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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11月24日
發文字號：經美字第1090001009號
速別：普通件
密等及解密條件或保密期限：
附件：如文 (經美1090001009_Attach1.pdf)

主旨：陳報美國商務部公告我國「PET薄膜」(Polyethylene Terephthalate Film, Sheet, and Strip)反傾銷稅2018年至2019年行政複查初判結果事，敬請查照。

說明：

- 一、美商務部於本(11)月23日公告旨揭行政複查初判結果，要點如下：
 - (一)本案複查期間2018年7月1日至2019年6月30日，南亞塑膠的傾銷差額為0%。
 - (二)新科光電材料股份有限公司(Shinkong Materials Technology Corporation)於本案複查期間，並無運送本案產品。
 - (三)相關利害關係人可於本初判結果發布於聯邦公報後30天內向商務部提出書面意見。
- 二、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
2020/11/25 09:00:43

國際貿易局 109/11/25



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LEGAL STATUS

Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018-2019

A Notice by the International Trade Administration on 11/23/2020

DOCUMENT DETAILS

Printed version:

PDF (<https://www.govinfo.gov/content/pkg/FR-2020-11-23/pdf/2020-25859.pdf>)

Publication Date:

11/23/2020 ([documents/2020/11/23](#))

Agencies:

International Trade Administration (<https://www.federalregister.gov/agencies/international-trade-administration>)

Dates:

Applicable November 23, 2020.

Document Type:

Notice

Document Citation:

85 FR 74673

Page:

74673-74674 (2 pages)

Agency/Docket Number:

A-583-837

Document Number:

2020-25859

Feedback [LS](#)

DOCUMENT STATISTICS

Page views:

16

as of 11/23/2020 at 4:15 pm EST

DOCUMENT STATISTICS

PUBLISHED DOCUMENT

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AGENCY:

Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY:

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET film) from Taiwan. The period of review (POR) is July 1, 2018 through June 30, 2019. This review covers the respondent Nan Ya Plastics Corporation (Nan Ya) and Shinkong Materials Technology Corporation (SMTC), producers and exporters of PET film from Taiwan. Commerce preliminarily determines that sales of subject merchandise have not been made below normal value (NV) by Nan Ya during the POR. In addition, we preliminarily find that SMTC had no shipments during the POR. Interested parties are invited to comment on these preliminary results.

DATES:

Applicable November 23, 2020.

FOR FURTHER INFORMATION CONTACT:

Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5255.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on PET film from Taiwan, for the period July 1, 2018 through June 30, 2019.^[1] In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213 (/select-citation/2020/11/23/19-CFR-351.213)(b)(1), in July 2019, we received requests from the petitioners,^[2] Polyplex USA LLC (Polyplex), and Nan Ya, for reviews of two companies, Nan Ya and SMTC.^[3] Subsequently, on September 9, 2019, in accordance with 19 CFR 351.222 (/select-citation/2020/11/23/19-CFR-351.222)(c)(1)(i), Commerce published a notice of initiation of an administrative review of the AD order on PET film from Taiwan.^[4] We issued our initial questionnaires to Nan Ya on October 4, 2019.^[5]

On March 26, 2020, in accordance with section 751(a)(3)(A) of the Act, and 19 CFR 351.213 (/select-citation/2020/11/23/19-CFR-351.213)(h)(2), Commerce extended the due date for the preliminary results by an additional 69 days, from April 1, 2020 to July 9, 2020.^[6] On April 24, 2020, Commerce issued a memorandum tolling all deadlines for administrative reviews by 50 days.^[7] On July 21, 2020, Commerce

issued another memorandum tolling all deadlines for administrative reviews by a total of 60 days.^[8] On October 22, 2020, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213 (/select-citation/2020/11/23/19-CFR-351.213)(h)(2), Commerce extended the due date for the preliminary results by an additional 21 days.^[9] The current deadline is November 17, 2020.

Scope of the Order

The merchandise subject to the order is PET Film. The PET Film subject to the order is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States. Although the HTSUS number is provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.^[10]

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by SMTC and its affiliate Shinkong Synthetic Fibers Corp., we preliminarily determine that SMTC had no shipments of the subject merchandise during the POR.^[11] Consistent with Commerce's practice, we will not rescind the review with respect to SMCT, but will complete the review and issue instructions to CBP based on the final results.^[12]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and 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 <http://access.trade.gov> (<http://access.trade.gov>). In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html> (<http://enforcement.trade.gov/frn/index.html>). The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period July 1, 2018 through June 30, 2019.□

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Producer/exporter	Weighted- average dumping margin (percent)
Nan Ya Plastics Corporation	0.00

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224 (/select-citation/2020/11/23/19-CFR-351.224)(b). Pursuant to 19 CFR 351.309 (/select-citation/2020/11/23/19-CFR-351.309)(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later

than seven days after the date for filing case briefs.^[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.^[14]

Pursuant to 19 CFR 351.310 (/select-citation/2020/11/23/19-CFR-351.310)(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine and CBP shall assess antidumping duties on all appropriate entries in accordance with 19 CFR 351.212 (/select-citation/2020/11/23/19-CFR-351.212) (b). If a respondent's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212 (/select-citation/2020/11/23/19-CFR-351.212)(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106 (/select-citation/2020/11/23/19-CFR-351.106)(c), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by a respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET film from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 2.40 percent.^[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402 (/select-citation/2020/11/23/19-CFR-351.402)(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 (/select-citation/2020/11/23/19-CFR-351.213)(h)(1).

Dated: November 17, 2020.

Joseph A. Laroski Jr.,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments for SMTC
- V. Comparisons to Normal Value
- VI. Date of Sale
- VII. Export Price
- VIII. Normal Value
- IX. Currency Conversion
- X. Recommendation

Footnotes

1. See *Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 31295 (/citation/84-FR-31295) (July 1, 2019).

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2. The petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively, petitioners).

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3. See *Petitioners' Letter*, dated July 15, 2019; *Polyplex's Letter*, "Request for Antidumping Duty Administrative Review," dated July 18, 2019; and *Nan Ya's Letter*, "Polyethylene Terephthalate (PET) Film from Taiwan," filed July 31, 2019.

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4. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 47242 (/citation/84-FR-47242), September 9, 2019.

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5. See *Commerce's Letter*, "Antidumping Duty Questionnaire," dated October 4, 2019.

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6. See *Memorandum*, "Polyethylene Terephthalate Film, Sheet and Strip from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review (2018-2019)," dated March 26, 2020.

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7. See *Memorandum*, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020.

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8. See *Memorandum*, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

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9. See *Memorandum*, "Polyethylene terephthalate (PET) film, sheet, and strip (PET Film) from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review (2018-2019)," dated October 22, 2020.

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10. See *Memorandum*, "Decision Memorandum for Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan; 2018-2019," dated concurrently with, and hereby adopted by, this notice (*Preliminary Decision Memorandum*).

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11. See *Preliminary Decision Memorandum*; see also *Memorandum*, "Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: No Shipments Determination for Shinkong Materials Technology Corporation (SMTC)," dated concurrently with this notice.

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12. See *Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017- 2018*, 85 FR 1139 (/citation/85-FR-1139) (January 9, 2020).

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13. See 19 CFR 351.309 (/select-citation/2020/11/23/19-CFR-351.309)(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (/citation/85-FR-41363) (July 10, 2020).

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14. See 19 CFR 351.303 (/select-citation/2020/11/23/19-CFR-351.303) (for general filing requirements).

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15. See *PET Film from Taiwan Amended Final Determination*.

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