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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

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主旨：陳報美國商務部公告我國「抗腐蝕鋼產品」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，蓮花集團(Hoa Sen Group)、日本製鐵(Nippon Steel)、盛餘股份有限公司(Sheng Yu Steel Co)、Sumikin Sales Vietnam Co.、Ton Dong A Corporation、燁輝企業股份有限公司(Yieh Phui Enterprise Co.)傾銷差額為1.51%；裕鐵企業股份有限公司(Prosperity Tieh Enterprise Co.)傾銷差額為0%。

(二)欣建工業股份有限公司(Synn Co., Ltd.)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。

經濟部
貿易局

國際貿易局 109/11/25



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LEGAL STATUS

Certain Corrosion-Resistant Steel Products 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

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AGENCY:

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

SUMMARY:

The Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2018 through June 30, 2019. We invite interested parties to comment on these preliminary results.

DATES:

Applicable November 23, 2020.

FOR FURTHER INFORMATION CONTACT:

Charles Doss or Kate Sliney, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4474 and (202) 482-2437, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty (AD) order on certain corrosion-resistant steel products (CORE) from Taiwan,^[1] covering the following two respondents: (1) Prosperity Tieh Enterprise Co., Ltd. (Prosperity); and (2) the previously collapsed Yieh Phui Enterprise Co., Ltd. (YP) and Synn Co., Ltd. (Synn) entity (collectively, YP/Synn).^[2] On March 16, 2020, we extended the preliminary results of this review to no later than July 30, 2020.^[3] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.^[4] On July 21, 2020 Commerce tolled all deadlines in administrative reviews by 60 days, thereby extending the deadline for these preliminary results until November 17, 2020.^[5] For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.^[6] 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 <https://access.trade.gov> (<https://access.trade.gov>). In addition, the complete Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html> (<http://enforcement.trade.gov/frn/index.html>). The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

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Scope of the Order ^[7]

The products covered by the order are flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, and 7212.60.0000. The products subject to the orders may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.91.0000, 7225.92.0000, 7225.99.0090, 7226.99.0110, 7226.99.0130, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Affiliation and Collapsing

As noted above, YP and Synn were collapsed and treated as a single entity for the purposes of the LTFV investigation and each of the prior administrative reviews of this antidumping order. As a result, we selected the YP/Synn entity as a single combined respondent and treated it as such in the pre-preliminary phase of this review. However, we preliminarily determine that the instant record no longer supports a finding that YP should be collapsed with Synn, and therefore should no longer be collapsed as the YP/Synn entity.^[8]

Preliminary Determination of No Shipments

On September 20, 2019, Synn submitted a letter certifying that it had no exports or sales of subject merchandise into the United States during the POR.^[9] U.S. Customs and Border Protection (CBP) did not have any information to contradict these claims of no shipments during the POR.^[10] Therefore, pursuant to our preliminary determination to treat YP and Synn as distinct respondents for the purposes of this administrative review, as discussed immediately above, we preliminarily determine that Synn did not have any reviewable transactions during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Synn, but rather will complete the review and issue instructions to CBP based on the final results.^[11]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1) and (2) of Tariff Act of 1930, as amended (the Act). Export price and constructed export price were calculated in accordance with section 772 of the Act. Normal value 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.

Preliminary Results of the Review

Commerce preliminarily determines the following weighted-average dumping margins exist for the period July 1, 2018 through June 30, 2019:

Exporter/producer	Estimated weighted- average dumping margin (percent)
Hoa Sen Group	1.51
Nippon Steel	1.51

Exporter/producer	Estimated weighted- average dumping margin (percent)
Prosperity Tieh Enterprise Co., Ltd	0.00
Sheng Yu Steel Co., Ltd	1.51
Sumikin Sales Vietnam Co., Ltd	1.51
Ton Dong A Corporation	1.51
Yieh Phui Enterprise Co., Ltd	1.51

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.*, 0.50 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212 (/select-citation/2020/11/23/19-CFR-351.212)(b)(1).^[12] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of □ antidumping duties on entries of merchandise covered by the final results of this review where applicable.

