

NOTICE 1090 OF 2004

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

OF SOUTH AFRICA

**NOTICE OF PRELIMINARY DETERMINATION OF INVESTIGATION INTO THE
ALLEGED DUMPING OF FORGED OR STAMPED, BUT NOT FURTHER WORKED,
GRINDING BALLS AND SIMILAR ARTICLES FOR MILLS ORIGINATING IN OR
IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)**

The notice of initiation of this investigation was published in *Government Gazette* No. 25492 dated 03 October 2003 (Notice No. 2522 of 2003).

The Applicant alleged that forged or stamped, but not further worked, grinding balls and similar articles for mills commonly known as forged grinding balls (the subject product), originating in or imported from the People's Republic of China (PRC) were being dumped into the Southern African Customs Union (SACU) market at export prices lower than the prices charged in the country of export causing injury (in the form of material retardation of the establishment of an industry) to the domestic industry.

After considering all parties' comments the Commission found that the subject product was being dumped in the SACU market and that the establishment of the SACU industry was materially retarded. The Commission made a preliminary determination that the inability of the applicant to capture sufficient market share even though its selling prices are undercutting those of the imported subject products sufficiently detracted from the causal link. The Commission, therefore, did not find a causal link between the dumped imports originating in or imported from the PRC and the injury experienced by the Applicant.

The Commission therefore made a preliminary determination to recommend to the Minister of Trade and Industry that the investigation into the alleged dumping of forged or stamped, but not further worked, grinding balls and similar articles for mills originating

in or imported from the PRC, be terminated.

Detailed reasons for the Commission's decision are contained in the Commission's Report No. 60, which is available at the Commission's offices. All interested parties have the opportunity to respond and make representations, before the Commission makes its final determination.

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 7 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 report and any information regarding this matter, must be submitted in writing to the following address:

Physical address

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

Postal address

The Director: Trade Remedies I
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 I not later than 14 days from the date hereof or from the date on which the report was made available.

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 7 days on good cause shown (properly motivated and

substantiated), if received prior to the expiry of the original 14-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.

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 final findings on the basis of the facts available to it.

Enquiries may be directed to the investigating officers, Mr Ephraim Mogashoa at telephone (012) 428 7734, or Mr Albert Strydom at (012) 428 7724 or at fax no. (012) 428 7736.