March 5, 2018

MEMORANDUM TO:       Gary Taverman
                        Deputy Assistant Secretary
                        for Antidumping and Countervailing Duty Operations,
                        performing the non-exclusive functions and duties of the
                        Assistant Secretary for Enforcement and Compliance

FROM:                  James Maeder
                        Associate Deputy Assistant Secretary
                        for Antidumping and Countervailing Duty Operations
                        performing the duties of Deputy Assistant Secretary
                        for Antidumping and Countervailing Duty Operations

SUBJECT:               Decision Memorandum for Preliminary Results of Antidumping
                        Duty Administrative Review: Certain Frozen Warmwater Shrimp
                        from the Socialist Republic of Vietnam; 2016-2017

I. SUMMARY

In response to requests from interested parties, the Department of Commerce (Commerce) is
conducting this administrative review of the antidumping duty (AD) order on certain frozen
warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) for the period of review
(POR) February 1, 2016, through January 31, 2017. This review covers one mandatory
respondent, Fimex VN. Commerce preliminarily determines that sales of the subject
merchandise by Fimex VN were at prices below normal value (NV).

If these preliminary results are adopted in our final results of review, we will instruct U.S.
Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of
subject merchandise during the POR. Interested parties are invited to comment on these
preliminary results. We intend to issue final results no later than 120 days from the date of
publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended
(Act) and 19 CFR 351.213(h)(1), unless this deadline is extended.

II. BACKGROUND

On April 10, 2017, Commerce initiated an administrative review of certain warmwater shrimp
from Vietnam. Commerce initiated the administrative review for 127 producers and exporters

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of subject merchandise for the period February 1, 2016, through January 31, 2017. In the 
Initiation Notice, Commerce notified all interested parties that due to the large number of firms 
requested for this administrative review and the resulting administrative burden to review each 
company for which a request had been made, Commerce was considering exercising its authority 
to limit the number of respondents selected for individual review, in accordance with section 
777A(c)(2) of the Act, and that Commerce intended to select respondents based on CBP data for 
entries of the subject merchandise during the POR.

Section 777A(c)(1) of the Act directs Commerce to calculate individual weighted-average 
dumping margins for each known exporter and producer of the subject merchandise. However, 
when there is a large number of exporters involved in the investigation or review and it is not 
practicable to calculate individual weighted-average dumping margins, section 777A(c)(2) of the 
Act authorizes Commerce to determine the weighted-average dumping margins for a reasonable 
number of exporters/producers by limiting its examination to: (1) a statistically valid sampling 
of exporters, producer, or types of products; or (2) to the exporters/producers accounting for the 
largest volume of subject merchandise that can be reasonably examined. The Statement of 
Administrative Action accompanying the Uruguay Round Agreements Act (SAA) interprets this 
provision to mean that the authority to select respondents, whether by using a “statistically valid” 
sample or by examining respondents accounting for the largest volume of subject merchandise, 
rests exclusively with Commerce.

On April 12, 2017, we placed the CBP data on the record inviting comments on respondent 
selection. No parties filed respondent selection comments. Further, no parties filed a request to 
employ the sampling methodology to select respondents for individual examination. Because no 
interested parties submitted a request for Commerce to employ the sampling methodology, we 
determined not to employ sampling to select respondents in this review. Rather, pursuant to 
section 777A(c)(2) of the Act, we limited our examination of exporters or producers accounting 
for the largest volume of the subject merchandise, based on the CBP data we placed on the 
record. On May 23, 2017, Commerce determined to limit the number of respondents selected 
for individual examination to the two largest companies by U.S. import entry volume for which a 
review was requested. Commerce selected Fimex VN and Soc Trang Seafood Joint Stock 
Company for individual examination in this administrative review and issued the non-market 
economy (NME) AD questionnaire to them on the same date.

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2 Id. While there were 127 individual names upon which we initiated an administrative review, the number of actual 
companies for which a review was initiated is 78 when accounting for numerous duplicate names and minor name 
variations of the same companies requested by multiple interested parties and the groupings of companies that have 
been collapsed and/or have been previously found affiliated.


4 See Memorandum re: Customs Data of U.S. Imports of Certain Frozen Warmwater Shrimp for Respondent 
Selection, dated April 12, 2017 (CBP Data Memo).

5 Id.

6 See Memorandum to Irene D. Tzafolias, Office Director, from Irene Gorelik, Senior Analyst, re: “Antidumping 
Duty Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: 
Selection of Respondents for Individual Examination,” dated May 23, 2017 (Respondent Selection Memo).

7 See Memorandum re: “Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from the 
Socialist Republic of Vietnam: Selection of Respondents for Individual Examination,” dated May 23, 2017 
(Respondent Selection Memo).
Subsequently, on July 7, 2017, Soc Trang Seafood Joint Stock Company withdrew its request for administrative review. On July 7, 2017, the petitioner and ASPA also withdrew their respective requests for an administrative review of Soc Trang Seafood Joint Stock Company and its various name iterations, as were listed in the *Initiation Notice*. On July 10, 2017, the petitioner and ASPA also withdrew their respective requests for administrative review of Quoc Viet Seaprodusts Processing Trading and Import-Export Co., Ltd., Viet I-Mei Frozen Foods Co., Ltd., and Seavina Joint Stock Company and their various name iterations, as were listed in the *Initiation Notice*. On July 10, 2017, VASEP withdrew its request for administrative review of Quoc Viet Seaprodusts Processing Trading and Import-Export Co., Ltd. and Viet I-Mei Frozen Foods Co., Ltd. Therefore, as there were no outstanding review requests for above-named four companies, pursuant to 19 CFR 351.213(d)(1) and (4), Commerce rescinded the administrative review with respect to them. After accounting for the companies and their various name iterations rescinded from review, 121 companies remain under review.

On September 28, 2017, Commerce extended the deadline for the preliminary results by 120 days to February 28, 2018. Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce’s practice, the deadline will become the next business day. The revised deadline for the preliminary results of this review is now March 5, 2018.

III. SCOPE OF THE ORDER

The scope of the order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

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9 The petitioner is the Ad Hoc Shrimp Trade Action Committee.
10 ASPA is the American Shrimp Processors Association, a domestic interested party.
15 The number of actual companies remaining under active review is 74 when accounting for numerous duplicate names and minor name variations of the same companies requested by multiple interested parties and the groupings of companies that have been collapsed and/or have been previously found affiliated, as noted above.
18 See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, “Deadlines Affected by the Shutdown of the Federal Government” (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.
19 “Tails” in this context means the tail fan, which includes the telson and the uropods.
The frozen warmwater shrimp and prawn products included in the scope of the order, regardless of definitions in the HTS, are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count-size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, white-leg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of the order. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of the order.

Excluded from the scope are: 1) breaded shrimp and prawns (HTS subheading 1605.20.10.20); 2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; 3) fresh shrimp and prawns whether shell-on or peeled (HTS subheadings 0306.23.00.20 and 0306.23.00.40); 4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); 5) dried shrimp and prawns; 6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); and 7) certain battered shrimp. Battered shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by this order are currently classified under the following HTS subheadings: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. These HTS subheadings are provided for convenience and for customs purposes
only and are not dispositive, but rather the written description of the scope of this order is dispositive.20

IV. DISCUSSION OF THE METHODOLOGY

A. Preliminary Determination of No Shipments

In the Initiation Notice, we instructed producers or exporters named in the notice that had no exports, sales, or entries during the POR, to notify Commerce of this fact within 30 days of publication of the notice.21 Between April 14, 2017, and May 10, 2017, 11 companies filed a no-shipment certification indicating that they had no exports, sales, or entries of subject merchandise to the United States during the POR.22 Upon receiving claims of no exports, sales, or entries from companies subject to the administrative review, it is Commerce’s practice to send an inquiry message to CBP in which we request that CBP import officers alert Commerce if it had information contrary to the party’s claim.23 We issued an inquiry message to CBP.24 We received a response from CBP regarding two companies (Company A and Company B) listed within the no-shipment inquiry. Consequently, we requested entry documents regarding the response from CBP and placed those entry documents on the record.25 We reviewed the entry documents and preliminarily determine that the no-shipment claims by Company A and Company B are supported by the record evidence. Nevertheless, as noted in the Entry Document Memo, while Company A and Company B certified that they did not export subject merchandise, Commerce forwarded the matter to CBP for further investigation with respect to an apparent anomaly within the entry documents that affected these two companies. Specifically, two other unrelated companies, for which a review has been rescinded, appear to have used Company A’s

20 On April 26, 2011, Commerce amended the antidumping duty order to include dusted shrimp, pursuant to the U.S. Court of International Trade (CIT) decision in Ad Hoc Shrimp Trade Action Committee v. United States, 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission (ITC) determination, which found the domestic like product to include dusted shrimp. See Certain Frozen Warmwater Shrimp from Brazil, India, the People’s Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision, 76 FR 23277 (April 26, 2011); see also Ad Hoc Shrimp Trade Action Committee v. United States, 703 F. Supp. 2d 1330 (CIT 2010) and Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam (Investigation Nos. 731-TA-1063, 1064, 1066-1068 (Review), USITC Publication 4221, March 2011).

