



NON-CONFIDENTIAL
AD0049 POLY(VINYL CHLORIDE)
COMMENTS ON THE STATEMENT OF ESSENTIAL FACTS
FROM THE APPLICANT

3 December 2024

Introduction

1. On 19 November 2024, the Trade Remedies Authority (TRA) published the Statement of Essential Facts in the dumping investigation concerning imports of Suspension Poly(Vinyl Chloride) from the United States of America, AD0049.¹
2. The TRA has determined that PVC originating in the US is being dumped into the UK market and that the dumped goods have caused or are causing injury to the UK industry. In line with these determinations, the TRA has recommended to the Secretary of State that an anti-dumping measure be imposed. The UK industry is in support of the decision of the TRA to recommend the imposition of duties and welcomes the overall tenor of, and approach taken by, the TRA in the Statement of Essential Facts.
3. The UK industry appreciates the continued work of the TRA investigation teams in reaching these provisional conclusions. In respect of the measures proposed, the UK industry wishes to comment on the risk of the channelling of imports.

Channelling of Imports

4. The UK industry notes that during the course of the investigation, two exporting producers in the United States were declared non-cooperative by the TRA – Westlake Chemicals & Vinyls LLC² and Oxy Vinyls LP.³
5. According to the Statement of Essential Facts, there is one producer in the United States who was fully cooperative and has therefore received an individual dumping margin– Formosa

¹ Statement of Essential Facts Investigation No. AD0049 Dumping investigation into Suspension Poly(Vinyl Chloride) imported into the United Kingdom from the United States of America (19 November 2024), accessible at: <https://www.trade-remedies>

² Notice to Public File Case number: AD0049 Dumping investigation about Suspension Poly(vinyl chloride) originating from the United States of America (17 May 2024), accessible at: <https://trade-remedies>

³ Notice to Public File Case number: AD0049 Dumping investigation about Suspension Poly(vinyl chloride) originating from the United States of America (26 September 2024), accessible at: <https://trade-remedies>

Plastics Corporation, USA.⁴ Formosa has received a duty of 38.43%, while the ‘all others’ residual rate is 56.01%. There is thus a difference of 18% between the recommended ad-valorem duties.

6. As the Applicant has explained in the Application, the US PVC export market is largely based on a trader distribution model whereby traders in the US purchase PVC from US producers for export. US producers sell their exports to traders who subsequently export to the UK.⁵
7. In light of the trader model of distribution and the notable difference between the cooperating producer’s anti-dumping duty and the residual duty, the UK industry calls on the TRA to monitor trade flows. This is to ensure that exports from the US are not channelled through the cooperating producer so as to circumvent the higher duty payable on imports of all other US exporters.

Conclusion

8. The UK industry calls on the TRA to recommend the adoption of final measures to the Secretary of State, in line with the findings in the Statement of Essential Facts and within the normal 13-month time frame as from the initiation of the investigation. The UK industry reserves the right to respond to any comments submitted by interested parties on the Statement of Essential Facts.

⁴ Statement of Essential Facts (19 November 2024), accessible at: <https://www.trade-remedies.service>

⁵ Non-Confidential Application AD0049 – Suspension Poly(vinyl chloride) from United States of America (7 November 2023), accessible at: <https://www.trade-remedies>, p.35