diameter Welded Pipe, A-489-833	8/27/18-4/30/20
Light-Walled Rectangular Pipe and Tube, A-489-815	5/1/19-4/30/20
UNITED ARAB EMIRATES: Certain Steel Nails, A-520-804	5/1/19-4/30/20
THE UNITED KINGDOM: Carbon and Alloy Steel Wire Rod, A-412-826	5/1/19-4/30/20
VENEZUELA: Silicomanganese, A-307-820	5/1/19-4/30/20
Countervailing Duty Proceedings	
BRAZIL: Iron Construction Castings, C-351-504	1/1/19-12/31/19
INDIA: Polyethylene Terephthalate Resin, C-533-862	1/1/19-12/31/19
ITALY: Carbon and Alloy Steel Wire Rod, C-475-837	1/1/19-12/31/19
REPUBLIC OF KOREA:	
Carbon and Alloy Steel Cut-To-Length Plate, C-580-888	1/1/19-12/31/19
Large Diameter Welded Pipe, C-580-898	6/29/18-12/31/19
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, C-552-805	1/1/19-12/31/19
SOUTH AFRICA: Stainless Steel Plate in Coils, C-791-806	1/1/19-12/31/19
THE PEOPLE'S REPUBLIC OF CHINA:	
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP), C-570-046	1/1/19-12/31/19
Aluminum Extrusions, C-570-968	1/1/19-12/31/19
Cast Iron Soil Pipe, C-570-080	7/2/18-12/31/19
Certain Steel Wheels, C-570-083	8/31/18-12/31/19
Citric Acid and Certain Citrate Salts, C-570-938	1/1/19-12/31/19
Polyethylene Terephthalate Resin, C-570-025	1/1/19-12/31/19
TURKEY:	

	Period
Carbon and Alloy Steel Wire Rod, C-489-832	1/1/19-12/31/19
Large Diameter Welded Pipe, C-489-837	8/27/18-12/31/19
Steel Concrete Reinforcing Bar, ³ C-489-819	1/1/18-12/31/18

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified

³The opportunity notice that published on November 1, 2019 (84 FR 58690) referenced the incorrect case number for this administrative review. The correct case number is referenced above.

its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.⁴

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.⁵ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁶ In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS

⁴ See the Enforcement and Compliance website at <https://legacy.trade.gov/enforcement/>.

⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 76 FR 65963 (November 4, 2013).

⁶ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

website at <https://access.trade.gov/>.⁷ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.⁸

Commerce will publish in the Federal Register a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of May 2020. If Commerce does not receive, by the last day of May 2020, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 22, 2020.

James Maeder,
Deputy Assistant Secretary for Antidumping
and Countervailing Duty Operations.
[FR Doc. 2020-09331 Filed 4-30-20; 8:45 am]
BILLING CODE 3510-DS-P

⁷ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

⁸ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020).