

## NOTICE 2521 OF 2003

## INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

In accordance with the provisions in Article 11.3 of the World Trade Organisation Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the authorities determine, in a review initiated before that date on their own initiative that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

The International Trade Administration Commission of South Africa (ITAC) hereby notifies all interested parties of the initiation of the review of the following anti-dumping duties:

Country of origin	Tariff subheading	Exporter	Duty
China	7323.93.20	All exporters, excluding Sunnex Products Ltd	R18.06/kg
	7323.93.90	All exporters, excluding Sunnex Products Ltd	R18.52/kg
Korea	7323.93.20	All exporters, excluding Dong Won Metal Co. Ltd	R27.28/kg
	7323.93.90	All exporters, excluding Dong Won Metal Co. Ltd	R23.94/kg
Chinese Taipei	7323.93.20	All exporters	R34.16/kg
	7323.93.90	All exporters	R21.36/kg

## **PROCEDURAL FRAMEWORK**

The Commission will conduct its investigation in accordance with the International Trade Administration Act, (the ITA Act) and the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Commission's office on request.

In order to obtain the information it deems necessary for its investigation, the Commission will send sunset review questionnaires to all known manufacturers in the Southern African Customs Union (SACU) of the subject product. Other parties, being exporters and importers of the subject product, will only be requested to comment if responses are received from the manufacturers of the subject product in the SACU, providing *prima facie* information to indicate that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury. Importers, exporters and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and will be sent the relevant documents in order to respond. Responses will have to be made within the time limit set out below. The trade representatives of the exporting countries have been notified of the initiation of the reviews and the procedures to be followed by the Commission.

## **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 correspondence with and submissions to the Commission, 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.

#### **ADDRESS**

The responses by manufacturers in the SACU of the subject product under review, in substantiation of the effect of the expiry of the duties, as well as responses by other interested parties, when requested, must be submitted in writing to the following address:

#### **Physical address**

The Director : Trade Remedies I  
SABS Building  
1 Dr Lategan Drive  
Groenkloof  
PRETORIA  
SOUTH AFRICA

#### **Postal address**

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

**PROCEDURES AND TIME LIMITS**

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

Responses by all other interested parties, when requested, should be received by the Director: Trade Remedies I not later than 30 days from the date on which the letter accompanying the non-confidential version of the information received from the SACU manufacturers of the subject product, was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

It should be noted that the investigation process is complex and the Commission is subject to strict time limits within which to complete the investigation. Late submissions will therefore not be accepted except with the prior written consent of the Commission. The Commission 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 Commission to take such information into consideration. The Commission 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 Commission. Parties should therefore ensure that the information submitted will

subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. (It should be noted that unavailability of or inconvenience to consultants will not be considered to be good cause). Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the provisions of the Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. (A failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading "Procedure" will be regarded as an incomplete submission.)

Parties who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Oral representations to the Commission may also be made on written request to the Commission at least seven days prior to the expiry date of the original 30 days period 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 Commission 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.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make provisional or final findings on the basis of the facts available to it.

**Enquiries may be directed to Ms Carina Grove at telephone (012) 428 7723 or at fax (012) 428 7736.**