



7020-02

INTERNATIONAL TRADE COMMISSION
[Investigation No. 731-TA-1465 (Preliminary)]
4th Tier Cigarettes from Korea

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of 4th tier cigarettes from Korea, provided for in subheading 2402.20.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”).²

Commencement of Final Phase Investigation

¹ The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² *4th Tier Cigarettes From the Republic of Korea: Initiation of Less-Than-Fair-Value Investigation*; 85 FR 2390, January 15, 2020.

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the *Federal Register* as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce ("Commerce") of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping investigation. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On December 18, 2019, the Coalition Against Korean Cigarettes, Xcaliber International, Pryor, Oklahoma, and Cheyenne International, Grover, North Carolina filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of 4th Tier Cigarettes from Korea. Accordingly, effective December 18, 2019, the Commission instituted antidumping duty investigation No. 731-TA-1465 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to

be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on December 26, 2019 (84 FR 70997). The conference was held in Washington, DC, on January 8, 2020, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on February 3, 2020. The views of the Commission are contained in USITC Publication 5016 (February 2020), entitled *4th Tier Cigarettes from Korea: Investigation No. 731-TA-1465 (Preliminary)*.

By order of the Commission.

Issued: February 4, 2020.

Lisa Barton,
Secretary to the Commission.