



FACT SHEET

Department of Commerce Finds Unfair Dumping and Subsidization of Imports of Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam and Unfair Dumping of Imports from Indonesia

- On March 26, the Department of Commerce (Commerce) announced its affirmative final determinations in the antidumping (AD) and countervailing duty (CVD) investigations on imports of polyethylene retail carrier bags (plastic bags) from Indonesia (AD) and the Socialist Republic of Vietnam (Vietnam) (AD and CVD).
- For the purposes of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than normal value. For the purposes of CVD investigations, subsidies are financial assistance from foreign governments that benefit the production, manufacture, or exportation of goods.
- Commerce determined that producers/exporters from Indonesia and Vietnam have sold plastic bags at less than normal value in the United States at 69.64 to 85.17 percent and 52.30 to 76.11 percent, respectively. Commerce also determined that Vietnamese producers/exporters have received net countervailable subsidies ranging from less than one percent to 52.56 percent.
- In the AD investigations, mandatory Indonesian respondents P.T. Sido Bangun Indonesia and P.T. Super Exim Sari Ltd./P.T. Super Makmur received final dumping rates of 85.17 percent and 69.64 percent, respectively. All other producers/exporters from Indonesia received a final dumping rate of 69.64 percent.
- Sixteen Vietnamese producer/exporters qualified for a separate rate of 52.30 percent. All other Vietnamese producers/exporters of plastic bags received the Vietnam Wide rate of 76.11 percent, including the Vietnamese mandatory respondents, Advance Polybag Co., Ltd. and Fotai Vietnam Enterprise Corporation, as both companies have withdrawn their participation this investigation.
- In the Vietnam CVD investigation, the three mandatory respondents Chin Sheng Company, Ltd., Fotai Vietnam Enterprise Corp., and Advance Polybag received final subsidy rates of 0.44 percent (*de minimis*), 5.28 percent, and 52.56 percent, respectively. All other producers/exporters from Vietnam received a final subsidy rate of 5.28 percent.
- As a result of the final AD determinations, Commerce will instruct U.S. Customs and Border Protection to collect a cash deposit or bond on imports of plastic bags based on the final AD rates. Cash deposits of countervailing duties on imports of plastic bags will not be required unless the U.S. International Trade Commission (ITC) reaches a final determination that the U.S. industry is being injured by imports of plastic bags from Vietnam.

- The petitioners for these investigations are Hilex Poly Co., LLC, of Hartsville, SC, and Superbag Corporation of Houston, TX.
- The products subject to these investigations are plastic bags, which also may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. Subject merchandise is classifiable under subheading 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheading is provided for convenience and customs purposes, Commerce’s written description of the subject merchandise governs the scope of these investigations.
- In 2009, imports of plastic bags from Vietnam were valued at an estimated \$43 million. Imports in that same period from Indonesia were valued at an estimated \$13.5 million.

NEXT STEPS

- The ITC is scheduled to issue its final determinations on or about May 10, 2010.
- If the ITC makes affirmative determinations that imports of plastic bags from Vietnam and Indonesia materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders. If the ITC makes negative injury determinations, these investigations will be terminated.

FINAL DUMPING MARGINS:

	PRODUCER/EXPORTER	DUMPING MARGIN
INDONESIA	P.T. Sido Bangun Indonesia	85.17%
	P.T. Super Exim Sari Ltd./ P.T. Super Makmur	69.64%
	All Others	69.64%
VIETNAM	Separate Rate Respondents (See Attached List)	52.30%
	Vietnam Wide (including Advance Polybag Co., Ltd. and Fotai Vietnam Enterprise Corporation)	76.11%

FINAL COUNTERVAILABLE SUBSIDY RATES:

COUNTRY	PRODUCER/EXPORTER	SUBSIDY RATE
VIETNAM	Advance Polybag	52.56 %
	Chin Sheng Company, Ltd.	0.44 % (de minimis)
	Fotai Vietnam Enterprise Corp.	5.28 %
	All Others	5.28 %

CASE CALENDAR:

EVENT	CVD	AD
Petition Filed	March 31, 2009	March 31, 2009
Commerce Initiation	April 20, 2009	April 20, 2009
ITC Preliminary Determination	May 14, 2009	May 14, 2009
Commerce Preliminary Determinations	August 28, 2009	October 27, 2009
Commerce Final Determinations	March 25, 2010	March 25, 2010
ITC Final Determination	May 10, 2010	May 10, 2010
Issuance of Orders*	May 17, 2010	May 17, 2010

*This will take place only in the event of final affirmative determinations by both Commerce and the ITC.

IMPORT STATISTICS:

INDONESIA	2007	2008	2009
Volume (Thousand Units)	3,397,000	2,820,000	1,603,000
Value (USD)	42,250,000	37,772,000	13,587,000
VIETNAM	2007	2008	2009
Volume (Thousand Units)	7,288,000	7,201,000	6,259,000
Value (USD)	65,429,000	79,424,000	43,074,000

Source: U.S. Bureau of Census, accessed through Global Trade Atlas (HTSUS 3923.21.0085).

One unit equals one thousand bags

VIETNAM SEPARATE RATE RESPONDENTS

PRODUCER/EXPORTER	DUMPING MARGIN
Alpha Plastics (Vietnam) Co., Ltd./Alpha Plastics (Vietnam) Co., Ltd.	52.30%
Alta Company/ Alta Company	52.30%
Ampac Packaging Vietnam Ltd./Ampac Packaging Vietnam Ltd.	52.30%
BITAHACO/BITAHACO	52.30%
Chin Sheng Co., Ltd./Chin Sheng Co., Ltd.	52.30%
Chung Va (Vietnam) Plastic Packaging Co., Ltd./Chung Va Century Macao Commercial Offshore Limited	52.30%
Hanoi 27-7 Packaging Company Limited, aka Hanoi 27-7 Packing Company Limited, aka HAPACK Co. Ltd, aka HAPACK/Hanoi 27-7 Packaging Company Limited, aka Hanoi 27-7 Packing Company Limited, aka HAPACK Co. Ltd, aka HAPACK	52.30%
Hoi Hung Company Limited/Kong Wai Polybag Printing Company	52.30%
Kinsplastic Vietnam Ltd. Co./Kinsplastic Vietnam Ltd. Co.	52.30%
Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Company, aka Loc Cuong Trading Producing Co. Ltd./Loc Cuong Trading Producing Company Limited, aka Loc Cuong Trading Producing Company, aka Loc Cuong Trading Producing Co. Ltd.	52.30%
Ontrue Plastics Co., Ltd. (Vietnam)/Ontrue Plastics Co., Ltd. (Vietnam)	52.30%
Richway Plastics Vietnam Co., Ltd./Richway Plastics Vietnam Co., Ltd.	52.30%
RKW Lotus Limited Co., Ltd., aka RKW Lotus Limited, aka RKW Lotus Ltd./RKW Lotus Limited Co., Ltd., aka RKW Lotus Limited, aka RKW Lotus Ltd.	52.30%
VINAPACKINK Co., Ltd./VINAPACKINK Co., Ltd.	52.30%
VN K's International Polybags Joint Stock Company/K's International Polybags MFG Ltd	52.30%
VN Plastic Industries Co. Ltd/VN Plastic Industries Co. Ltd	52.30%