

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-557-813]

**Polyethylene Retail Carrier Bags From Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020**

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that sales of polyethylene retail carrier bags (PRCBs) were not made at less than normal value during the period of review (POR) August 1, 2019, through July 31, 2020. Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable September 2, 2021.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Berger, 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) 482-2483.

**SUPPLEMENTARY INFORMATION:****Background**

On October 6, 2020, Commerce published a notice initiating an antidumping duty administrative review of PRCBs from Malaysia covering Euro SME Sdn Bhd (Euro SME) for the POR.<sup>1</sup> During the course of this administrative review, Euro SME responded to Commerce's questionnaire and supplemental questionnaires. For further details, see the Preliminary Decision Memorandum.<sup>2</sup>

On March 31, 2021, Commerce extended the deadline for issuing the preliminary results of this review.<sup>3</sup> The current deadline is August 31, 2021.

**Scope of the Order**

The merchandise covered by this order is PRCBs from Malaysia, which also may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. For a full description of

the scope of the order, see the Preliminary Decision Memorandum.

**Methodology**

Commerce is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price was calculated in accordance with section 772 of the Act. Normal value was 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 the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is available 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>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

**Preliminary Results of the Review**

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period August 1, 2019, through July 31, 2020:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Euro SME Sdn. Bhd.; and Euro Nature Green Sdn. Bhd. <sup>4</sup>	0.00

**Verification**

On December 31, 2020, the Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC and Superbag Corp. (petitioners) requested, pursuant to 19 CFR 351.307(b)(1)(v) that Commerce conduct verification of the

questionnaire responses of Euro SME.<sup>5</sup> Commerce is currently unable to conduct on-site verification of the information relied upon in making its final results of this administrative review. Accordingly, we intend to take additional steps in lieu of on-site verification to verify the information. Commerce will notify interested parties of any additional documentation or information required.

**Disclosure and Public Comment**

Commerce intends to disclose the calculations used in its analysis to interested parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Case briefs may be submitted to the Assistant Secretary for Enforcement and Compliance.<sup>6</sup> Interested parties will be notified of the timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.<sup>7</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>8</sup> Case and rebuttal briefs should be filed using ACCESS<sup>9</sup> and must be served on interested parties.<sup>10</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>11</sup>

Pursuant to 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 Commerce's electronic records system, ACCESS, by 5:00 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 parties intend to discuss. Issues raised in the hearing will be

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 63081 (October 6, 2020).

<sup>2</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review: Polyethylene Retail Carrier Bags from Malaysia," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>3</sup> See Memorandum, "Polyethylene Retail Carrier Bags from Malaysia: Extension of Deadline for the Preliminary Results of Antidumping Duty Administrative Review; 2019–2020," dated March 31, 2021.

<sup>4</sup> In the 2018–2019 review, Commerce collapsed Euro SME and Euro Nature Green Sdn. Bhd. (Nature Green) and treated them as a single entity. See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019*, 85 FR 83515 (December 22, 2020) and accompanying Preliminary Decision Memorandum at 3–5, unchanged in *Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Administrative Review; 2018–19*, 86 FR 22019 (April 26, 2021). Our treatment of Euro SME and Nature Green remains unchanged in this instant review.

<sup>5</sup> See Petitioners' Letter, "Polyethylene Retail Carrier Bags from Malaysia: Request for Verification," dated December 31, 2020.

<sup>6</sup> See 19 CFR 351.309(c).

<sup>7</sup> See 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 (July 10, 2020) (*Temporary Rule*).

<sup>8</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>9</sup> See 19 CFR 351.303.

<sup>10</sup> See 19 CFR 351.303(f).

<sup>11</sup> See *Temporary Rule*.

limited to those raised in the respective case and rebuttal briefs.<sup>12</sup> If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.<sup>13</sup>

#### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), upon issuance of the final results, Commerce intends to determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. 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.<sup>14</sup>

For any individually examined respondent whose weighted-average dumping margin is not *de minimis* (i.e., less than 0.50 percent) in the final results of this review, we intend to calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Where we do not have entered values for all U.S. sales to a particular importer, we intend to calculate an importer-specific, *ad valorem* assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.<sup>15</sup> We intend to instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*. If a respondent's weighted-average dumping margin is *de minimis* within the meaning of 19 CFR

351.106(c)(1), or an importer-specific rate is zero, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR for which a respondent did not know that its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company (or companies) involved in the transaction.

We intend to issue liquidation instructions to CBP 35 days after the date of publication of the final results of this administrative 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 the companies listed above, will be the rate established in the final results of the review (if the rate is zero or *de minimis*, no cash deposit will be required); (2) for previously reviewed or investigated companies not covered by this review, 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 company was investigated or reviews; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers and/or exporters will continue to be 84.94 percent, the all-others rate established in the LTFV investigation.<sup>16</sup>

These 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(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

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(b)(4).

Dated: August 27, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

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#### 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.

#### 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.

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

<sup>14</sup> See section 751(a)(2)(C) of the Act.

<sup>15</sup> In these preliminary results, Commerce applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>16</sup> See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004).