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For the companies which were not selected for individual review (*i.e.*, Hoa Sen Group, Nippon Steel, Sheng Yu Steel Co., Ltd., Sumikin Sales Vietnam Co., Ltd., and Ton Dong A Corporation), we will assign an assessment rate based on the weighted-average of the cash deposit rates calculated for the companies selected for mandatory review (*i.e.*, Prosperity and YP), excluding any which are *de minimis* or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.^[13]

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate of 3.66 percent established in the LTFV investigation ^[14] if there is no rate for the intermediate company(ies) involved in the transaction.^[15] 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 upon publication of the notice of final results of administrative review for all shipments of CORE from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication provided by section 751(a)(2) of the Act: (1) The cash deposit rate for each company listed above will be equal to the dumping margins established in the final results of this review except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106 (/select-citation/2020/11/23/19-CFR-351.106)(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a

prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.66 percent, the all-others rate established in *Amended Final Determination*.^[16] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.^[17] Pursuant to 19 CFR 351.309 (/select-citation/2020/11/23/19-CFR-351.309)(c)(1)(ii), 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.^[18] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with the argument: (1) A statement of the issue, (2) a summary of the argument, and (3) a table of authorities.^[19] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.^[20] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing at a time and location to be determined.^[21] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to 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 will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

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 doubled antidumping duties.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221 (/select-citation/2020/11/23/19-CFR-351.221)(b)(4).

Dated: November 17, 2020.

Jeffrey I. Kessler,

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Affiliation and Collapsing
- V. Preliminary Determination of No Shipments
- VI. Rates for Respondents Not Selected for Individual Examination
- VII. Discussion of the Methodology
- VIII. Currency Conversion
- IX. Recommendation

Footnotes

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

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2. In the less-than-fair-value (LTFV) investigation of the AD order, we collapsed Prosperity, YP, and Synn and treated them as a single entity. See *Certain Corrosion-Resistant Steel Products from Taiwan: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, in Part, 81 FR 35313 (/citation/81-FR-35313) (June 2, 2016) and accompanying *Issues and Decision Memorandum (IDM) at Comment 3 (Taiwan CORE LTFV Final)*; unchanged in *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 82 FR 48390 (/citation/82-FR-48390) (July 25, 2016) (Order). The determination to collapse Prosperity with Synn was challenged by respondent parties in the investigation and was subject to pending litigation in *Taiwan CORE LTFV Final*. In the first antidumping duty administrative review, we determined to no longer collapse Prosperity with YP and Synn but we continued to collapse YP and Synn and treat them as a single entity. See *Certain Corrosion-Resistant Steel Products From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2016- 2017*, 83 FR 39679 (/citation/83-FR-39679) (August 10, 2018); unchanged in *Certain Corrosion-Resistant Steel Products From Taiwan: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 64527 (/citation/83-FR-64527) (December 17, 2018); amended by *Certain Corrosion-Resistant Steel Products From Taiwan: Amended Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 5991 (/citation/84-FR-5991) (February 25, 2019).

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3. See Memorandum, "Certain Corrosion-Resistant Steel Products from Taiwan: Extension of Time Limit for Preliminary Results of the 2018-2019 Antidumping Duty Administrative Review," dated March 16, 2020.

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

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6. See Memorandum, "Decision Memorandum for the Preliminary Results of the 2018-2019 Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from Taiwan," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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7. For the full text of the scope of the order, see the Preliminary Decision Memorandum.

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8. For a further discussion of the preliminary affiliation and collapsing determination, see Memorandum, "Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Steel Products from Taiwan: Preliminary Affiliation and Collapsing Memorandum for Yieh Phui Enterprise Co., Ltd. and Synn Industrial Co., Ltd.," dated concurrently with this notice (Affiliation-Collapsing Memo).

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9. See Synn's Letter, "Corrosion-Resistant Steel Products from Taiwan; No Shipment Certification," dated September 20, 2019 (Synn's No Shipment Certification).

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10. See Memorandum, "2018-2019 Administrative Review of on Certain Corrosion-Resistant Steel Products from Taiwan: U.S. Customs and Border Protection Data," dated November 10, 2020.

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11. See, e.g., *Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951 (/citation/79-FR-15951), 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306 (/citation/79-FR-51306), 51307 (August 28, 2014).

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12. In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (/citation/77-FR-8101) (February 14, 2012).

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13. See section 751(a)(2)(C) of the Act.

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14. See *Corrosion-Resistant Steel Products from Taiwan: Notice of Court Decision Not in Harmony with Final Determination of Antidumping Duty Investigation and Notice of Amended Final Determination of Investigation*, 84 FR 6129 (/citation/84-FR-6129) (February 26, 2019) (Amended Final Determination).

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15. For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (/citation/68-FR-23954) (May 6, 2003).

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16. See *Amended Final Determination*.

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17. See 19 CFR 351.224 (/select-citation/2020/11/23/19-CFR-351.224)(b).

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18. 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*, 85 FR 17006 (/citation/85-FR-17006) (March 26, 2020); and *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) (collectively, *Temporary Rule*).

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19. See 19 CFR 351.309 (/select-citation/2020/11/23/19-CFR-351.309)(c)(2) and (d)(2).

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20. See 19 CFR 351.310 (/select-citation/2020/11/23/19-CFR-351.310)(c).

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21. See 19 CFR 351.310 (/select-citation/2020/11/23/19-CFR-351.310).

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