21 See Initiative Notice, 82 FR at 17189: “Notice of No Sales.”

22 See the no-shipment certifications of the following companies submitted in April and May 2017: (1) Au Vung One Seafood Processing Import & Export Joint Stock Company; (2) Bien Dong Seafood Co., Ltd.; (3) BIM Seafood Joint Stock Company; (4) Cafatec Corporation and its claimed aka names (a) Taydo Seafood Enterprise and (b) Xi Nghiep Che Bien Thuy Sue San Xuat Cantho; (5) Cam Ranh Seafoods; (6) Ngo Bros, also initiated as, Ngo Bros Seaproducts Import-Export One Member Company Limited, and NGO BROS Seaproducts Import- Export One Member Company Limited; (7) Quang Minh Seafood Co., Ltd., also initiated as Quang Minh Seafood Co LTD; (8) Tacvan Frozen Seafood Processing Export Company, also initiated as Tacvan Seafoods Company, Tacvan Seafoods Company (“TACVAN”), and Tacvan Seafoods Company (TACVAN); (9) Thong Thuan Seafood Company Limited; (10) Trong Nhan Seafood Company Limited, also initiated as Trong Nhan Seafood Co., Ltd. (“Trong Nhan”); and (11) Vinh Hoan Corp.


and Company B’s case-reference-file (CRF) numbers on the CBP entry documents to enter subject merchandise into the United States. In any event, Commerce’s draft instructions to CBP specifically address the above issue regarding the entry documents with a note to CBP regarding entries made by certain exporters that may have improperly used a CRF number attached to Company A and Company B, both of which reported no shipments during the POR.\textsuperscript{26}

Thus, based on the no-shipment claim submitted by these 11 companies and our analysis of information on the record, we preliminarily determine that these 11 companies had no shipments of subject merchandise during the POR. In addition, Commerce finds that, consistent with its practice in NME cases, it is appropriate not to rescind the review, in part, for these 11 companies in this circumstance, but rather to complete the review.\textsuperscript{27} Therefore, in accordance with Commerce’s practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide rate. Additionally, if Commerce determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number (\textit{i.e.}, at that exporter’s rate) will be liquidated at the Vietnam-wide rate.\textsuperscript{28}

\section*{B. Non-Market Economy Country}

Commerce considers Vietnam to be an NME country.\textsuperscript{29} In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. Therefore, we continue to treat Vietnam as an NME country for purposes of these preliminary results.

\subsection*{1. Separate Rates}

Pursuant to section 771(18)(C) of the Act, in proceedings involving NME countries, Commerce maintains a rebuttable presumption that all companies within the country are subject to government control and, therefore, should be assessed a single weighted-average dumping margin.\textsuperscript{30} Commerce’s policy is to assign all exporters of subject merchandise that are in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.\textsuperscript{31} Commerce analyzes whether each entity exporting the subject merchandise is sufficiently independent under a test established in \textit{Sparklers}\textsuperscript{32} and further developed in \textit{Silicon Carbide}.\textsuperscript{33} According to this separate rate test,

\begin{thebibliography}{99}

\bibitem{26} See Memorandum to the File, re: “Administrative Review - Draft U.S. Customs and Border Protection Cash Deposit and Liquidation Instructions” (Draft Instructions), dated concurrently with this memorandum.

\bibitem{27} See \textit{Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties}, 76 FR 65694, 65695 (October 24, 2011) (\textit{Assessment Notice}).

\bibitem{28} For a full discussion of this practice, see \textit{Assessment Notice}, 76 FR at 65695.


\bibitem{30} See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 73 FR 55039, 55040 (September 24, 2008).

\bibitem{31} See \textit{Final Determination of Sales at Less Than Fair Value: Sparklers from the People’s Republic of China}, 56 FR 20588, 20589 (May 6, 1991) (\textit{Sparklers}).

\bibitem{32} Id.

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Commerce will assign a separate rate in NME proceedings if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. However, if Commerce determines that a company is wholly foreign-owned or located in a market economy (ME), then a separate rate analysis is not necessary to determine whether it is independent from government control. Commerce continues to evaluate its practice with regard to the separate rates analysis in light of the diamond sawblades from China AD proceeding, and its determinations therein. In particular, in litigation involving the diamond sawblades from China proceeding, the CIT found Commerce’s existing separate rates analysis deficient in the circumstances of that case, in which a government-owned and controlled entity had significant ownership in the respondent exporter. Following the Court’s reasoning, in recent proceedings, we have concluded that where a government entity holds a majority ownership share, either directly or indirectly, in the respondent exporter, the majority ownership holding in and of itself means that the government exercises, or has the potential to exercise, control over the company’s operations generally. This may include control over, for example, the selection of management, a key factor in determining whether a company has sufficient independence in its export activities to merit a separate rate. Consistent with normal business practices, we would expect any majority shareholder, including a government, to have the ability to control, and an interest in controlling, the operations of the company, including the selection of management and the profit distribution of the company. In this administrative review, 37 companies filed separate rate applications or certifications. However, as noted above, we rescinded the review with respect to four companies; thus, the record contains separate-rate applications or certifications for 33 companies under active review, including the mandatory respondent, Fimex VN.

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33 See Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People’s Republic of China, 59 FR 22585 (May 2, 1994) (Silicon Carbide).

34 See, e.g., Final Results of Antidumping Duty Administrative Review: Petroleum Wax Candles from the People’s Republic of China, 72 FR 52355, 52356 (September 13, 2007).


36 See, e.g., Advanced Technology I, 885 F. Supp. 2d at 1349 (CIT 2012) (“The court remains concerned that Commerce has failed to consider important aspects of the problem and offered explanations that run counter to the evidence before it.”); Id., at 1351 (“Further substantial evidence of record does not support the inference that SASAC’s {state-owned assets supervision and administration commission} ‘management’ of its ‘state-owned assets’ is restricted to the kind of passive-investor de jure ‘separation’ that Commerce concludes.”) (footnotes omitted); Id., at 1355 (“The point here is that ‘governmental control’ in the context of the separate rate test appears to be a fuzzy concept, at least to this court, since a ‘degree’ of it can obviously be traced from the controlling shareholder, to the board, to the general manager, and so on along the chain to ‘day-to-day decisions of export operations,’ including terms, financing, and inputs into finished product for export.”); Id., at 1357 (“AT&M itself identifies its ‘controlling shareholder’ as CISRI {owned by SASAC} in its financial statements and the power to veto nomination does not equilibrate the power of control over nomination.”) (footnotes omitted).

a. Wholly Foreign-Owned Applicants

One company under review, C.P. Vietnam Corporation, filed a separate rate application reporting that it is wholly owned by individuals or companies located in a market economy. Therefore, because it is wholly foreign-owned, and we have no evidence indicating that its export activities are under the control of the Vietnamese government, a further separate rate analysis is not necessary to determine whether this company is independent from government control. Accordingly, we have preliminarily granted a separate rate to C.P. Vietnam Corporation.

b. Absence of De Jure Control

Thirty-two additional companies either filed Separate Rate Certifications or Applications. As noted above, Commerce considers the following de jure criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with an individual exporter’s business and export licenses; (2) legislative enactments decentralizing control over export activities of the companies; and (3) other formal measures by the government decentralizing control over export activities of companies.

In this review, the evidence provided by the remaining 32 separate rate applicants, plus the mandatory respondent, supports a preliminary finding of an absence of de jure government control for each of these companies’ export activities. Thus, we find that the evidence on the record supports a preliminary finding of an absence of de jure based on the following: (1) an absence of restrictive stipulations associated with the individual exporters’ business and export licenses; (2) the existence of applicable legislative enactments decentralizing control of the companies; and (3) the implementation of formal measures by the government decentralizing control of Chinese companies.

c. Absence of De Facto Control

Typically, Commerce considers four factors in evaluating whether a respondent is subject to de facto government control of its export functions: (1) whether the export prices (EPs) are set by, or are subject to the approval of, a government agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses. Commerce has determined that an analysis of de facto control is critical in determining whether the respondents are, in fact, subject to a degree of government control which would preclude Commerce from assigning separate rates.

