



FACT SHEET

Commerce Finds Countervailable Subsidization of Imports of Certain New Pneumatic Off-The-Road Tires from India and Sri Lanka and Does Not Find Dumping of Imports of Certain New Pneumatic Off-The-Road Tires from India

- On January 4, 2017, the Department of Commerce (Commerce) announced its affirmative final determinations in the countervailing duty (CVD) investigations of imports of certain new pneumatic off-the-road tires from India and Sri Lanka and its negative final determination in the antidumping duty (AD) investigation of imports of certain new pneumatic off-the-road tires from India.
- The AD and CVD laws provide U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market-distorting effects caused by injurious dumping and unfair subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells an imported product in the United States at less than its fair value. For the purpose of CVD investigations, a countervailable subsidy is financial assistance from a foreign government that benefits the production of imported goods by foreign companies and is limited to specific enterprises or industries, or is contingent either upon export performance or upon the use of domestic goods over imported goods.
- In the India CVD investigation, Commerce calculated a final subsidy rate of 5.36 percent for mandatory respondent Balkrishna Industries Limited. Commerce calculated a final subsidy rate of 4.90 percent for mandatory respondent ATC Tires Private Limited. Commerce established a subsidy rate of 5.06 percent for all other producers/exporters in India.
- In the Sri Lanka CVD investigation, Commerce calculated a final subsidy rate of 2.18 percent for mandatory respondent Camso Loadstar (Private) Ltd. Commerce established a subsidy rate of 2.18 percent for all other producers/exporters in Sri Lanka.
- In the India AD investigation, Commerce found that mandatory respondents ATC Tires Private Ltd. and Balkrishna Industries Limited had not sold certain new pneumatic off-the-road tires into the United States at less than fair value. Because this final determination is negative, Commerce has not calculated a weighted-average dumping margin for all other producers or exporters in India. As a result of this negative final determination, the investigation has been terminated.
- As a result of the affirmative final CVD determinations, if the U.S. International Trade Commission (ITC) issues affirmative injury determinations, Commerce will order the resumption of the suspension of liquidation and will require cash deposits for countervailing duties equal to the final subsidy rates established during the investigation. If the ITC issues negative injury determinations, the investigations will be terminated and no producers or exporters will be subject to future cash deposits for countervailing duties as a result of these investigations, as applicable. In such an event, all previously collected cash deposits will be refunded.

- Critical circumstances were alleged with respect to imports of certain new pneumatic off-the-road tires from India and Sri Lanka. Commerce preliminarily found that critical circumstances exist with respect to certain exporters from India and all exporters from Sri Lanka, and continues to do so in the final CVD determinations. For the final AD determination, the finding for whether critical circumstances exist for producers and exporters subject to the all-others rate is moot because the AD margins for ATC and BKT are zero. Where critical circumstances were found, CBP will be instructed to retroactively impose provisional measures on entries of certain new pneumatic off-the-road tires from India and Sri Lanka effective 90 days prior to publication of the preliminary determinations in the *Federal Register*.
- The petitioners for these investigations are Titan Tire Corporation (IA) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (PA).
- The scope of these investigations is certain new pneumatic off-the-road tires (certain off road tires). Certain off road tires are tires with an off road tire size designation. The tires included in the scope may be either tube-type¹ or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market.
- Subject tires may have the following prefix or suffix designation, which appears on the sidewall of the tire:

Prefix designations:

DH – Identifies a tire intended for agricultural and logging service which must be mounted on a DH drop center rim.

VA – Identifies a tire intended for agricultural and logging service which must be mounted on a VA multipiece rim.

IF – Identifies an agricultural tire to operate at 20% higher rated load than standard metric tires at the same inflation pressure.

VF – Identifies an agricultural tire to operate at 40% higher rated load than standard metric tires at the same inflation pressure.

Suffix designations:

ML – Mining and logging tires used in intermittent highway service.

DT – Tires primarily designed for sand and paver service.

NHS – Not for Highway Service.

¹ While tube-type tires are subject to the scope of this proceeding, tubes and flaps are not subject merchandise and therefore are not covered by the scope of this proceeding, regardless of the manner in which they are sold (*e.g.*, sold with or separately from subject merchandise).

TG – Tractor Grader, off-the-road tire for use on rims having bead seats with nominal +0.188” diameter (not for highway service).

K – Compactor tire for use on 5° drop center or semi-drop center rims having bead seats with nominal minus .032 diameter.

IND – Drive wheel tractor tire used in industrial service.

SL – Service limited to agricultural usage.

FI – Implement tire for agricultural towed highway service.

CFO – Cyclic Field Operation.

SS – Differentiates tires for off-highway vehicles such as mini and skid-steer loaders from other tires which use similar size designations such as 7.00-15TR and 7.00-15NHS, but may use different rim bead seat configurations.

- All tires marked with any of the prefixes or suffixes listed above in their sidewall markings are covered by the scope regardless of their intended use.
- In addition, all tires that lack any of the prefixes or suffixes listed above in their sidewall markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the following sections of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set forth below. The sections of the Tire and Rim Association Year Book listing numerical size designations of covered certain off road tires include:

The table of mining and logging tires included in the section on Truck-Bus tires;

The entire section on Off-the-Road tires;

The entire section on Agricultural tires; and

The following tables in the section on Industrial/ATV/Special Trailer tires:

- Industrial, Mining, Counterbalanced Lift Truck (Smooth Floors Only);
 - Industrial and Mining (Other than Smooth Floors);
 - Construction Equipment;
 - Off-the-Road and Counterbalanced Lift Truck (Smooth Floors Only);
 - Aerial Lift and Mobile Crane; and
 - Utility Vehicle and Lawn and Garden Tractor.
- Certain off road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes certain off road tires produced in the subject countries whether mounted on wheels or rims in a subject country or in a third country.

