

NOTICE 962 OF 2003**BOARD ON TARIFFS AND TRADE****NOTICE OF INITIATION OF A REVIEW OF ANTI-DUMPING DUTIES ON CERTAIN PRINTED AND DYED BED LINEN ORIGINATING IN OR IMPORTED FROM MALAWI AND MANUFACTURED AND EXPORTED BY CROWN FASHIONS LIMITED**

The Board on Tariffs and Trade (the Board) received a request from Crown Fashions Limited (Crown Fashions), a manufacturer and exporter of bed linen in Malawi that the anti-dumping duties on certain printed and dyed bed linen, originating in or imported from Malawi, be reviewed.

THE PETITIONER

The petition was lodged by Crown Fashions (the Petitioner), a manufacturer and exporter of bed linen in Malawi. The Petitioner submitted sufficient evidence and established a *prima facie* case to enable the Board to arrive at a reasonable conclusion that a review investigation should be initiated on the basis that certain bed linen is no longer exported at dumped prices to the Southern African Customs Union (SACU).

THE PRODUCT

The subject product is described as printed and dyed duvet covers, fitted sheets, pillow cases and sets consisting of duvet covers, pillow cases, fitted sheets and night frills, of man made-fibres (excluding knitted and crocheted bed linen), classifiable under tariff sub-headings 6302.22 and 6302.32, and manufactured and exported by Crown Fashions in Malawi.

DUMPING

The allegation that the Petitioner is no longer exporting the subject product at dumped prices to the SACU is based on the comparison between the normal values in and the export price from Malawi. The normal value was determined based on constructed cost. The Petitioner did not sell the subject product on the domestic market in Malawi as it manufactured the product exclusively for export to SACU. The export prices were determined based on the actual export sales to SACU for the period August 2000 to February 2001. These were the last exports of the subject product by the Petitioner into the SACU.

PERIOD OF INVESTIGATION

The period of investigation for purposes of dumping in the exporting country will be from 01 April 2000 to 31 March 2001.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Board has begun an investigation in terms of section 4 of the Board on Tariffs and Trade Act, 1986 (the BTT Act). The Board will conduct its investigation in accordance with the BTT Act and the World Trade Organisation Agreement on Implementation of Article VI of GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Board's office on request.

In order to obtain the information it deems necessary for its investigation, the Board will send a non-confidential version of the petition to all known interested parties for comments. Interested parties are invited to contact the Board as soon as possible in order to determine if they have been listed and have been sent the relevant documents. If not, they should immediately ensure that they are sent copies. Comments to the non-confidential version of the petition and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential, then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the Board, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Board in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

ADDRESS

The comments to the non-confidential version of the petition and any information regarding this matter and any arguments concerning the investigation must be submitted in writing to the following address:

Physical address

The Director: Trade Remedies1
Room A 405
SABS BUILDINGS
GROENKLOOF
PRETORIA
SOUTH AFRICA

Postal address

The Director: Trade Remedies 1
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

All responses, including non-confidential copies of the responses, should be received by the Director: Trade Remedies 1 not later than 30 days from the date hereof or from the date on which the letter accompanying the above-mentioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Board. The Board will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day period. Merely citing insufficient time is not an acceptable reason for extension.

The information submitted by any party may need to be verified by the investigating officers in order for the Board to take such information into consideration. The Board may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Board. Parties should therefore ensure that the information submitted will subsequently be available for verification.

Oral representations to the Board by any interested party may also be made on written request to the Board at least seven days prior to the expiry date of the original 30 days period to respond and by prior arrangement with the Directorate. Such oral representations must be made within the same period as the written representations, unless prior written consent of the Board has been obtained for the oral representations to be made at a later date, which shall in any event not be later than 14 days after the written representations have been submitted. Oral representations will be limited to one hour for SACU manufacturers and exporters.

Enquiries may be directed to the investigating officers, Ms Mandie Wagner at telephone (012) 428 7729 and Mr Ephraim Mogashoa at (012) 428 7734, or at fax (012) 428 7736.