



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-557-813]

### Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Duty Administrative Review; 2022-2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that polyethylene retail carrier bags from Malaysia were not sold in the United States at less than normal value during the period of review (POR), August 1, 2022, through July 31, 2023.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Charles Doss, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4474.

### SUPPLEMENTARY INFORMATION:

#### Background:

On September 13, 2024, Commerce published the *Preliminary Results* of this review in the *Federal Register* and invited interested parties to comment on those results.<sup>1</sup> No interested party submitted comments on the *Preliminary Results*. Accordingly, the final results remain unchanged from the *Preliminary Results* and, thus, there is no decision memorandum accompanying this notice. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). On December 9, 2024,

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<sup>1</sup> See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 74872 (September 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

Commerce tolled the deadline to issue the final results in this administrative review by 90 days.<sup>2</sup>

Accordingly, the deadline for these final results is now April 11, 2025.

### **Scope of the *Order***<sup>3</sup>

The merchandise covered by the *Order* is polyethylene retail carrier bags (PRCBs), which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the *Order* excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash-can liners.

Imports of subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of this antidumping duty *Order*.

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<sup>2</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

<sup>3</sup> See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004) (*Order*).

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this antidumping duty *Order* is dispositive.

### Final Results of Review

Commerce determines that the following weighted-average dumping margin exists for the period August 1, 2022, through July 31, 2023:

<b>Producer or Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Euro SME Sdn. Bhd.; and Euro Nature Green Sdn. Bhd. <sup>4</sup>	0.00

### Disclosure

There are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

### Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Because the respondent's weighted-average dumping margin or importer-specific assessment rates are zero in these final results of review, we will instruct CBP to liquidate entries without regard to antidumping duties.<sup>5</sup> The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>6</sup>

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by the mandatory respondent for which the company did not know that the

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<sup>4</sup> In the 2018-2019 review, Commerce treated Euro SME Sdn. Bhd. and Euro Nature Green Sdn. Bhd. as a single entity (collectively, Euro SME). See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019*, 85 FR 83515 (December 22, 2020), and accompanying PDM at 3-5, unchanged in *Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Administrative Review; 2018–2019*, 86 FR 22019 (April 26, 2021). Our treatment of Euro SME Sdn. Bhd. and Euro Nature Green Sdn. Bhd. remains unchanged in this review.

<sup>5</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102-03 (February 14, 2012); see also 19 CFR 351.106(c)(2).

<sup>6</sup> See section 751(a)(2)(C) of the Act.

merchandise they sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>7</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### **Cash Deposit Requirements**

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies identified above in the “Final Results of Review” section will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review (*i.e.*, 0.00 percent); (2) for merchandise exported by a company not covered in this administrative review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or completed prior segment of this proceeding but the producer is, the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 84.94

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<sup>7</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

percent, the rate established in the investigation of this proceeding.<sup>8</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### **Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

### **Administrative Protective Order (APO)**

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 the terms of an APO is a sanctionable violation.

### **Notification to Interested Parties**

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: March 17, 2025.

### **Christopher Abbott,**

*Deputy Assistant Secretary*

*for Policy and Negotiations,*

*performing the non-exclusive functions and duties*

*of the Assistant Secretary for Enforcement and Compliance.*

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<sup>8</sup> See *Order*, 69 FR 48204.