

NOTICE 1452 OF 2004
INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF AN EXPORTER (INTERIM) REVIEW OF THE ANTI-DUMPING DUTIES ON CARBON BLACK ORIGINATING IN OR IMPORTED FROM EGYPT

The following anti-dumping duty was imposed on 10 September 1999 with regard to the importation of the subject product into the SACU area:

Tariff subheading	Description	Imported from and/or originating in	Rate of anti-dumping duty
2803.00	Carbon black	Egypt	15,79 per cent

During the initial investigation a dumping margin of 59 per cent and a price disadvantage of 15,79 per cent were found in respect of carbon black, originating in or imported from Egypt.

APPLICATION

The International Trade Administration Commission (the Commission) received an application alleging that carbon black (subject product) originating in or imported from Egypt was no longer dumped into the Southern African Customs Union (SACU) market.

THE APPLICANT

The application was submitted by Alexandria Carbon Black Co. S.A.E., from Alexandria in Egypt, being a manufacturer of carbon black in Egypt. The applicant alleges that 48 months have elapsed since the imposition of the anti-dumping duties and that circumstances have changed to a significant degree in that no dumping is taking place. The applicant also advised that its domestic market structure have changed to such a degree that its domestic sales are made to unrelated parties. The applicant consequently requests the Commission to initiate an interim review of the anti-dumping duty as a matter of urgency.

THE PRODUCT

The product under investigation (subject product) is carbon black which is classifiable under tariff sub-heading 2803.00, originating in or imported from Egypt.

THE ALLEGATION OF DUMPING

The allegation that dumping is no longer taking place is based on a comparison between the normal values and export prices in respect of exports from Egypt to Turkey, Kenya and Nigeria. Alexandria Carbon Black Co. provided details of its export transactions to the three countries as it was of the opinion that sales to these countries would be representative of sales to the SACU area, if sales had been made during the period of investigation. The normal value, as well as the respective export prices were based on the domestic and export sales undertaken by Alexandria Carbon Black Co during 2003. On this basis, the Commission found that

Alexandria Carbon Black Co. has submitted *prima facie* evidence in support of its allegation that it was not dumping the subject products to the countries concerned.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the dumping margins in Egypt will be from 1 January 2003 to 31 December 2003.

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 section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement) and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies directorates, on request. In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the petition and questionnaires to the SACU industry and all known importers, and known representative associations. The trade representatives of the exporting country have also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. 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 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 continuation or recurrence of dumping, and the continuation or recurrence of material injury must be submitted in writing to the following address:

Physical address

The Director : Trade Remedies II

International Trade Administration Commission
4th Floor
SABS Building, No. 1 Dr Lategan Road
GROENKLOOF
PRETORIA, SOUTH AFRICA

Postal address

The Director: Trade Remedies

Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Interested parties are also advised that the offices of ITAC will relocate to the DTI Campus No. 1, Meintjies Street, Arcadia sometime in August 2004 and parties are requested to liaise with the directorate to ascertain whether the move has taken place.

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 hereof, or from the date on which the letter accompanying the abovementioned 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 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 rules of Anti-Dumping Agreement and provisions of existing legislation (see PROCEDURAL FRAMEWORK). 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.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submission only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request. Oral representations will be limited to one hour for SACU manufacturers and exporters and thirty minutes for importers.

Note: 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 a finding on the basis of the facts available to it.

Enquiries may be directed to the investigating officers, Mr Theuns Botha at telephone ++2712 428-7722 and Ms Kedibone Machiu at ++2712 428-7728 or at fax no. ++2712 428- 7736.