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## 駐美國代表處經濟組 函

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受文者：經濟部國際貿易局

發文日期：中華民國110年10月27日  
發文字號：經美字第1100001339號  
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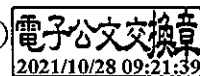
主旨：陳報美商務部公告對我國等6國「聚乙烯零售提袋」（PRCBs）將延續反傾銷稅、平衡稅課徵命令事，敬請查照。

說明：

- 一、相關文號：本組本(110)年10月4日經美字第1100001242號函。
- 二、美商務部於本年10月27日於聯邦公報公告，商務部及國際貿易委員會(ITC)對PRCBs進行落日複查後認定，倘去除現有針對我國等6國PRCBs之反傾銷稅(AD)，以及對越南PRCBs之平衡稅(CVD)，可能導致傾銷及補貼繼續或再發生，且將導致美國國內產業在可預見之未來受到實質損害，爰商務部公告本案反傾銷稅、平衡稅課徵命令將予延續。
- 三、檢附本案公告，併請卓參。

正本：經濟部國際貿易局

副本：行政院經貿談判辦公室、經濟部工業局(均含附件)



國際貿易局 110/10/28



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companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, 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.<sup>9</sup>

We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not subject to this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, or a previous segment, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.95 percent, the all-others rate established in the LTFV investigation.<sup>10</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

<sup>9</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>10</sup> See *Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman, Pakistan, and the United Arab Emirates: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Orders*, 81 FR 91906, 91908 (December 19, 2016).

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 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 the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 20, 2021.

Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Use of Adverse Facts Available
- V. Margin Calculations
- VI. Discussion of Issues
  - Ajmal-Specific Issue*
  - Comment 1: Application of Adverse Facts Available (AFA) Based on Failure to Cooperate
  - Universal-Specific Issues*
  - Comment 2: Whether To Cap Universal's Cutting Revenue
  - Comment 3: Whether To Revise Universal's Reported Theoretical Weight
  - Comment 4: Whether To Use Universal's Most Recently Submitted Data Sets
  - Other Issue*
  - Comment 5: Rate for the Non-Selected Company

#### VII. Recommendation

[FR Doc. 2021-23372 Filed 10-26-21; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-560-822, A-557-813, A-570-886, A-583-843, A-549-821, A-552-806, C-552-805]

#### Polyethylene Retail Carrier Bags From Indonesia, Malaysia, the People's Republic of China, Taiwan, Thailand, and the Socialist Republic of Vietnam: Continuation of the Antidumping Duty Orders and Countervailing Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on polyethylene retail carrier bags (PRCBs) from Indonesia, Malaysia, the People's Republic of China (China), Taiwan, Thailand, and the Socialist Republic of Vietnam (Vietnam) and the countervailing duty (CVD) order on PRCBs from Vietnam would likely lead to a continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

**DATES:** Applicable October 27, 2021.

**FOR FURTHER INFORMATION CONTACT:** Claudia Cott or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4270 or (202) 482-1690, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 9, 2004, Commerce published in the **Federal Register** the AD orders on PRCBs from Malaysia, China, and Thailand, and on May 4, 2010, the AD orders on PRCBs from Indonesia, Taiwan, and Vietnam and the CVD order on PRCBs from Vietnam.<sup>1</sup> On

<sup>1</sup> See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 48201 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Thailand*, 69 FR 48204 (August 9, 2004); *Antidumping Duty Orders: Polyethylene*

March 31, 2021, Commerce initiated,<sup>2</sup> and on April 1, 2021, the ITC instituted,<sup>3</sup> sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of dumping and countervailable subsidies. Commerce, therefore, notified the ITC of the magnitude of the margins of dumping and net subsidies rates likely to prevail should these *Orders* be revoked.<sup>4</sup>

On October 21, 2021, the ITC published its determination that revocation of the *Orders* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to sections 751(c) and 752(a) of the Act.<sup>5</sup>

#### Scope of the Orders

The merchandise covered by the *Orders* 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

*Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010); and *Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Countervailing Duty Order*, 75 FR 23670 (May 4, 2010) (collectively, *Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 16701 (March 31, 2021).

<sup>3</sup> See *Polyethylene Retail Carrier Bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Institution of Five-Year Reviews*, 86 FR 17200 (April 1, 2021).

<sup>4</sup> See *Polyethylene Retail Carrier Bags from Indonesia, Malaysia, the People's Republic of China, Taiwan, Thailand, and the Socialist Republic of Vietnam: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 86 FR 35478 (July 6, 2021), and accompanying Issues and Decision Memorandum (IDM); see also *Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Final Results of the Expedited Second Five-Year Sunset Review of the Countervailing Duty Order*, 86 FR 43626 (August 10, 2021), and accompanying IDM.

<sup>5</sup> See *Polyethylene Retail Carrier Bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam*; (Inv. Nos. 701-TA-462 and 731-TA-1156-1158 (Second Review) and 731-TA-1043-1045 (Third Review)), 86 FR 58301 (October 21, 2021), see also *Polyethylene Retail Carrier Bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam* (Inv. Nos. 701-TA-462 and 731-TA-1156-1158 (Second Review) and 731-TA1043-1045 (Third Review)), USITC Pub. 5233 (October 2021).

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 orders 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 *Orders* is dispositive.<sup>6</sup>

#### Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to a continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of these *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) reviews of these *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

#### Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to APO of their responsibility concerning the return, destruction, or conversion to

judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

#### Notification to Interested Parties

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: October 21, 2021.

Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2021-23375 Filed 10-26-21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-016]

#### Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Notice of Remand Proceeding and Reopening of 2017-2018 Antidumping Duty Administrative Review Record

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

**SUMMARY:** The Department of Commerce (Commerce) is conducting a remand of the 2017-2018 administrative review of the antidumping duty (AD) order on certain passenger vehicle and light truck tires from the People's Republic of China (China), which includes a limited reopening of the record. Commerce received a notification from U.S. Customs and Border Protection (CBP) that it found discrepancies and inaccuracies between the sales information certain parties reported during the 2017-2018 administrative review and that reported to CBP at the time of entry. Accordingly, Commerce intends to reopen the record of the 2017-2018 AD administrative review and reconsider the final results of the 2017-2018 review. Commerce is providing notice of the remand and the reopening of the record, and further, inviting participation from interested parties.

**DATES:** Applicable October 27, 2021.

**FOR FURTHER INFORMATION CONTACT:** Charles DeFilippo, AD/CVD Operations, Office VII, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401

<sup>6</sup> See *Orders*.