

**NOTICE 90 OF 2010****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF  
SOUTH AFRICA****TERMINATION OF THE INVESTIGATION INTO THE ALLEGED  
CIRCUMVENTION OF ANTI-DUMPING DUTIES AGAINST  
IMPORTS OF TALL OIL FATTY ACID ORIGINATING IN OR  
IMPORTED FROM SWEDEN THROUGH IMPORTING FROM THE  
UNITED STATES OF AMERICA**

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged circumvention of anti-dumping duties on imports of tall oil fatty acid originating in or imported from Sweden, through importing from the United States of America (USA). Notice of initiation of the investigation was published in Notice No.625 of 2009 of *Government Gazette* No.32253 dated 29 May 2009.

The Application was lodged by ITS Trade, on behalf of Industrial Oleochemical Products (Pty) Ltd, being the sole manufacturer of the product under investigation in SACU, which alleged that subsequent to the imposition of the provisional duties on imports of tall oil fatty acid originating in or imported from Sweden, certain importers, including Hobart Trading, who was identified as the importer in the original investigation, have shifted to sourcing the subject product from Arizona Chemical in the USA.

The investigation was initiated after the Commission considered that there was *prima facie* evidence to indicate that a switch of suppliers from the exporter in Sweden to a related exporter in the USA was taking place, hence a case of country hopping.

Upon initiation of the investigation, a foreign manufacturer or exporters questionnaire was sent to the known producer and exporter of the subject product in the USA to complete. Importers of the subject product were also sent questionnaires to complete. The exporter of the subject product in the USA, Arizona Chemical Company LLC and two importers, Hobart Trading and Rolfes Colour Pigments International, responded to the Commission's exporters and importers questionnaires.

The Commission considered all information submitted by interested parties and decided that circumvention of the anti-dumping duties, in the form of country hopping is taking place, and that dumping of tall oil fatty acid originating in or imported from the USA is not taking place. Based on that, the Commission made a final determination that the investigation be terminated. A letter of "essential facts" which were being considered by the Commission in making its final determination was sent to all interested parties, and were invited to submit comments.

After considering all information submitted by interested parties and comments on "essential facts", the Commission decided that:

- Circumvention of anti-dumping duties, in the form of country hopping is taking place;
- Dumping of the subject product originating in or imported from the USA is not taking place.

The Commission, therefore, decided to recommend to the Minister of Trade and Industry that the investigation into the alleged circumvention of anti-dumping duties on imports of tall oil fatty acid originating in or imported from Sweden, through importing from the USA, be terminated.

The Commission's detailed reasons for its decision are set out in the Commission Report No. 321.

**Enquiries may be directed to the investigating officers, Mr Jeffrey Maphagela at telephone number (012) 394 3639 or Ms Sandile Dlamini at telephone number (012) 394 3685 or Mr Robert Mudau at telephone number (012) 394 3902 or at fax (012) 395 0518.**