

NOTICE 230 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 FINLAND**

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged circumvention of the anti-dumping duties on imports of tall oil fatty acid originating in or imported from Sweden, through importing from Finland. Notice of initiation of the investigation was published in Notice No.998 of 2009 of *Government Gazette* No.32415 dated 24 July 2009.

The application was lodged by ITS Trade, on behalf of Industrial Oleochemical Products (Pty) Ltd, (the Applicant) being the sole manufacturer of the product under investigation in SACU, which alleged that subsequent to the imposition of anti-dumping duties against Sweden, certain importers began sourcing the subject product from Arizona Chemical Oy in Finland.

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

Upon initiation of the investigation, a foreign manufacturer or exporters questionnaire was sent to known producer and exporter of the subject product in Finland to complete.

Importers of the subject product were also sent questionnaires to complete. The exporter of the subject product in Finland, Arizona Chemical Oy 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 Finland is taking place at a *de-minimis* level. 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 the anti-dumping duties on imports of tall oil fatty acid originating in or imported from Sweden, through importing from Finland is taking place;
- dumping of tall oil fatty acid originating in or imported from Finland is taking place at a *de-minimis* level.

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 Finland, be terminated.

The Commission's detailed reasons for its decision are set out in the Commission Report No. 328.

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.