38 See C.P. Vietnam Corporation’s Separate Rate Application, dated May 17, 2017.
39 See e.g., Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate from the People’s Republic of China, 64 FR 71104-05 (December 20, 1999) (where the respondent was wholly foreign-owned and, thus, qualified for a separate rate).
40 See Sparklers, 56 FR at 20589.
41 See, e.g., Fimex VN’s Separate Rate Application dated May 17, 2017; Vietnam Fish One Co., Ltd.’s Separate Rate Certification dated April 26, 2017.
42 See Silicon Carbide, 59 FR at 22586-87; Sparklers, 56 FR 20589; see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People’s Republic of China, 60 FR 22544, 22545 (May 8, 1995).
The evidence provided by the 32 separate rate applicants, plus Fimex VN, supports a preliminary finding of an absence of *de facto* government control, based on record statements and supporting documentation showing that the companies: (1) set their own EPs independent of the government and without the approval of a government authority; (2) have the authority to negotiate and sign contracts and other agreements; (3) maintain autonomy from the government in making decisions regarding the selection of management; and (4) retain the proceeds of their respective export sales and make independent decisions regarding the disposition of profits or financing of losses.

Therefore, the evidence placed on the record of this investigation by these companies demonstrates an absence of *de jure* and *de facto* government control under the criteria identified in *Sparklers* and *Silicon Carbide*. Accordingly, Commerce preliminarily grants separate rates to these 32 companies, including Fimex VN.

d. Separate Rate Status Not Granted to All Requested Trade Names

We note that certain of the separate rate applicants requested separate rate status for various names which: 1) were not included on their business registration certificates, 2) provided no evidence that those requested names were used commercially to export subject merchandise to the United States during the POR, or 3) included names that were superseded by new company names following changed circumstances determinations. Further, we note the *Initiation Notice* included variations of company names that are not official company names, not included in either the separate rate applications or certifications of the separate rate applicants. Because these names have not met the requirements for separate rate status, as discussed below, we are preliminarily not including these names on the list of companies for which separate rate status applies. Policy Bulletin 5.1, states “*e*ach applicant seeking separate rate status must submit a separate and complete individual application regardless of any common ownership or affiliation between firms . . . .” Moreover, a company that has not filed a separate rate application/certification is not eligible for a separate rate, even if it is affiliated with another company seeking a separate rate. Further, a company that did not export subject merchandise to the United States during the relevant period is also not eligible for a separate rate. Policy Bulletin 5.1 also states that “firms that produce the subject merchandise are not required to demonstrate their eligibility for separate rate status unless they also export the merchandise to the United States.” Commerce’s practice when the record does not contain either a separate rate

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43 See, *e.g.*, Fimex VN’s Separate Rate Application dated May 17, 2017; Vietnam Fish One Co., Ltd.’s Separate Rate Certification dated April 26, 2017.  
44 See *Initiation Notice*, 82 FR at 17194-17196.  
47 See Policy Bulletin 5.1.  
48 *Id.* at 6.
application, certification or no-shipment letter is to consider that company ineligible for a separate rate. Additionaly, the NME separate rate application states:

The name that is provided to the Department in the application must be the name that appears on the exporter’s business license/registration documents. All shipments to the United States declared to U.S. Customs and Border Protection must identify the exporter by its legal business name, and this name must match the name that appears on the exporter’s business/registration documents.

While Commerce has preliminarily granted separate rate status to 32 non-individually examined exporters, numerous exporters requested separate rate status for additional trade names that do not qualify for separate rate status based on the requirements noted above. The trade names to which we granted separate rate status appear in the “Preliminary Results of Review” section of the accompanying Federal Register notice. Commerce has listed the trade names not granted separate rate status in a separate memorandum.

Further, Commerce notes that in the current and previous reviews, many names appearing in the Initiation Notice, based on submitted review requests, have become duplicative or vary to some degree due to abbreviations, etc. In the case of companies within the Vietnam-wide entity, we have listed the names as they appeared in the Initiation Notice. In the case of companies receiving a separate rate, we have only listed the trade names for which separate rate status is granted. Thus, for those names in the Initiation Notice that are omitted in these preliminary results, we determine that they are either: 1) not official company names, as reported by the companies, or 2) not eligible for status as a trade name. These omitted names are provided in the Trade Name Memo. Interested parties have an opportunity to submit comments on the issue of trade names for consideration by Commerce in the final results.

e. Margin for the Separate Rate Companies

The statute and Commerce’s regulations do not address the establishment of a separate rate to be applied to individual respondents not selected for individual examination when the

51 See Memorandum to the File re: “Antidumping Duty Administrative of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Requested Trade Names Not Granted Separate Rate Status at the Preliminary Results,” dated concurrently with this memorandum (Trade Name Memo).
52 See Initiation Notice, 82 FR at 17194-17196.
53 See Appendix II of the accompanying Federal Register notice.
54 See the Appendix to this memorandum.
55 See Trade Name Memo.
Department limits its examination pursuant to section 777A(c)(2) of the Act. Normally, the Department’s practice is to assign to separate rate entities that were not individually examined a rate equal to the weighted average of the rates calculated for the individually examined respondents, excluding any rates that are zero, *de minimis*, or based entirely on facts available, using as guidance section 735(c)(5)(A) of the Act. However, pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely under section 776 of the Act, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

As stated above, pursuant to section 735(c)(5)(A) of the Act, Commerce’s practice is to assign to separate rate entities that were not individually examined a rate equal to the weighted average of the rates calculated for the individually examined respondents, excluding any rates that are zero, *de minimis*, or based entirely on facts available. In this proceeding, Commerce calculated an above- *de minimis* rate that is not based entirely on facts available for the single mandatory respondent remaining under individual examination. Pursuant to section 735(c)(5)(A) of the Act, when only one dumping margin for the individually investigated respondents is above *de minimis* and not based on adverse facts available, the separate rate will be equal to that single above- *de minimis* rate. Thus, consistent with our long-standing, court-affirmed practice, we are assigning the rate calculated for the single remaining mandatory respondent as the rate for non-individually examined companies that have preliminarily qualified for a separate rate.

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57 See SAA at 870-873. See also section 735(c)(5)(B) of the Act.

58 See, e.g., *Boltless Steel Shelving Units Prepackaged for Sale from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 80 FR 51779, 51780 (August 26, 2015).

59 See, e.g., *Changzhou Wujin Fine Chemical Factory Co., Ltd., v. United States*, 942 F. Supp. 2d 1333, 1339 (CIT 2013) (*Fine Chemical*); *Longkou Haimeng Mach. Co. v. United States*, 581 F. Supp. 2d 1344, 1357-60 (CIT 2008) (affirming Commerce’s determination to assign a 4.22-percent dumping margin to the separate rate respondents in a segment where the three mandatory respondents received dumping margins of 4.22 percent, 0.03 percent, and zero percent, respectively).

60 See, e.g., *Hydrofluorocarbon Blends and Components Thereof from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 FR 42314, 42316 (June 29, 2016) (“Under section 735(c)(5)(A) of the Act, the rate for all other companies that have not been individually examined is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely on the basis of facts available. In this final determination, the Department has calculated a rate for TTI that is not zero, *de minimis*, or based entirely on facts available. Therefore, the Department has assigned to the companies that have not been individually examined, but have demonstrated their eligibility for a separate rate, a margin of 101.82 percent, which is the rate for TTI.”); *Certain Corrosion-Resistant Steel Products from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances*, 81 FR 35316, 35317 (June 2, 2016) (“In this final determination, we calculated a weighted-average dumping margin for Yieh Phui (the only cooperating mandatory respondent) which is not zero, *de minimis*, or based entirely on facts available. Accordingly, we determine to use Yieh Phui’s weighted-average dumping margin as the margin for the separate rate companies.”); *Narrow Woven Ribbons with Woven Selvedge from Taiwan; Preliminary Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 60627, 60627 (October 7, 2015), unchanged in *Narrow Woven Ribbons with Woven Selvedge from Taiwan; Final Results of Antidumping Duty Administrative Review; 2013-2014*, 81 FR 22578 (April 18, 2016).
2. Vietnam-Wide Entity

Upon initiation of this administrative review, we provided the opportunity to each of the companies under review to: 1) submit either the separate rate application or certification, or 2) certify it had no shipments. However, 30 companies neither applied for a separate rate nor filed “no-shipment” certifications and, therefore, we determine them to be ineligible for a separate rate and, thus, part of the Vietnam-wide entity.

