UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

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July 12, 2017

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
Senior Director
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

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

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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 selvedge (woven ribbons) from the People's Republic of China (PRC) for the period of review (POR) September 1, 2015, through August 31, 2016. This review covers two companies.[1] The Department preliminary determines that neither Huzhou Kingdom Coating Industry Co., Ltd. (Huzhou Kingdom) nor Huzhou Unifull Label Fabric Co., Ltd. (Huzhou Unifull) established eligibility for a separate rate.

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 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).

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 78778 (November 9, 2016) (*Initiation Notice*). The Department iniatated on four companies, but for the two mandatory respondents, Huzhou BeiHeng Textile Co., Ltd. (Huzhou BeiHeng), Huzhou Siny Label Material Co., Ltd. (Huzhou Siny), a review request was withdrawn. *See* Letter from Avery Dennison to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from China: Withdrawal from the Administrative Review," dated February 7, 2017.

Background

On September 17, 2010, the Department published in the *Federal Register* an amended antidumping duty order on woven ribbons from the PRC.[2] On September 8, 2016, the Department published in the *Federal Register* a notice of opportunity to request an administrative review of the *Order*.[3] On September 27, 2016, a U.S. importer of subject merchandise, Avery Dennison Corporation (Avery Dennison) timely requested a review of four companies: Huzhou BeiHeng Textile Co., Ltd. (Huzhou BeiHeng), Huzhou Siny Label Material Co., Ltd. (Huzhou Siny), Huzhou Kingdom, and Huzhou Unifull.[4] Additionally, on September 30, 2016 , Berwick Offray LLC and its subsidiary Lion Ribbon Company, LLC (the petitioner) timely requested a review[5] on the producer/exporter Yama Ribbons and Bows Co., Ltd. (Yama Ribbons). However, the Department determined in the underlying investigation that merchandise produced and exported by Yama Ribbons is excluded from the *Order*; as a result, the Department did not initiate an administative review on Yama Ribbons.[6] On November 9, 2016, the Department initiated a review of four companies: Huzhou BeiHeng, Huzhou Siny, Huzhou Kingdom, and Huzhou Unifull.[7]

On December 5, 2016, the Department placed the results of a CBP database query for the 2015-2016 administrative review on woven ribbons from the PRC on the record.[8] On December 14, 2016, Avery Dennison submitted comments on the CBP database query, stating that the database is incomplete in that entries of subject merchandise produced by Huzhou Unifull and imported by Avery Dennison during the POR were not included. Additionally, in its comments Avery Dennison provided a CBP Form 7501 and a corresponding commercial invoice as evidence of a shipment by Huzhou Unifull.[9] On January 11, 2017, the Department placed a memorandum to the file on the record stating that, after further examination, the CBP 7501 Form submitted by Avery Dennison "indicates that Unifill Label Fabric Co., Ltd. was the producer of subject merchandise, and not Huzhou Unifull Label Fabric Co., Ltd."[10] As Avery Dennison requested,

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[2] *See Notice of Antidumping Duty Orders: Narrow Woven Ribbons With Woven Selvedge 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 Selvedge From Taiwan and the People's Republic of China: Amended Antidumping Duty Orders*, 75 FR 56982 (September 17, 2010) (*Order*).
[3] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 81 FR 62096 (September 8, 2016).
[4] *See* Letter from Avery Dennison to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from China: Request for Administrative Review," dated September 27, 2016.
[5] *See* Letter from petitioner to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China/Petitioner's Request for Administrative Review," dated September 30, 2016.
[6] *See Order*, 75 FR at 56982. However, merchandise which Yama exports but did not produce remains subject to the antidumping duty order on narrow woven ribbons with woven selvedge.
[7] *See Initiation Notice*, 81 FR at 78778.
[8] *See* Memorandum from the Department, Re: "2015-2016 Administrative Review of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Results of U.S. Customs and Border Protection Query," dated December 5, 2016.
[9] *See* Letter from Avery Dennison to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from China: 2015-2016 Administrative Review," dated December 14, 2016.
[10] *See* Memorandum from Aleksandras Nakutis, International Trade Compliance Analyst to The File, Re: "2015-2016 Administrative Review of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Results of U.S. Customs and Border Protection Database Query," dated January 11, 2017.

the Department initiated on Huzhou Unifull Label Fabric Co., Ltd. and not Unifill Label Fabric Co., Ltd. (the name linked to the CBP Form 7501 Avery Dennison provided), the Department found no evidence that the CBP data that it placed on the record were incomplete or missing entries.[11] As a result, the Department determined that Huzhou Unifull had no entries of subject merchandise during the POR.

On January 11, 2017, the Department issued its antidumping duty questionnaire to Huzhou Siny.[12] Additionally, on January 12, 2017, the Department issued its antidumping duty questionnaire to Huzhou BeiHeng.[13] On February 7, 2017, Avery Dennison timely submitted a letter withdrawing the administrative review request for both Huzhou BeiHeng and Huzhou Siny.[14] The remaining companies under review, Huzhou Uniful and Huzhou Kingdom, had no entries of subject merchandise and did not participate in the review, respectfully.

On May 31, 2017, the Department placed new factual information on the record regarding the CBP Form 7501 submitted by both Avery Dennison and Huzhou Unifull and invited parties to comment.[15] Furthermore, on May 31, 2017, the Department extended the deadline for the preliminary results by a total of 26 days until June 28, 2017.[16] On June 7, 2017 Avery Dennison and Huzhou Unifull provided comments regarding the Department's new factual information.[17] On June 28, 2017, the Department extended the deadline for the preliminary results by an additional 14 days until July 12, 2017.[18]

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, 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 teraphthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the *Order* may:

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[11] *Id.*

[12] *See* Letter from the Department to Huzhou Siny, Re: "2015-2016 Administrative Review of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China," dated January 11, 2017.

