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May 29, 2015

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for Preliminary Results of Antidumping
Duty Administrative Review: Narrow Woven Ribbons with
Woven Selvage from the People's Republic of China

Summary

In response to requests from interested parties, the Department of Commerce ("Department") is conducting an administrative review of the antidumping duty order on narrow woven ribbons with woven selvage ("NWR") from the People's Republic of China ("PRC") for the period of review ("POR") September 1, 2013, through August 31, 2014. This review covers one company.¹ The Department preliminarily finds that Yama Ribbons Co., Ltd, ("Yama Ribbons"), the only mandatory respondent in this administrative review, had no shipments during the POR.

If these preliminary results of review 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 the

¹ See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 79 FR 64565 (October 31, 2014) ("Initiation Notice"). The Department determined in the underlying investigation that merchandise produced and exported by Yama Ribbons is excluded from the antidumping duty order. See also Notice of Antidumping Duty Orders: Narrow Woven Ribbons With Woven Selvage From Taiwan and the People's Republic of China: Antidumping Duty Orders, 75 FR 53632, (September 1, 2010), as amended in Narrow Woven Ribbons With Woven Selvage From Taiwan and the People's Republic of China: Amended Antidumping Duty Orders, 75 FR 56982 (September 17, 2010) ("Order"). However, merchandise which Yama exports but did not produce remains subject to the antidumping duty order on narrow woven ribbons with woven selvage.



preliminary results of review. We intend to issue the final results of this review 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 (“the Act”).

Background

On September 2, 2014, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on NWR from the PRC.² On September 30, 2014, Berwick Offray LLC, and its wholly-owned subsidiary Lion Ribbon Company, Inc., (“Petitioner”), requested a review of one company (*i.e.*, Yama Ribbons).³ On October 30, 2014, the Department initiated a review of this company.⁴

On November 17, 2014, the Department sent the antidumping duty questionnaire to Yama Ribbons.⁵ On December 11, 2014, Yama Ribbons submitted a letter to the Department, stating that it had no sales of subject merchandise to the United States during the POR.⁶ On December 19, 2014, Yama Ribbons submitted a letter clarifying its No Sales Certification submitted on December 11, 2014, stating that it “had no sales, shipments, or entries of subject ribbons that were produced by other companies, including among other situations any such subject ribbons where there was an unrelated supplier of greige ribbons used in the making of subject merchandise.”⁷ On December 23, 2014, Yama Ribbons submitted its section A questionnaire response repeating the same statement it made in its earlier submissions regarding no shipments of subject merchandise during the POR.⁸

On March 23, 2015, the Department sent a request to CBP to provide any information that it might have regarding any imports of subject merchandise from Yama Ribbons during the POR.⁹ The Department received no information from CBP that there were imports of Yama Ribbons’ subject merchandise during the POR.

Scope of the Order

The scope of the order covers narrow woven ribbons with woven selvedge, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters,

² See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review, 79 FR 51958 (September 2, 2014).

³ See Letter from Petitioner to the Department of Commerce, Re: “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Request for Administrative Review,” dated September 30, 2014.

⁴ See Initiation Notice.

⁵ See Letter from the Department to Yama Ribbons dated November 17, 2014.

⁶ See Letter from Yama Ribbons to the Department of Commerce, Re: “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Clarification of No Sales Certification” dated December 11, 2014 (“No Sales Certification”).

⁷ See Letter from Yama Ribbons to the Department of Commerce, Re: “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Clarification of No Sales Certification” dated December 19, 2014 (“Clarification of No Sales Certification”).

⁸ See Letter from Yama Ribbons to the Department of Commerce, Re: “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Section A response” dated December 23, 2014 (“Section A response”).

⁹ See CBP Message Number 5085301 dated March 23, 2015 (“CBP No Shipment Inquiry”).

composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene terephthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the order may:

- also include natural or other non-man-made fibers;
- be of any color, style, pattern, or weave construction, including but not limited to single-faced satin, double-faced satin, grosgrain, sheer, taffeta, twill, jacquard, or a combination of two or more colors, styles, patterns, and/or weave constructions;
- have been subjected to, or composed of materials that have been subjected to, various treatments, including but not limited to dyeing, printing, foil stamping, embossing, flocking, coating, and/or sizing;
- have embellishments, including but not limited to appliqué, fringes, embroidery, buttons, glitter, sequins, laminates, and/or adhesive backing;
- have wire and/or monofilament in, on, or along the longitudinal edges of the ribbon;
- have ends of any shape or dimension, including but not limited to straight ends that are perpendicular to the longitudinal edges of the ribbon, tapered ends, flared ends or shaped ends, and the ends of such woven ribbons may or may not be hemmed;
- have longitudinal edges that are straight or of any shape, and the longitudinal edges of such woven ribbon may or may not be parallel to each other;
- consist of such ribbons affixed to like ribbon and/or cut-edge woven ribbon, a configuration also known as an “ornamental trimming;”
- be wound on spools; attached to a card; hanked (*i.e.*, coiled or bundled); packaged in boxes, trays or bags; or configured as skeins, balls, bateaus or folds; and/or
- be included within a kit or set such as when packaged with other products, including but not limited to gift bags, gift boxes and/or other types of ribbon.

Narrow woven ribbons subject to the order include all narrow woven fabrics, tapes, and labels that fall within this written description of the scope of the antidumping duty order.

Excluded from the scope of the order are the following:

- (1) formed bows composed of narrow woven ribbons with woven selvedge;
- (2) “pull-bows” (*i.e.*, an assemblage of ribbons connected to one another, folded flat and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage) composed of narrow woven ribbons;
- (3) narrow woven ribbons comprised at least 20 percent by weight of elastomeric yarn (*i.e.*, filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length as defined in the (HTSUS, Section XI, Note 13) or rubber thread;
- (4) narrow woven ribbons of a kind used for the manufacture of typewriter or printer ribbons;

(5) narrow woven labels and apparel tapes, cut-to-length or cut-to-shape, having a length (when measured across the longest edge-to-edge span) not exceeding eight centimeters;

(6) narrow woven ribbons with woven selvedge attached to and forming the handle of a gift bag;

(7) cut-edge narrow woven ribbons formed by cutting broad woven fabric into strips of ribbon, with or without treatments to prevent the longitudinal edges of the ribbon from fraying (such as by merrowing, lamination, sono-bonding, fusing, gumming or waxing), and with or without wire running lengthwise along the longitudinal edges of the ribbon;

(8) narrow woven ribbons comprised at least 85 percent by weight of threads having a denier of 225 or higher;

(9) narrow woven ribbons constructed from pile fabrics (*i.e.*, fabrics with a surface effect formed by tufts or loops of yarn that stand up from the body of the fabric);

(10) narrow woven ribbon affixed (including by tying) as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non-subject merchandise;

(11) narrow woven ribbon that is (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where narrow woven ribbon comprises an apparel trimming, book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a “belly band” around a pair of pajamas, a pair of socks or a blanket;

(12) narrow woven ribbon(s) comprising a belt attached to and imported with an item of wearing apparel, whether or not such belt is removable from such item of wearing apparel; and

(13) narrow woven ribbon(s) included with non-subject merchandise in kits, such as a holiday ornament craft kit or a scrapbook kit, in which the individual lengths of narrow woven ribbon(s) included in the kit are each no greater than eight inches, the aggregate amount of narrow woven ribbon(s) included in the kit does not exceed 48 linear inches, none of the narrow woven ribbon(s) included in the kit is on a spool, and the narrow woven ribbon(s) is only one of multiple items included in the kit.

The merchandise subject to the order is classifiable under the HTSUS statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050 and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS statistical categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise covered by the order is dispositive.

DISCUSSION OF THE METHODOLOGY

Preliminary Determination of No Shipments

Yama Ribbons submitted a timely-filed certification that it had no shipments of subject merchandise during the POR.¹⁰ In addition, CBP did not provide any evidence that is contradictory to Yama Ribbons' claim of no shipments in response to our no shipment inquiry asking CBP for such information.¹¹

Thus, given that Yama Ribbons certified that it made no shipments of subject merchandise to the United States during the POR and CBP information does not call this claim into question, we preliminarily determine that Yama Ribbons did not have any reviewable transactions during the POR. In addition, consistent with its refinement to its assessment practice in non-market economy ("NME") cases, the Department finds that it is not appropriate to rescind the review with respect to Yama Ribbons in these circumstances but, rather, to complete the review with respect to Yama Ribbons and issue appropriate instructions to CBP based on the final results of the review.¹²

RECOMMENDATION

We recommend applying the above methodology for the preliminary results of review.

Agree

Disagree

Paul Piquado
Assistant Secretary
for Enforcement & Compliance

(Date)

¹⁰ See Yama Ribbons' No Shipment Certification

¹¹ See CBP No Shipment Inquiry.

¹² See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties, 76 FR 65694 (October 24, 2011).