
GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 2536 OF 2003

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

INVESTIGATION INTO THE ALLEGED DUMPING OF STEEL REINFORCED ALUMINIUM OVERHEAD CABLE ORIGINATING IN OR IMPORTED FROM INDIA

The International Trade Administration Commission (the Commission) accepted an application alleging that aluminium overhead cable originating in or imported from India is being dumped in the Southern African Customs Union (SACU) market, causing material injury and/or a threat of material injury to the SACU industry concerned.

THE APPLICANT

The Association of Electric Cable Manufacturers of South Africa, representing the domestic manufacturers of the products concerned in the SACU, lodged the application. The applicant alleges that the SACU manufacturers cannot compete with the low prices of the imports and that the allegedly dumped products are causing material injury and/or a threat of material injury. The applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that an investigation should be initiated on the basis of dumping, material injury and/or a threat of material injury, and causality.

THE PRODUCT

The product allegedly being exported at dumped prices is steel reinforced aluminium overhead cable, classifiable under tariff subheading 7614.10, originating in or imported from India.

THE ALLEGATION OF DUMPING

The allegation of dumping is based on the comparison between the normal value and the export price.

Normal Value: It is alleged that like products to those exported to the SACU were not sold in the domestic market in India in the ordinary course of trade. The constructed cost of production of the goods in India plus a reasonable addition for selling, general and administrative costs and for profit was therefore used as the basis for determining the normal value. The applicant constructed the normal value in respect of India.

Export Price: The export price was calculated based on the weighted average import price of comparable products obtained from the import statistics provided by the South African Revenue Service. On this basis, the Commission found that there was *prima facie* proof of dumping.

THE ALLEGATION OF MATERIAL INJURY AND CAUSAL LINK

The applicant alleges and submitted sufficient evidence to show that there is price undercutting. The applicant's information indicated a decline in sales, a decrease in

output, a decrease in capacity utilisation, and a decrease in employment. On this basis the Commission found that there was *prima facie* proof of material injury and/or a threat of material injury, and a causal link.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the dumping margins in the exporting country or country of origin will be from 1 July 2002 to 30 June 2003. The period of investigation for purposes of determining injury will be from 1 July 2000 to 30 June 2003. If there are subsequent events that are relevant to injury the Commission may later request and consider further or more recent information.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of International Trade Administration Act 2002 (Act 71 of 2002) (the ITA Act). The Commission will conduct its investigation in accordance with the ITA Act and the World Trade Organisation Agreement on Implementation of Article VI of the GATT (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 non-confidential versions of the application and questionnaires to all known importers and exporters, and known representative associations. The trade representatives of the exporting countries have also been notified. 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 have been sent the relevant documents. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed 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 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.

If the above requirements regarding the submission of a non-confidential version of documents are not strictly adhered to, the Commission may disregard the information so submitted.

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 Commission 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 response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumped export and the resulting material injury must be submitted in writing to the following address:

Physical address

The Director: Trade Remedies II
4th Floor, Building A,
SABS Building,
1, Dr Lategan Road,
Groenkloof,
PRETORIA, SOUTH AFRICA

Postal address

The Director: Trade Remedies II
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 II not later than 30 days from the date of this publication 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 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. Please note that the Commission will not consider requests for extension by Embassies on behalf of exporters.

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 so 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 rules 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 "Confidential Information" 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 by any interested party 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 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 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 for SACU manufacturers and exporters and thirty minutes for importers.

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. Parties that have not responded or cooperated with the Commission in the preliminary phase of the investigation and/or have not provided responses to the Commission's questionnaires, must show good cause why the Commission should consider any such responses or submissions. The Commission reserves its right to disregard responses or submissions received from parties that did not cooperate during the preliminary phase of the investigation.

Enquiries may be directed to the investigating officers, Mr T Botha at telephone number +27-12 428 7722, Mr E Tema at telephone number +27-12 428 7725 and Mr L Ramushu at telephone number +27 12 428 7818 or at fax number + 27-12 428 7736.