Commerce’s change in policy regarding conditional review of the Vietnam-wide entity applies to this administrative review. Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity in this review, the entity is not under review and the entity’s rate is not subject to change. Thus, Commerce preliminarily finds that these 30 companies under active review do not qualify for a separate rate, and are, consequently part of the Vietnam-wide entity.

C. Surrogate Country and Surrogate Values

When Commerce is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer’s factors of production (FOPs), valued in a surrogate ME country or countries considered to be appropriate by Commerce. Specifically, in accordance with section 773(c)(4) of the Act, in valuing the FOPs, Commerce shall utilize, “to the extent possible, the prices or costs of {FOPs} in one or more ME countries that are — (A) at a level of economic development comparable to that of the {NME} country; and (B) significant producers of comparable merchandise.” As a general rule, Commerce selects a surrogate country that is at the same level of economic development as the NME unless it is determined that none of the countries are viable options because (a) they either are not significant producers of comparable merchandise, (b) do not provide sufficient reliable sources of publicly available surrogate value (SV) data, or (c) are not suitable for use based on other reasons. Surrogate countries that are not at the same level of economic development as the NME country, but still at a level of economic development comparable to the NME country, are selected only to the extent that data considerations outweigh the difference in levels of economic development. To determine which countries are at the same level of economic development, Commerce generally relies on per capita gross national income (GNI) data from the World Bank’s World Development Report. Identifying potential surrogate countries based on GNI data has been affirmed by the CIT. Further, Commerce normally values all FOPs in a single surrogate country.

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63 See Appendix II of the accompanying Federal Register notice.
66 Id.
68 See 19 CFR 351.408(c)(2).
On June 30, 2017, Commerce issued a letter to interested parties identifying six countries (Bangladesh, Pakistan, India, Indonesia, Nigeria, and the Philippines) at the same level of economic development as Vietnam, and invited comments on the surrogate country list, surrogate country selection and surrogate value (SV) data. No parties commented on the countries found to be at the same level of economic development as Vietnam. On July 26, 2017, the Vietnam Association of Seafood Exporters and Producers (VASEP) submitted comments regarding the selection of a surrogate country, arguing that Bangladesh fulfills Commerce’s criteria. VASEP argues that Bangladesh is the most suitable surrogate country because it is at a comparable level of economic development, is a significant producer of comparable merchandise, and provides the best-quality data for surrogate value purposes, specifically raw shrimp, the main input. VASEP also notes that, for less important factors of production (non-shrimp), India and Indonesia may provide usable SV data where such data cannot be obtained from Bangladeshi sources, as necessary. On August 1, 2017, the petitioner submitted SV comments and on August 7, 2017, VASEP submitted SV comments.

1. Economic Comparability

As explained in our Surrogate Comments Letter, Commerce considers Bangladesh, Pakistan, India, Indonesia, Nigeria, and the Philippines to be at the same level of economic development as Vietnam. Commerce treats each of these countries as equally comparable. Accordingly, unless we find that all of these countries are not significant producers of comparable merchandise, do not provide a reliable source of publicly available surrogate data, or are unsuitable for use for other reasons, or we find that another equally comparable country is an appropriate surrogate, we will rely on data from one of these countries. Therefore, we consider all six countries identified in the Surrogate Comments Letter to have met this prong of the surrogate country selection criteria.

2. Significant Producers of Comparable Merchandise

Section 773(c)(4)(B) of the Act requires Commerce to value FOPs in a surrogate country that is a significant producer of comparable merchandise. Neither the statute nor Commerce’s regulations provide further guidance on what may be considered comparable merchandise. Policy Bulletin 04.1, however, states that “in all cases, if identical merchandise is produced, the
country qualifies as a producer of comparable merchandise. Conversely, if identical merchandise is not produced, then a country producing comparable merchandise is sufficient in selecting a surrogate country. Further, when selecting a surrogate country, the statute requires Commerce to consider the comparability of the merchandise, not the comparability of the industry. "In cases where the identical merchandise is not produced, Commerce must determine if other merchandise that is comparable is produced. How Commerce does this depends on the subject merchandise." In this regard, Commerce recognizes that any analysis of comparable merchandise must be done on a case-by-case basis:

In other cases, however, where there are major inputs, i.e., inputs that are specialized or dedicated or used intensively, in the production of the subject merchandise, e.g., processed agricultural, aquatic and mineral products, comparable merchandise should be identified narrowly, on the basis of a comparison of the major inputs, including energy, where appropriate.

Further, the statute grants Commerce discretion to examine various data sources for determining the best available information. Moreover, while the legislative history provides that the term “significant producer” includes any country that is a significant “net exporter,” it does not preclude reliance on additional or alternative metrics. In this case, we reviewed shrimp production information from the Food and Agriculture Organization of the United Nations Fisheries Statistics (UN FAO Statistics). After an examination of this information, Bangladesh, Pakistan, India, Indonesia, Nigeria, and the Philippines reported significant production of comparable merchandise. Thus, among Bangladesh, Pakistan, India, Nicaragua, Nigeria, and the Philippines, Commerce evaluated the availability of SV data to determine the most appropriate surrogate country.

3. Data Availability

When evaluating SV data, Commerce considers several factors including whether the SV is publicly available, contemporaneous with the POR, represents a broad-market average, from an approved surrogate country, tax and duty-exclusive, and specific to the input. There is no hierarchy among these criteria. It is Commerce’s practice to carefully consider the available

79 Policy Bulletin 04.1 also states that “if considering a producer of identical merchandise leads to data difficulties, the operations team may consider countries that produce a broader category of reasonably comparable merchandise.” Id. at note 6.
80 See Sebacic Acid from the People’s Republic of China; Final Results of Antidumping Duty Administrative Review, 62 FR 65674, 65675-76 (December 15, 1997) (“To impose a requirement that merchandise must be produced by the same process and share the same end uses to be considered comparable would be contrary to the intent of the statute.”)
82 Id. at 3.
83 See section 773(c) of the Act; see also Nation Ford Chem. Co. v. United States, 166 F.3d 1373, 1377 (Fed. Cir. 1990).
85 See VASEP Surrogate Country Comments at Exhibit 1.
86 See, e.g., First Administrative Review of Certain Polyester Staple Fiber from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review, 75 FR 1336 (January 11, 2010), and accompanying Issues and Decision Memorandum at Comment 1.
evidence in light of the particular facts of each industry when undertaking its analysis. In this case, SV data for direct materials or surrogate financial statements are unavailable for Pakistan, India, Indonesia, Nigeria, and the Philippines; therefore, these countries cannot be considered for primary surrogate country selection purposes at this time.

Commerce notes that the value of the main input, head-on, shell-on shrimp, is the critical FOP in the dumping calculation as it accounts for the majority of the NV. Consequently, Commerce places great weight on the available sources of fresh, whole shrimp prices—more so than for non-shrimp FOPs. The record contains publicly available SV information for most FOPs from Bangladesh. With respect to the main raw material input, fresh shrimp, VASEP submitted fresh shrimp SV data for Bangladesh from a study conducted by the Network of Aquaculture Centers in Asia-Pacific (NACA), an intergovernmental organization affiliated with the United Nation’s (UN) Food and Agricultural Organization (FAO) which provides prices for several shrimp count-sizes. This is also the only SV for fresh, whole shrimp on the record. With respect to the non-shrimp SVs, we note that UN Comtrade provides SV data for the majority of the reported FOPs. As stated above, Commerce’s practice when selecting the best available information for valuing FOPs, in accordance with section 773(c)(1) of the Act, is to select, to the extent practicable, SVs which are product-specific, representative of a broad-market average, publicly available, contemporaneous with the POR and exclusive of taxes and duties. As a general matter, among other factors, Commerce prefers to use publicly available data representing a broad-market average to value SVs.

a. Public Availability and Broad-Market Average

The Bangladeshi shrimp values within the NACA study are compiled by the UN’s FAO from actual pricing records kept by Bangladeshi farmers, traders, depots, agents, and processors. Moreover, the NACA study is a reliable and objective source of fresh, whole shrimp prices available to the public, as we have determined in prior segments of this proceeding. Indeed, Commerce has relied on the NACA study for numerous administrative reviews to value shrimp. Therefore, we find the Bangladeshi data to be publicly available and representative of a broad market average.

