



U.S. and Vietnam Reach Agreement on Shrimp Imports

On July 18, 2016, the United States and Vietnam signed an agreement that resolves two World Trade Organization (WTO) disputes brought by Vietnam relating to antidumping duty measures on imports of shrimp from Vietnam.

Pursuant to the agreement, U.S. Department of Commerce revisited prior administrative determinations to bring those decisions into compliance with the WTO dispute findings. As a result, a Vietnamese exporter of frozen warmwater shrimp – Minh Phu Group – will no longer be subject to the antidumping duty order. In addition, certain domestic litigation will be resolved and duty deposits will be refunded to the Minh Phu Group. The antidumping duty order will remain in place for all other exporters of warmwater shrimp from Vietnam.

Among the issues challenged in the dispute was a decision by the U.S. Department of Commerce in 2010 not to remove a Vietnamese exporter, Minh Phu, from the Anti-Dumping order based on its claim that it had ceased dumping for a three-year period. In 2014, a WTO panel found the antidumping order to be inconsistent with WTO rules in certain respects, including elements of the decision not to remove Minh Phu from the order. In 2015, these findings were adopted by the WTO Dispute Settlement Body and the United States agreed to come into compliance.

U.S. Customs and Border Protection will carry out the instructions of the Commerce Department to refund to Minh Phu certain antidumping duty cash deposits. CBP will continue to enforce the antidumping duties on warmwater shrimp from Vietnam for all other exporters.

Source: U.S. Department of Commerce fact sheet and press release, July 18, 2016.

Importer Sues Foreign Supplier for Supplying Merchandise Subject to AD/CVD

According to court documents from the United States District Court for the District of New Jersey, a U.S. importer of glycine is suing its German supplier for supplying the importer with glycine which was determined by U.S. Customs and Border Protection to have been produced in China.

The country of origin of the material at issue is significant because glycine manufactured in China is subject to antidumping duties of up to 453.79 percent, while glycine produced in Germany is not subject to any such antidumping duties.

Glycine is an amino acid commonly found in proteins that is used as a food additive or buffering agent in pharmaceutical compounds. The antidumping duties on Chinese glycine imports protect the domestic industry from unfair foreign competition.

According to the court documents, CBP issued notices of action to the importer stating that its imports of glycine from Germany were subject to the antidumping duty order on glycine from China. The German supplier subsequently informed the importer that it repacked and relabeled the glycine that it had supplied, but could not supply documents to support the country of origin of the glycine.

Additional information on CBP's glycine enforcement efforts are available in an article in the February 2016 AD/CVD Update entitled "CBP Successfully Enforces Antidumping Order on Glycine."

If you have knowledge of a violation of U.S. trade laws, please report it by filing an e-Allegation at <https://apps.cbp.gov/eallegations>

0559-0816