DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–825]

Certain Frozen Warmwater Shrimp From the Republic of Indonesia: Final Negative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are not being provided to producers and/or exporters of certain frozen warmwater shrimp (frozen shrimp) from the Republic of Indonesia. 

DATES: Effective Date: August 19, 2013.

FOR FURTHER INFORMATION CONTACT: Gene Calvert, Jun Jack Zhao, or Emily Halle, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3586, (202) 482–1396, or (202) 482–0176, respectively.

Background

The petitioner in this investigation is the Coalition of Gulf Shrimp Industries (Petitioner).¹ This investigation covers 28 government programs. In addition to the Government of Indonesia (GOI), the respondents in this investigation are (1) PT. Central Proteinaprima and PT. Central Pertiwi Babari, along with their affiliated companies; and (2) PT. First Marine Seafoods and its cross-owned affiliate, PT. Khom Foods.

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2011, through December 31, 2011.

Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: August 12, 2013.

Paul Piquadro,
Assistant Secretary for Import Administration.

Appendix I

Scope of the Investigation

The products covered by this investigation are 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, deinned or not deinned, cooked or raw, or otherwise processed in frozen form, regardless of size.

The frozen warmwater shrimp and prawn products included in the scope, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), 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 shrimp species include, but are not limited to, whiteleg shrimp (Penaeus monodon), redspotted prawn (P. japonicus), giant river prawn (Macrobrachium rosenbergii), tiger prawn (P. japonicus), redshrimp (Penaeus brasiliensis), southern brown shrimp (P. penai), southern rough shrimp (Trachypenaeus curvirostris), southern white shrimp (P. argus), blue shrimp (P. stylirostris), western white shrimp (P. argus), and Indian white prawn (P. indicus).

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

Excluded from the scope are: (1) Breaded shrimp and prawns; (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; (4) shrimp and prawns that are packed in prepared meals; (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns; and (7) certain “battered shrimp” (see below).

For this final determination, we have calculated de minimis total net countervailable subsidy rates for the individually investigated producers/exporters of the subject merchandise. The all others rate is also de minimis. Therefore, we determine that countervailable subsidies are not being provided to producers and/or exporters in Indonesia with respect to frozen shrimp. Because we have reached a final negative determination, consistent with section 705(c)(2) of the Tariff Act of 1930, as amended (the Act), we are terminating this investigation.

In the Preliminary Determination, the total net countervailable subsidy rates for the individually examined respondents were de minimis and, therefore, we did not suspend liquidation. Because the rates for the respondents remain de minimis, we are not directing U.S. Customs and Border Protection to suspend liquidation of entries of subject merchandise.

International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the International Trade Commission of our determination.

Return or Destruction of Proprietary Information

This notice serves as the only notice to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3).

1 Please note that the “tail” in this context means the tail fan, which includes the telson and the uropods.
6. Government Provision of Goods and Services Used to Promote the Indonesian Fishing and Aquaculture Sector for LTAR
7. Government Provision of Land to the Indonesian Fishing and Aquaculture Sector for LTAR
8. Government Provision of Shrimp Breeding Stock and Fry for LTAR
9. Tax Incentives from the Capital Investment Coordinating Board
10. Government Provision of Grants to the Indonesian Fishing and Aquaculture Sector
12. Export Credit Insurance
13. Export Credit Guarantees
14. Export Ban on Raw Shrimp
15. Government Provision of Assistance through the Aquaculture Intensification (INBUDKAN) Program
16. Government Provision of Assistance through the Fish Culture Intensification (PCIP) Program
17. Government Provision of Assistance through the Revitalisation of Aquaculture Development (RPPB) Program
18. Government Provision of Clean Water Facilities to the Indonesian Fishery Sector for LTAR
19. Government Provision of Fishing Boats for LTAR
20. Government Provision of Cold Storage Facilities for LTAR
21. Government Provision of Shrimp Breeding Stock and Seed for LTAR
22. Government Loans to Coastal Community Businesses under the Project of Coastal Community Empowerment/Loans for the Economic Development of Coastal Communities (PEMP) Program

V. Analysis of Comments

General Issues
Comment 1: The Application of Section 771B of the Act (the Agricultural Processing Provision) to Subsidies to Fresh Shrimp Farmers
Comment 2: The Attribution of Fresh Shrimp Subsidies to Respondent Processors; Use of a Simple or Weighted Average
Comment 3: The Attribution of Fresh Shrimp Subsidies to Respondent Processors: Proper Sales Denominator
Comment 4: CPP and the Plasma Farmers
Comment 5: CPP and WCS
Comment 6: Windu Mentap and its Cross-Owned Companies
Debt Forgiveness
Comment 7: CPP’s 2001 Restructuring Agreement
Comment 8: CPP’s Repayment Terms
Comment 9: forgiven Loans to CPP’s Plasma Farmers
Comment 10: CPP’s Investment Commitments for the Shrimp Pond Revitalization Project
Comment 11: The Indonesia Ex-Im Bank’s Waiver for CPP Export Financing

Comment 12: CPP’s Export Financing Income Tax Reduction
Comment 13: The Article 31E Income Tax Reduction Program
VAT Exemptions for Strategic Goods
Comment 14: VAT Exemptions are Countervailable in their Entirety
Comment 15: Time Value of Money Benefits from VAT Exemptions
Import Duty Exemptions for Bonded Zones
Comment 16: Import Duty Exemptions for Equipment Imported into Bonded Zones
Comment 17: Import Duty Exemptions for Raw Materials Imported into Bonded Zones
VAT Exemptions for Bonded Zones
Comment 18: VAT Exemptions for Equipment and Raw Materials Imported into Bonded Zones

Land
Comment 19: First Marine’s Land Lease at the Jakarta Fishery Port
Comment 20: Land Provided to CPP and CWS by KIM Creditworthiness
Comment 21: The Department’s Preliminary Determination Regarding CPP’s Uncreditworthiness During 2011
Comment 22: Petitioner’s Other Uncreditworthiness Allegations
Voluntary Respondents
Comment 23: The Department’s Denial of Bumi Menara’s Voluntary Respondent Request
Miscellaneous
Comment 24: CPP’s Minor Corrections
VI. Recommendation

DEPARTMENT OF COMMERCE
International Trade Administration
[C–532–854]

Certain Frozen Warmwater Shrimp from India: Final Affirmative
Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and/or exporters of certain frozen warmwater shrimp (frozen shrimp) from India. For information on the estimated subsidy rates, see the “Suspension of Liquidation” section of this notice.

DATES: Effective Date: August 19, 2013.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Shane Subler, AD/ CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0410 and (202) 482–0189, respectively.

Background

The petitioner in this investigation is the Coalition of Gulf Shrimp Industries (Petitioner).
This investigation covers 42 government programs. In addition to the Government of India, the company respondents in this investigation are Devi Fisheries Limited (Devi Fisheries), and Devi Seafoods Ltd. (Devi Seafoods).

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is April 1, 2011, through March 30, 2012.

Case History

The events that have occurred since the Department published the Preliminary Determination on June 4, 2013, are discussed in the Memorandum to Paul Piquado, Assistant Secretary for Import Administration, “Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Frozen Warmwater Shrimp from India” (Decision Memorandum).3

Scope Comments

On March 28, 2013, Petitioner asked the Department to clarify that the scope of this investigation does not include brine-frozen shrimp. We have