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87 See Policy Bulletin 04.1.
89 See VASEP SV Comments.
90 Id. at Exhibit SV-2.
91 See, e.g., Fresh Garlic from the People’s Republic of China: Final Results and Partial Rescission of the Eleventh Administrative Review and New Shipper Reviews, 72 FR 34438 (June 22, 2007), and accompanying Issues and Decision Memorandum at Comment 2A.
92 Id.
93 See VASEP SV Comments at Exhibit SV-2.
94 See, e.g., VN Shrimp AR8 Final at Comment 1.
**b. Specificity**

Commerce acknowledges that the Bangladeshi NACA data pertain to Black Tiger shrimp only. Commerce also notes that Fimex VN produced and sold both white (*P. Vannamei*) and Black Tiger shrimp. Accordingly, while the Bangladeshi SV data would not cover all shrimp species produced and exported by the respondent, as we stated in *VN Shrimp AR8 Final* and *VN Shrimp AR9 Prelim*, the absence of white shrimp price data in the Bangladeshi NACA study does not render it inferior or unusable. Specifically, as we stated in *VN Shrimp AR8 Final*, “what the data for Bangladesh lacks in vannamei prices is outweighed by other factors, such as Bangladesh’s economic comparability to Vietnam, as well as the availability of Bangladeshi surrogate financial statements…and a larger range of pricing for count sizes of black tiger shrimp, particularly the largest, most expensive shrimp count size.”

Furthermore, the ability to value shrimp on a count-size basis is a significant consideration with respect to the data available on the record, as the subject merchandise and the raw shrimp input are both reported on a count-size-specific basis. Commerce’s long-standing reliance on the NACA study rests on the fact that it provides useable and reliable pricing data for a large range of shrimp count-sizes, which is a fundamental element of Commerce’s margin calculations, as our control number (CONNUM) categories place a greater weight on count-sizes of shrimp versus the species of shrimp. As we stated in *VN Shrimp AR8 Final*, “the CIT affirmed our placement of great weight on count size stating that ‘because the count size of shrimp is unquestionably an important consideration, the Department reasonably placed more weight on its specificity criterion than on its four other criteria.’” Moreover, for these reasons, in prior administrative reviews, Commerce rejected shrimp SVs with limited count-sizes. Accordingly, we find the Bangladeshi data to be specific to the main input. Finally, the CIT has sustained our determination to rely on Bangladeshi NACA data to value fresh, whole shrimp, regardless of species.

**c. Contemporaneity and Tax and Duty Exclusive**

Despite the data not being contemporaneous with the POR and not indicating whether the prices are tax- and duty-exclusive, we nevertheless preliminarily determine that the NACA data are the best available information because they are publicly available, represent a broad market average, pertain to a country on the approved surrogate country list, and are specific to the largest

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96 See, e.g., Fimex VN Section A Questionnaire Response (SAQR), dated June 12, 2017, at Exhibit A-11, where Fimex VN’s product brochure exhibits both white shrimp and black tiger shrimp finished products.

97 See *VN Shrimp AR8 Final* at Comment 1.


99 See *VN Shrimp AR8 Final*, and accompanying Issues and Decision Memorandum at Comments 1 and 3; *VN Shrimp AR9 Prelim*, and accompanying Preliminary Decision Memorandum at 16.

100 See *VN Shrimp AR8 Final*, and accompanying Issues and Decision Memorandum at Comment 3.

101 See *Allied Pacific Food (Dalian) Co. Ltd., v. United States*, 716 F. Supp. 2d 1339, 1344-1345 (CIT 2010). See also *VN Shrimp AR8 Final* at Comment 1.

102 See *VN Shrimp AR9 Final* and accompanying Issues and Decision Memorandum at Comment 6.

103 See *Tri Union Frozen Prods. v. United States*, 163 F. Supp. 3d 1255, 1278 (CIT April 6, 2016) (“Commerce’s decision to use the Bangladeshi NACA data to value all raw shrimp, including white vannamei shrimp, is reasonable”).
component of the NV, fresh shrimp. Therefore, as in all prior administrative reviews, Commerce preliminarily determines to rely on the NACA data.

Given the above facts, Commerce has preliminarily selected Bangladesh as the primary surrogate country for this review. A detailed explanation of the SVs is provided below in the “Normal Value” section of this notice.

D. Date of Sale

Fimex VN reported the invoice date as the date of sale because it claims that for its U.S. sales of subject merchandise during the POR, the material terms of sale were established based on the invoice date. In this case, as Commerce found no evidence contrary to these claims that invoice date was the appropriate date of sale, Commerce used invoice date as the date of sale for these preliminary results in accordance with 19 CFR 351.401(i).104

E. Fair Value Comparisons

Pursuant to section 773(a) of the Act and 19 CFR 351.414(c)(1) and (d), to determine whether the respondent’s sales of the subject merchandise from Vietnam to the United States were made at less than NV, Commerce compared the EP to the NV as described in the “Export Price” and “Normal Value” sections of this memorandum.

1. Determination of the Comparison Method

Pursuant to 19 CFR 351.414(c)(1), Commerce calculates weighted-average dumping margins by comparing weighted-average NVs to weighted-average EPs (or constructed export prices (CEPs)) (i.e., the average-to-average method) unless the Secretary determines that another method is appropriate in a particular situation. In LTFV investigations, Commerce examines whether to compare weighted-average NVs with the EPs (or CEPs) of individual sales (i.e., the average-to-transaction method) as an alternative comparison method using an analysis consistent with section 777A(d)(1)(B) of the Act. Although section 777A(d)(1)(B) of the Act does not directly apply to Commerce’s examination of this question in the context of administrative reviews, Commerce finds that the issue arising under 19 CFR 351.414(c)(1) in administrative reviews is, in fact, analogous to the issue in antidumping duty investigations.105

Commerce applies a “differential pricing” analysis for determining whether application of the average-to-transaction method is appropriate in a particular situation pursuant to 19 CFR 351.414(c)(1) and section 777A(d)(1)(B) of the Act in its investigations.106 Commerce finds that the differential pricing analysis used in its investigations may be instructive for purposes of

104 See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from Thailand, 69 FR 76918 (December 23, 2004), and accompanying Issues and Decision Memorandum at Comment 10.

105 See Ball Bearings and Parts Thereof from France, Germany, and Italy: Final Results of Antidumping Duty Administrative Reviews; 2010-2011, 77 FR 73415 (December 10, 2012).

106 See, e.g., Welded Line Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value, 80 FR 61362 (October 13, 2015); Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 79 FR 54967 (September 15, 2014); and Xanthan Gum from the People’s Republic of China: Final Determination of Sales at Less Than Fair, 78 FR 33351 (June 4, 2013).
examining whether to apply an alternative comparison method in this administrative review. Commerce will continue to develop its approach in this area based on comments received in this and other proceedings, and on Commerce’s additional experience with addressing the potential masking of dumping that can occur when Commerce uses the average-to-average method in calculating a respondent’s weighted-average dumping margin.

The differential pricing analysis used in these preliminary results was affirmed by the Court of Appeals for the Federal Circuit (CAFC) as in accordance with law in *Apex Frozen Foods Private Ltd. v. United States*.\(^{107}\) That analysis examines whether there exists a pattern of EPs (or CEPs) for comparable merchandise that differ significantly among purchasers, regions, or time periods. The analysis evaluates all export sales by purchasers, regions and time periods to determine whether a pattern of prices that differ significantly exists. If such a pattern is found, then the differential pricing analysis evaluates whether such differences can be taken into account when using the average-to-average method to calculate the weighted-average dumping margin. The analysis incorporates default group definitions for purchasers, regions, time periods, and comparable merchandise. Purchasers are based on the reported customer codes (CUSCODU). Regions are defined using the reported destination code (\textit{i.e.}, zip code (DESTU)) and are grouped into regions based upon standard definitions published by the U.S. Census Bureau. Time periods are defined by the quarter within the POR being examined based upon the reported date of sale. For purposes of analyzing sales transactions by purchaser, region and time period, comparable merchandise is defined using the product control number and all characteristics of the U.S. sales, other than purchaser, region and time period, that Commerce uses in making comparisons between EP (or CEP) and NV for the individual dumping margins.

