

UNITED STATES TARIFF COMMISSION

**MANUAL HOISTS
FROM LUXEMBOURG**

**Determination of No Injury or Likelihood Thereof in
Investigation No. AA1921-113
Under the Antidumping Act, 1921,
as Amended**



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UNITED STATES TARIFF COMMISSION

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UNITED STATES TARIFF COMMISSION
Washington, D.C.

March 29, 1973

[AA1921-113]

MANUAL HOISTS FROM LUXEMBOURG

Determination of No Injury or Likelihood Thereof

The Treasury Department advised the Tariff Commission on December 29, 1972, that manual hoists from Luxembourg are being, or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-113 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the Federal Register of January 12, 1973 (38 F.R. 1422). A public hearing was held on February 20, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined 1/ that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of manual hoists from Luxembourg, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

1/ Commissioner Leonard did not participate in the decision.

Statement of Reasons

Manual hoists are hoists in which the motive force is supplied manually by an operator without the use of auxiliary power (e.g., hydraulic, electric, or air). Manual hoists utilize principally cable or chain.

The manual hoists that were found by Treasury to have been sold at less than fair value (LTFV) consisted exclusively of custom-built manual cable hoists, made to specifications of the Watervliet (N.Y.) Arsenal (a contracting agency for the Department of Defense). About 4,000 units of one model of manual hoists were sold at less than fair value, and all of them were sold to the Watervliet Arsenal. A spokesman for the importer has testified under oath that the custom-built model has not been offered or sold to commercial customers.

The LTFV sales were the result of the importer being the successful bidder on two occasions when the only rival bidder was a U.S. producer (the complainant in this investigation). The first contract was awarded in mid-1971 and the second in early 1972. In both instances, the prices offered by the importer were below the offers by the U.S. producer. The evidence demonstrates that even in the absence of the LTFV pricing, the importer could have underbid the domestic producer. The Treasury found that (1) all other sales of manual hoists from Luxembourg were at fair-value prices, (2) there is only one U.S. importer of manual hoists from Luxembourg, and (3) the Luxembourg manufacturer is the sole exporter of manual hoists to the United States from Luxembourg.

Whether the industry is considered to be the facilities of the companies producing manual hoists--chain, cable or any combination thereof--the Commission has determined that an industry in the United States is not being or is not likely to be injured, or prevented from being established, by reason of sales of manual hoists from Luxembourg at less than fair value.

The complainant was not a supplier of manual hoists until 1969. In the period January 1969 through December 1972, both shipments and net operating profits of the complainant trended upward.

Information furnished by a substantial number of domestic producers of cable-type manual hoists show that annual shipments of such hoists were 63 percent larger in 1972 than in 1968. The reported data indicate that shipments of cable hoists in 1971 were exceeded only by the 1972 shipments. Only in the years 1971 and 1972 were there LTFV imports.

Information furnished the Commission by domestic producers of all types of manual hoists indicate that their annual shipments were 8 percent larger in 1971 than in 1968 and 39 percent larger in 1972 than in 1968.

The ratio of LTFV imports to domestic consumption of cable-type hoists amounted to 2.3 percent in 1971 and 0.4 percent in 1972. LTFV imports accounted for 1.2 percent of consumption of all types of manual hoists in 1971 and 0.2 percent in 1972. There is no evidence that any LTFV sales occurred other than those made to the government.

On the basis of the foregoing, we conclude that an industry in the United States is not being, nor is it likely to be injured or

prevented from being established by reason of sales of manual hoists from Luxembourg at less than fair value.