Certain off road tires are covered whether or not they are accompanied by other parts, *e.g.*, a wheel, rim, axle parts, bolts, nuts, etc. Certain off road tires that enter attached to a vehicle are not covered by the scope.

- In addition, specifically excluded from the scope are passenger vehicle and light truck tires, racing tires, mobile home tires, motorcycle tires, all-terrain vehicle tires, bicycle tires, on-road or on-highway trailer tires, and truck and bus tires. Such tires generally have in common that the symbol “DOT” must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following prefixes and suffixes included as part of the size designation on their sidewalls:

Prefix letter designations:

AT – Identifies a tire intended for service on All-Terrain Vehicles;

P – Identifies a tire intended primarily for service on passenger cars;

LT – Identifies a tire intended primarily for service on light trucks;

T – Identifies a tire intended for one-position “temporary use” as a spare only; and

ST – Identifies a special tire for trailers in highway service.

Suffix letter designations:

TR – Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156” or plus 0.250”;

MH – Identifies tires for Mobile Homes;

HC – Identifies a heavy duty tire designated for use on “HC” 15” tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.

Example: 8R17.5 LT, 8R17.5 HC;

LT – Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service;

ST – Special tires for trailers in highway service; and

M/C – Identifies tires and rims for motorcycles.

- The following types of tires are also excluded from the scope: Pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; aircraft tires; and turf, lawn and garden, and golf tires. Also excluded from the scope are mining and construction tires that have a rim diameter equal to or exceeding 39 inches. Such tires may be

distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

- The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, 4011.94.8000, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035, 8716.90.5055, 8716.90.5056 and 8716.90.5059. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.
- In 2015, imports of certain new pneumatic off-the-road tires from India and Sri Lanka were valued at an estimated \$156.2 million and \$66.6 million, respectively.

NEXT STEPS

- The ITC is scheduled to make its final injury determinations in these investigations on February 17, 2017.
- If the ITC makes affirmative final determinations that imports of certain new pneumatic off-the-road tires from India and/or Sri Lanka materially injure, or threaten material injury to, the domestic industry, Commerce will issue CVD orders. If the ITC makes a negative determination of injury, the investigations will be terminated.

FINAL SUBSIDY RATES:

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATES
India	Balkrishna Industries Limited	5.36%
	ATC Tires Private Limited	4.90%
	All Others	5.06%

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATES
Sri Lanka	Camsco Loadstar (Private) Ltd.	2.18%
	All Others	2.18%

FINAL ANTIDUMPING RATES:

COUNTRY	EXPORTER/PRODUCER	ANTIDUMPING DUTY RATES
India	Balkrishna Industries Limited	0.00%
	ATC Tires Private Limited	0.00%
	All Others	0.00%

CASE CALENDAR:

EVENT	CVD INVESTIGATION	AD INVESTIGATIONS
Petition Filed	January 8, 2016	January 8, 2016
DOC Initiation Date	February 3, 2016	February 3, 2016
ITC Preliminary Determinations	April 12, 2016	April 12, 2016
DOC Preliminary Determinations	June 13, 2016	August 19, 2016
DOC Final Determinations	January 3, 2017	January 3, 2017
ITC Final Determinations	February 17, 2017	February 17, 2017
Issuance of Orders**	February 24, 2017	February 24, 2017

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadline is set forth in sections 733(b) and 735(a) of the Act. These deadlines may be extended under certain circumstances.

*This will take place only in the event of a final affirmative determination by Commerce.

**This will take place only in the event of final affirmative determinations by Commerce and the ITC.

IMPORT STATISTICS:

INDIA	2013	2014	2015
Value (USD)	188,851,016	167,294,163	156,208,549
SRI LANKA	2013	2014	2015
Value (USD)	94,694,738	76,819,501	66,623,685

Source: U.S. Census Bureau, accessed through Global Trade Atlas.

The 2014 data for India and Sri Lanka reported above represent imports of unmounted tires for calendar year 2014 and imports of mounted tires for July-December 2014. Starting in July 2014, imports of unmounted off road tires from India and Sri Lanka are entered under HTSUS 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, and 4011.94.8000. Imports of mounted off road tires from India and Sri Lanka are entered under HTSUS 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Prior to July 2014, imports of unmounted tires from India and Sri Lanka also entered under HTSUS 4011.69.0000.

Prior to July 2014, imports of mounted off road tires from India and Sri Lanka also entered under HTSUS 8431.49.9040, 8431.49.9085, 8709.90.0000, and 8716.90.1000. These HTSUS subheadings are basket categories that may cover significant amounts of non-subject merchandise. Therefore, these HTSUS subheadings have been used to report import statistics for years 2012 and 2013 only and are excluded from the above import statistics for 2014.

We note that the import values for mounted off road tires include the value of both the tire and the wheel; however only the tire portion is covered by the scope of the investigations. Additionally, we note that the volume of subject imports could not be calculated, because for some subject imports, volume is not reported or is reported in multiple units of measurement.

Imports of certain new pneumatic off-the-road tires may also enter under HTSUS 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, and 8716.90.5035. These HTSUS subheadings may cover significant amounts of non-subject merchandise and therefore have not been used for purposes of reporting import statistics above.