In the first stage of the differential pricing analysis used here, the “Cohen’s $d$ test” is applied. The Cohen’s $d$ coefficient is a generally recognized statistical measure of the extent of the difference between the mean (\textit{i.e.}, weighted-average price) of a test group and the mean (\textit{i.e.}, weighted-average price) of a comparison group. First, for comparable merchandise, the Cohen’s $d$ coefficient is calculated when the test and comparison groups of data for a particular purchaser, region or time period each have at least two observations, and when the sales quantity for the comparison group accounts for at least five percent of the total sales quantity of the comparable merchandise. Then, the Cohen’s $d$ coefficient is used to evaluate the extent to which the net prices to the particular purchaser, region or time period differ significantly from the net prices of all other sales of comparable merchandise. The extent of these differences can be quantified by one of three fixed thresholds defined by the Cohen’s $d$ test: small, medium or large (0.2, 0.5 and 0.8, respectively). Of these thresholds, the large threshold provides the strongest indication that there is a significant difference between the mean of the test and comparison groups, while the small threshold provides the weakest indication that such a difference exists. For this analysis, the difference is considered significant, and the sales in the test group are found to pass the Cohen’s $d$ test, if the calculated Cohen’s $d$ coefficient is equal to or exceeds the large (\textit{i.e.}, 0.8) threshold.

Next, the “ratio test” assesses the extent of the significant price differences for all sales as measured by the Cohen’s $d$ test. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s $d$ test account for 66 percent or more of the value of total sales, then the identified pattern of prices that differ significantly supports the consideration of the application of the average-to-transaction method to all sales as an alternative to the average-to-average

\(^{107}\) See *Apex Frozen Foods Private Ltd. v. United States*, 862 F.3d 1337, 1350-51 (Fed. Cir. 2017).
method. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s $d$ test accounts for more than 33 percent and less than 66 percent of the value of total sales, then the results support consideration of the application of an average-to-transaction method to those sales identified as passing the Cohen’s $d$ test as an alternative to the average-to-average method, and application of the average-to-average method to those sales identified as not passing the Cohen’s $d$ test. If 33 percent or less of the value of total sales passes the Cohen’s $d$ test, then the results of the Cohen’s $d$ test do not support consideration of an alternative to the average-to-average method.

If both tests in the first stage (i.e., the Cohen’s $d$ test and the ratio test) demonstrate the existence of a pattern of prices that differ significantly such that an alternative comparison method should be considered, then in the second stage of the differential pricing analysis, Commerce examines whether using only the average-to-average method can appropriately account for such differences. In considering this question, Commerce tests whether using an alternative comparison method, based on the results of the Cohen’s $d$ and ratio tests described above, yields a meaningful difference in the weighted-average dumping margin as compared to that resulting from the use of the average-to-average method only. If the difference between the two calculations is meaningful, then this demonstrates that the average-to-average method cannot account for differences such as those observed in this analysis, and, therefore, an alternative comparison method would be appropriate. A difference in the weighted-average dumping margins is considered meaningful if (1) there is a 25 percent relative change in the weighted-average dumping margins between the average-to-average method and the appropriate alternative method where both rates are above the *de minimis* threshold, or (2) the resulting weighted-average dumping margins between the average-to-average method and the appropriate alternative method move across the *de minimis* threshold.

Interested parties may present arguments and justifications in relation to the above-described differential pricing approach used in these preliminary results, including arguments for modifying the group definitions used in this proceeding.

2. Results of the Differential Pricing Analysis

For Fimex VN, based on the results of the differential pricing analysis, Commerce preliminarily finds that 53.0 percent of the value of U.S. sales pass the Cohen’s $d$ test,\(^{108}\) and confirms the existence of a pattern of prices that differ significantly among purchasers, regions, or time periods. Further, Commerce preliminarily determines that there is no meaningful difference between the weighted-average dumping margin calculated using the average-to-average method and the weighted-average dumping margin calculated using an alternative comparison method based on applying the average-to-transaction method to those U.S. sales which passed the Cohen’s $d$ test and the average-to-average method to those sales which did not pass the Cohen’s $d$ test. Thus, for these preliminary results, Commerce is applying the average-to-average method for all U.S. sales to calculate the weighted-average dumping margin for Fimex VN.

\(^{108}\) See Memorandum re: “Preliminary Results Margin Calculation for Fimex VN,” dated concurrently with this memorandum (Preliminary Calculation Memo).
F. Export Price

In accordance with section 772(a) of the Act, Commerce calculated EP for Fimex VN’s sales to the United States because the first sale to an unaffiliated party was made before the date of importation and the use of CEP was not otherwise warranted. Commerce calculated EP based on the sales price to unaffiliated purchasers in the United States. In accordance with section 772(c)(2)(A) of the Act, as appropriate, Commerce deducted from the sales price certain foreign inland freight, lift, containerization, and international movement costs. Because the inland freight, lift, and containerization services were either provided by a NME vendor or paid for using an NME currency, Commerce based the deduction of these charges on SVs. Further, because international freight and marine insurance were paid in an NME currency, Commerce based the deduction of international freight and marine insurance on SVs.109

G. Normal Value

Section 773(c)(1) of the Act provides that Commerce shall determine NV using the FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home market prices, third-country prices, or constructed value under section 773(a) of the Act. Commerce bases NV on FOPs because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under Commerce’s normal methodologies.110 Therefore, in accordance with sections 773(c)(3) and (4) of the Act and 19 CFR 351.408(c), Commerce calculated NV based on FOPs. Under section 773(c)(3) of the Act, FOPs include, but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs.111

Exclusion Requests

On June 12, 2017, Fimex VN requested to be excused from reporting FOPs separately for purchased frozen shrimp.112 Following our determination in VN Shrimp AR9 Final,113 Commerce continues to decline requests for companies to be excused from reporting frozen shrimp purchases/consumption as FOPs and it declines to treat purchased frozen shrimp FOPs as equivalent to fresh shrimp FOPs.114 Thus, we requested that Fimex VN report fresh shrimp as separate FOPs from purchased frozen shrimp FOPs.

109 See “Factor Valuations” section below for further discussion. See also VN Shrimp AR9 Final, and accompanying Issues and Decision Memorandum at Comment 3, wherein Commerce’s determination regarding ocean freight valuation and currency used to pay for ocean freight expenses mirror the circumstances presented by the mandatory respondents in this review.


111 See sections 773(c)(3)(A)-(D) of the Act.


113 See VN Shrimp AR9 Final, and accompanying Issues and Decision Memorandum at Comment 2.

H. Factor Valuation Methodology

In accordance with section 773(c) of the Act, for subject merchandise produced by Fimex VN, Commerce calculated NV based on the FOPs reported by Fimex VN for the POR. Commerce used Bangladeshi import data and other publicly available Bangladeshi sources in order to calculate SVs for the majority of Fimex VN’s FOPs. Instances in which Commerce used data from a country other than Bangladesh are described below. To calculate NV, Commerce multiplied the reported per-unit FOP quantities by publicly available SVs. Commerce’s practice when selecting the best available information for valuing FOPs is to select, to the extent practicable, SVs which are product-specific, representative of a broad market average, publicly available, contemporaneous with the POR, and exclusive of taxes and duties.\textsuperscript{115}

As appropriate, Commerce adjusted input prices by including freight costs to render them delivered prices. Specifically, Commerce added to Bangladeshi import SVs a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory where it relied on an import value. This adjustment is in accordance with the decision of the Federal Circuit.\textsuperscript{116} Additionally, where necessary, Commerce adjusted SVs for inflation and exchange rates, taxes, and Commerce converted all applicable FOPs to a per-kilogram basis.

Consistent with section 773(c)(5) of the Act, we disregarded import prices from countries that we have determined maintain broadly available export subsidies.\textsuperscript{117} We have reason to believe or suspect that prices of inputs from India, Indonesia, South Korea, and Thailand may have been subsidized because we have found in other proceedings that these countries maintain broadly available, non-industry-specific export subsidies.\textsuperscript{118} Therefore, it is reasonable to infer that all exports to all markets from these countries may be subsidized.\textsuperscript{119} Further, guided by the legislative history, it is Commerce’s practice not to conduct a formal investigation to ensure that such prices are not subsidized.\textsuperscript{120} Additionally, consistent with our practice, we disregarded prices from NME countries and excluded imports labeled as originating from an “unspecified” country from the average value because Commerce could not be certain that they were not from

\begin{itemize}
\item \textsuperscript{115} See, e.g., Electrolytic Manganese Dioxide from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 73 FR 48195 (August 18, 2008), and accompanying Issues and Decision Memorandum at Comment 2.
\item \textsuperscript{116} See Sigma Corp. v. United States, 117 F.3d 1401, 1408 (Fed. Cir. 1997).
\item \textsuperscript{117} See Section 505 of the Trade Preferences Extension Act of 2015, Pub. Law 114-27 (June 29, 2015); see also, Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015, 80 FR 46793, 46795 (August 6, 2015).
\item \textsuperscript{118} See, e.g., Certain Frozen Warmwater Shrimp from Thailand: Final Negative Countervailing Duty Determination, 78 FR 50379 (August 19, 2013); Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review, 74 FR 2512 (January 15, 2009), and accompanying Issues and Decision Memorandum at 17, 19-20; Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia: Final Results of Expediting Sunset Review, 70 FR 45692 (August 8, 2005), and accompanying Issues and Decision Memorandum at 4; and Carbazole Violet Pigment 23 from India: Final Results of the Expedited Five-year (Sunset) Review of the Countervailing Duty Order, 75 FR 13257 (March 19, 2010), and accompanying Issues and Decision Memorandum at 4-5.
\item \textsuperscript{119} See Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers from the People’s Republic of China, 69 FR 20594 (April 16, 2004), and accompanying Issues and Decisions Memorandum at Comment 7.
\end{itemize}
either an NME country or a country with general export subsidies. Therefore, we have not used prices from these countries in calculating the import-based SVs or in calculating ME input values.