[13] See Letter from the Department to Huzhou BeiHeng, Re: "2015-2016 Administrative Review of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China," dated January 12, 2017.

[14] See Letter from Avery Dennison to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from China: Withdrawal from the Administrative Review," dated February 7, 2017.

[15] *See* Memorandum from Aleksandras Nakutis to The File regarding "Entries of Subject Merchandise by Huzhou Unifull Label Fabric Co., Ltd.," dated May 31, 2017

[16] *See* Memorandum from Aleksandras Nakutis to Gary Taverman, Deputy Assistant Secretary, regarding "Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Extension of Preliminary Results of Antidumping Duty Administrative Review," dated May 31, 2017.

[17] *See* Letter from Avery Dennison and Huzhou Unifull to the Department regarding "Narrow Woven Ribbons with Woven Selvedge from China: 2015-2016 Administrative Review," dated June 7, 2017.

[18] *See* Memorandum from Aleksandras Nakutis to Gary Taverman, regarding "Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Extension of Preliminary Results of Antidumping Duty Administrative Review," dated June 28, 2017.

- 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 *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 Partial Rescission of Antidumping Duty Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above on February 7, 2017, Huzhou BeiHeng and Huzhou Siny withdrew their respective requests for an administrative review within 90 days of the date of publication of *Initiation Notice*.[19] These withdrawals of review requests were submitted within the deadline set forth under 19 CFR 351.213(d)(1) and no other parties requested a review of these companies. Accordingly, the Department is rescinding this review with respect to Huzhou BeiHeng and Huzhou Siny, in accordance with 19 CFR 351.213(d)(1).[20]

Companies That Did Not Establish Eligibility for a Separate Rate

In antidumping duty proceedings involving NME countries, the Department has a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assessed a single antidumping duty rate.[21] Thus, the Department will assign all exporters this single rate unless an exporter can demonstrate that it is sufficiently independent from the government such that it is entitled to a separate rate.[22]

Upon initiation of this administrative review, as explained above, we notified parties of the application process by which exporters and producers may obtain separate rate status in NME proceedings.[23] We provided the opportunity for all companies for which we initiated the review to complete either the separate rate application or certification.[24] We have preliminarily

[19] *See* Letter from Avery Dennison to the Department, Re: "Narrow Woven Ribbons with Woven Selvedge from China: Withdrawal from the Administrative Review," dated February 7, 2017; *see also Initiation Notice* (November 9, 2016)

[20] *See* Appendix. As stated in *Change in Practice in NME Reviews*, the Department no longer considers the NME entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013) (*Change in Practice in NME Reviews*). The PRC-wide entity is not subject to this administrative review because no interested party requested a review of the entity. *See Initiation Notice*, 81 FR at 78778.

[21] *See, e.g.,* Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China, 71 FR 53079, 53082 (September 8, 2006); Antidumping Duty Investigation of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part, 80 FR 34893 (June 18, 2015), and accompanying I&D Memo at Comment 35.

[22] The Department assigns separate rates in NME proceedings only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities under a test developed by the Department. *See* Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) (Sparklers), and Notice of Final Determination of Sales at Less Than Fair Value: Carbide from the People's Republic of China, 59 FR 22585, 22586-87 (May 2, 1994) (Silicon Carbide).

[23] *See Initiation Notice*, 81 FR at 78779-80.

[24] *See Id.*. The separate rate certification and separate rate application were available at: http://ia.ita.doc.gov/nme/nme-sep-rate.html.

determined that Huzhou Kingdom did not submit to the Department either a certification of no sales, a separate rate application, or a separate rate certification.

With respect to Huzhou Unifull, the Department preliminarily finds there are no reviewable sales during the POR and, thus, Huzhou Unifull has failed to demonstrate eligibility for a separate rate. In the separate rate application submitted by Huzhou Unifull, a CBP Form 7501 was included to show evidence of entries of subject merchandise from Huzhou Unifull during the POR.[25] However, under further examination of the CBP Form 7501, the producer and exporter indicated on the form was Unifull Label Fabric Co., Ltd and not Huzhou Unifull Label Fabric Co., Ltd., the company covered by this review.[26]

Thus, both Huzhou Kingdom and Huzhou Unifull have failed to demonstrate that they are eligible for a separate rate, and they are considered part of the PRC-wide entity. Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews,[27] we did not conduct a review of the PRC-wide entity. Thus, the rate for the PRC-wide entity is not subject to change as a result of this review. Therefore, if our determination regarding Huzhou Kingdom and Huzhou Unifull remains unchanged in the final results, entries (if any) for both Huzhou Kingdom and Huzhou Unifull will be assessed antidumping duties at the cash deposit rate previously established for the PRC-wide entity (*i.e.*, 247.26 percent).

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[25] *See* letter from Huzhou Unifull to the Department, regarding "Narrow Woven Ribbons with Woven Selvedge from China: Submission of Separate Rate Application," dated December 15, 2016.
[26] *See* memorandum to the file from Aleksandras Nakutis regarding "Results of U.S. Customs and Border Protection Database Query regarding entries from Huzhou Unifull Label Fabric Co., Ltd.," dated January 11, 2017.
[27] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969-70 (November 4, 2013).

RECOMMENDATION

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

☒	☐
Agree	Disagree

7/12/2017

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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