Pursuant to 19 CFR 351.408(c)(1), when a respondent sources inputs from an ME supplier in meaningful quantities (i.e., not insignificant quantities) and pays in an ME currency, Commerce uses the actual price paid by the respondent to value those inputs, except when prices may have been distorted by findings of dumping and/or subsidization. Where Commerce finds ME purchases to be of significant quantities (i.e., 85 percent or more), in accordance with our statement of policy as outlined in ME Inputs Final Rule, Commerce uses the actual purchase prices to value the inputs. Alternatively, when the volume of an NME firm’s purchases of an input from ME suppliers during the period is below 85 percent of its total volume of purchases of the input during the period, but where these purchases are otherwise valid and there is no reason to disregard the prices, Commerce will weight-average the ME purchase price with an appropriate SV, according to the respective share of ME and NME purchases relative to the total volume of purchases, unless case-specific facts provide adequate grounds to rebut the presumption. When a firm has made ME input purchases that may have been dumped or subsidized, are not bona fide, or are otherwise not acceptable for use in a dumping calculation, Commerce will exclude them from the numerator of the ratio to ensure a fair determination of whether valid ME purchases meet the 85 percent threshold. Commerce addresses Fimex VN’s reported ME purchases of inputs during the POR that were paid for in ME currency in the Preliminary Calculation Memorandum.

Commerce used UN Comrade Statistics, provided by the UN Department of Economic and Social Affairs’ Statistics Division, as its primary source of Bangladeshi SV data to value nearly all other raw materials, certain energy inputs, and packing material inputs that the respondents used to produce subject merchandise during the POR, except where listed below. The data represent cumulative values for the calendar year 2015 for inputs classified by the Harmonized Commodity Description and Coding System (HS) number, as reported by Fimex VN for the direct materials used to produce subject merchandise. For each input value, we used the average per-unit value for that input imported into Bangladesh from all countries that Commerce has not previously determined to be NME countries. Import statistics from countries that Commerce determines to be countries which subsidized exports (i.e., India, Indonesia, South Korea, and Thailand) and imports from unspecified countries also were excluded in the

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122 See, e.g., Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27366 (May 19, 1997).


124 Id.

125 Id.

126 This can be accessed online at: http://www.unstats.un.org/unsd/comtrade/.

127 See Fimex VN’s Section D Supplemental Questionnaire Response dated August 30, 2017, at Exhibit SD-19.
calculation of the average value. We inflated the value using the POR average Bangladeshi Consumer Price Index (CPI) rate.\textsuperscript{128}

\textit{Fresh Shrimp and Frozen Shrimp}

The shrimp values within the NACA study conducted by an intergovernmental agency affiliated with the UN FAO are compiled from actual pricing records kept by Bangladeshi farmers, traders, depots, agents, and processors, are count-size specific, and are publicly available.\textsuperscript{129} Therefore, to value the main input, head-on, shell-on fresh shrimp, Commerce used data contained in the NACA study, as we have done in all prior administrative reviews.

Where the respondent reported ME purchases of frozen shrimp, there were no usable purchase prices to value the frozen shrimp;\textsuperscript{130} thus, we applied a Bangladeshi SV from UN Comtrade to the respondent’s reported quantity of purchased frozen shrimp.\textsuperscript{131} VASEP provided a frozen shrimp SV on the record from UN Comtrade under HS 0306.17.\textsuperscript{132} As in the past several administrative reviews, we continue to rely on the Bangladeshi import statistics from UN Comtrade to value frozen shrimp purchased for re-processing into subject merchandise.\textsuperscript{133}

\textit{Shrimp Scrap Byproduct}

VASEP submitted a Bangladesh shrimp scrap SV on the record obtained from UN Comtrade, using HS code 0508.00.\textsuperscript{134} We note that HS 0508.00 is defined in UN Comtrade as “animal products; coral and similar materials, shells of moluscs, crustaceans, echinoderms, cuttle-bone, unworked or simply prepared but not cut-to-shape, powder and waste thereof.”\textsuperscript{135} We find that this category is over-inclusive and not specific to the shrimp scrap generated by the respondent.

As stated above, while our preference is to value factors in a single surrogate country when possible, our decision necessarily is guided by considering the best available information on the

\footnotesize{128} The UN Comtrade import data for Bangladesh are expressed in USD, but collected in Bangladeshi Taka, as noted in the Memorandum re: “Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Surrogate Values for the Preliminary Results,” dated concurrently with this preliminary decision memorandum (Prelim SV Memo). Our practice is to apply an inflator from the country from which the data is obtained. \textit{See}, e.g., \textit{VN Shrimp AR9 Final}, and accompanying Issues and Decision Memorandum at Comment 4; \textit{see also Glycine from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review}, 77 FR 21738, 21742 (April 11, 2012), unchanged in \textit{Glycine from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review}, 77 FR 64100 (October 18, 2012), and accompanying Issues and Decision Memorandum at Comment 8; \textit{see also Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review and Final Determination Not To Revoke Order in Part}, 70 FR 7237 (February 11, 2005), and accompanying Issues and Decision Memorandum at Comment 7.

\footnotesize{129} \textit{See} VASEP SV Comments at Exhibit SV-2. For a detailed explanation of Commerce’s valuation of shrimp, \textit{see} Prelim SV Memo.

\footnotesize{130} The ME purchases either: 1) reflected insignificant quantities well below the 85 percent threshold established in \textit{ME Inputs Final Rule}, or 2) were purchased from countries that maintain broadly available, non-industry-specific export subsidies.

\footnotesize{131} \textit{See} Prelim SV Memo. \textit{See also} Fimex VN Calculation Memo, dated concurrently with these preliminary results.

\footnotesize{132} \textit{See} VASEP SV Comments at Exhibit SV-1.

\footnotesize{133} \textit{See} Prelim SV Memo.

\footnotesize{134} \textit{See} VASEP SV Comments at Exhibit SV-1.

\footnotesize{135} \textit{See} Prelim SV Memo, wherein we included the UN Comtrade downloaded descriptions of HS codes proffered by VASEP.
While we did not select India as the primary surrogate country, India was determined to be at the same level of economic development as Vietnam and was included on the surrogate country list. Thus, where we could not obtain Bangladeshi values for certain inputs, as explained below, we looked to Indian sources for an appropriate SV. We obtained India Global Trade Atlas (GTA) data, under HS 0508.00.50: “Shells Of Moluscs, Crustacns/Echinodrms,” which is more specific to the shrimp scrap generated as byproduct than the UN Comtrade data, which, as discussed above, includes coral, seashells, and cuttlebone among other unidentified components. Therefore, with respect to the shrimp scrap SVs on the record, the Indian SV from GTA under HS number 0508.00.50 is preferable to the Bangladeshi shrimp scrap SV from UN Comtrade under HS number 0508.00 because it is more specific, from a reliable source and from a country determined to be at the same level of economic development as Vietnam. Thus, we have determined that the India GTA SV for shrimp scrap is the best available information on the record to value shrimp waste as an offset to NV.

**Shrimp Larvae and Shrimp Feed**

As noted above, where we could not obtain Bangladeshi values for certain inputs, we looked to Indian sources for appropriate SV for those inputs. With respect to shrimp larvae, no interested parties provided a SV for shrimp larvae, which are consumed in the farming process to grow whole shrimp, as reported by Fimex VN. Thus, we have preliminarily relied on the shrimp larvae SV that we used in VN Shrimp AR9 Prelim, unchanged in VN Shrimp AR9 Final. The shrimp larvae SV is from an annual report of an Indian company, Sharat Industries’ 2009-2010 Annual Report. Commerce previously relied on this same source in China Shrimp AR5 Final Results. We inflated the shrimp larvae SV using the POR average CPI rate.

With respect to shrimp feed (for larvae), VASEP submitted a Bangladesh SV for shrimp feed from UN Comtrade under HS code 2309.90: “Residues and waste from the food industries; prepared animal fodder // Preparations of a kind used in animal feeding. // -Other.” However, Fimex VN reported a different HS code for shrimp feed, at the eight-digit level. We find that it is appropriate to value shrimp feed using the HS code reported by Fimex VN, rather than relying on the SV for the HS code VASEP submitted for shrimp feed, because it is more specific to the input that Fimex VN consumed and reported to Commerce.

In obtaining a SV for the specific shrimp feed Fimex VN reported, we reviewed UN Comtrade data for Bangladesh. However, we note that UN Comtrade only provides one useable SV data point from one country, the Netherlands, with a volume so low that we find that it is not representative of a broad market average. Thus, for these preliminary results, we relied on

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136 See, e.g., High Pressure Steel Cylinders from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 77 FR 26739 (May 7, 2012), and accompanying Issues and Decision Memorandum at Comments I and II.
137 See Prelim SV Memo.
138 Id.
139 See VN Shrimp AR9 Prelim, and accompanying Preliminary Decision Memorandum at 25.
141 See VASEP SV Comments at Attachment SV-1.
142 See Fimex VN’s Supplemental Section D Questionnaire Response dated August 30, 2017, at Exhibit SD-19.
143 See Prelim SV Memo.
India GTA SV data for the specific shrimp feed under the HS code Fimex VN reported, because unlike the UN Comtrade data for Bangladesh for this HS code, the Indian GTA data represent a broad market average.\textsuperscript{144}

\textit{Water and Electricity}

Commerce valued water using publicly available Bangladeshi data from the Dhaka Water Supply and Sewage Authority, which is contemporaneous with the POR.\textsuperscript{145} We valued electricity using publicly available Bangladeshi data from the Dhaka Electric Supply Company, which is contemporaneous with the POR.\textsuperscript{146}

\textit{Movement}

We valued brokerage and handling costs incurred at the domestic port using a price list of export procedures necessary to export a standardized cargo of goods in Bangladesh. The price list is compiled based on a survey case study of the procedural requirements for trading a standard shipment of goods by ocean transport in Bangladesh that is published in \textit{Doing Business 2015: Bangladesh} by the World Bank.\textsuperscript{147} This World Bank report gathers information concerning the cost to transport 15,000 kilograms in a 20-foot container. The brokerage and handling SV is calculated based on the itemized charges for various export procedures such as “Documents Preparation” valued at $225/15,000 kilograms, and “Border Compliance” valued at $408/15,000 kilograms, which we split evenly between the reported lift and containerization expenses at $204/15,000 kilograms. The total of all itemized charges is $633/15,000 kilograms. We valued brokerage and handling specific to Fimex VN’s itemized brokerage and handling expenses incurred.\textsuperscript{148}

We used Bangladeshi transport information in order to value the freight-in cost of the raw materials. Commerce determined the best available information for valuing truck freight to be from the Bangladesh Statistical Yearbook for 2017 (covering October 2014 to September 2015). We inflated the value using the POR average CPI rate. We valued ocean freight using data obtained from the Descartes Carrier Rate Retrieval Database (Descartes), accessed through http://descartes.com, which publishes international ocean freight rates offered by numerous carriers.\textsuperscript{149} These rates are publicly available and cover a wide range of shipping rates which are reported on a daily basis. We did not inflate or deflate the rate cited in this survey because it is contemporaneous with the POR. We valued marine insurance expense using a rate offered by RJG Consultants.\textsuperscript{150} RJG Consultants is a ME provider of marine insurance. The rate is a percentage of the value of the shipment; thus, we did not inflate or deflate the rate.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{144} Id.
\item \textsuperscript{145} Id.
\item \textsuperscript{146} Id.
\item \textsuperscript{147} See VASEP SV Comments at Attachment SV-5.
\item \textsuperscript{148} See Prelim SV Memo.
\item \textsuperscript{149} Id.
\item \textsuperscript{150} Id.
\end{itemize}
\end{footnotesize}
On June 21, 2011, Commerce revised its methodology for valuing the labor input in NME antidumping proceedings. In *Labor Methodologies*, Commerce determined that the best methodology to value the labor input is to use industry-specific labor rates from the primary surrogate country. Additionally, Commerce determined that the best data source for industry-specific labor rates is Chapter 5B: Labor Cost in Manufacturing, from the International Labor Organization (ILO) Yearbook of Labor Statistics (ILO Yearbook). However, in this case, Commerce notes that the ILO does not contain labor data for Bangladesh.

Pursuant to section 773(c)(1) of the Act, it is also Commerce’s practice to use the best available information to derive SVs. Commerce considers several factors, including quality, specificity and contemporaneity, to determine the best available information in accordance with the Act. As stated above, while our preference is to value factors in a single surrogate country when possible, our decision necessarily is guided by considering the best available information on the record. With respect to a labor SV, consistent with *AR8 Labor Litigation* and *AR9 Labor Litigation*, we cannot rely upon the Bangladeshi labor SV that we have used in prior administrative reviews. Therefore, we must look to other sources for an appropriate labor SV for these preliminary results. The record contains an Indian labor SV from the ILO Yearbook that we find to be the best available information on the record, as it is from Chapter 6A of the ILO and specific to manufacturing of food products. Thus, consistent with the CIT’s decisions in *AR8 Labor Litigation* and *AR9 Labor Litigation*, we relied on the Indian ILO data to value labor, and inflated the value using the POR average Indian CPI rate.

### Surrogate Financial Ratios

To value factory overhead, selling, general, and administrative expenses, and profit, Commerce used the 2015-2016 financial statements of Bangladeshi company, Gemini Seafood Limited, a processor of identical merchandise.

### V. CURRENCY CONVERSION

Where necessary, Commerce made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

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152 See *High Pressure Steel Cylinders from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 77 FR 26739 (May 7, 2012) and accompanying Issues and Decision Memorandum at Comments I and II.
154 See *AHSTAC SV Comments at Attachment 1*.
155 See *Prelim SV Memo*.
156 See *VASEP SV Comments at 6-7 and Attachment SV-6*. 
VI. CONCLUSION

We recommend applying the above methodology for these preliminary results.

☑ ☐

Agree Disagree 3/5/2018

Signed by: GARY TAVERMAN

Gary Taverman
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance
## Appendix

### Companies Preliminarily Granted Separate Rates

1. Fimex VN
2. Au Vung Two Seafood Processing Import & Export Joint Stock Company, aka AU VUNG TWO SEAFOOD
3. Bac Lieu Fisheries Joint Stock Company
4. Bentre Forestry and Aquaproduction Import-Export Joint Stock Company, aka FAQUIMEX, aka Bentre Forestry and Aquaproduction Import-Export Joint Stock Company (FAQUIMEX)
5. C.P. Vietnam Corporation
6. Cadovimex Seafood Import-Export and Processing Joint Stock Company
7. Camau Frozen Seafood Processing Import Export Corporation, aka Camimex
8. Camau Seafood Processing and Service Joint Stock Corporation, aka CASES
9. Can Tho Import Export Fishery Limited Company, aka CAFISH
10. Cuulong SeaProducts Company, aka Cuulong Seapro
11. Fine Foods Co, aka Fine Foods Co (FFC)
12. Green Farms Seafood Joint Stock Company
13. Hai Viet Corporation, aka HAVICO
14. Investment Commerce Fisheries Corporation
15. Khanh Sung Company, Ltd.
16. Kim Anh Company Limited
18. Sea Minh Hai, aka Seaprodex Minh Hai
19. Ngoc Tri Seafood Joint Stock Company
21. Phuong Nam Foodstuff Corp.
22. Seaprimexco Vietnam, aka Seaprimexco
23. Taika Seafood Corporation
25. Thanh Doan Sea Products Import & Export Processing Joint-Stock Company, aka THADIMEXCO
26. Thong Thuan – Cam Ranh Seafood Joint Stock Company
27. Thong Thuan Company Limited
28. Thuan Phuoc Seafoods and Trading Corporation
29. Trung Son Seafood Processing Joint Stock Company, aka
Trung Son Seafood Processing JSC
30. UTXI Aquatic Products Processing Corporation
31. Viet Foods Co., Ltd.
32. Vietnam Fish One Co., Ltd.
33. Vietnam Clean Seafood Corporation, aka Vina Cleanfood, aka Viet Nam Clean Seafood Corporation