

NOTICE 673 OF 2006

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

In accordance with the provisions of Article 53.1 of the Anti-Dumping Regulations, 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 or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

The International Trade Administration Commission (ITAC) hereby notifies all interested parties that, unless a duly substantiated request is made by or on behalf of the **SACU** industry, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury, the following anti-dumping duties will expire during 2007:

	PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTY	DATE OF EXPIRY OF DUTY
1	Self copy paper	Belgium, Germany, United Kingdom	19/07/02	19/07/07
2	Suspension PVC	Brazil, France, United Kingdom, USA	18/10/02	18/10/07
3	Door locks and door handles	China	25/01/02	25/01/07
4	Garden Picks	China	08/03/02	08/03/07
5	Hoes	China	08/03/02	08/03/07
6	PTFE Tape	China	22/02/02	22/02/07
7	Spades, shovels, rakes and forks	China	08/03/02	08/03/07
8	Towels and face cloths	China	08/02/02	08/02/07
9	Woven fabrics of polyester staple fiber	China	22/02/02	22/02/07
10	Wire ropes	China, Germany, Korea, United Kingdom	28/08/02	28/08/07

11	PVC Rolled goods	Germany, India, Netherlands, Thailand	22/02/02	22/02/07
12	Welded galvanized steel pipe	India	14/06/02	14/06/07
13	Lysine	Indonesia, USA	25/01/02	25/01/07
14	Roller Bearings	USA	26/07/02	26/07/07

The following countervailing duties were imposed during 2002, and will therefore expire during 2007 if a review is not initiated:

	PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTY	DATE OF EXPIRY OF DUTY
1	Welded galvanized steel pipe	India	14/06/02	14/06/07
2	Wire Ropes	India	28/08/02	28/08/07

PROCEDURAL FRAMEWORK

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 **ITAC's** Anti-Dumping Regulations. Both the **ITA Act** and the **ADR** are available from the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

Manufacturers in the Southern African Customs Union (SACU) of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so within the time limit set out below. In the instances where no replies are received from the SACU manufacturers within these time limits, the Commission will recommend the termination of the duties on the date of expiry.

SACU manufacturers who do submit a request within the time limit set out below, are requested to submit duty substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission, on the dates **as** specified below:

	PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTY	DATE OF SUBMISSION OF INFORMATION
1	<i>Self</i> copy paper	Belgium, Germany, United Kingdom	19/07/02	19/01/07
2	Suspension PVC	Brazil, France, United Kingdom, USA	18/10/02	18/04/07
3	Door locks and door handles	China	25/01/02	25/07/06
4	Garden Picks	China	08/03/02	08/09/06
5	Hoes	China	08/03/02	08/09/06
6	PTFE Tape	China,	22/02/02	22/08/06
7	Spades, shovels, rakes and forks	China	08/03/02	08/09/06
8	Towels and face cloths	China	08/02/02	08/08/06
9	Woven fabrics of polyester staple fiber	China	22/02/02	22/08/06
10	Wire ropes	China, Germany, India, Korea, United Kingdom	28/08/02	28/02/07
11	PVC Rolled goods	Germany, India, Netherlands, Thailand	22/02/02	22/08/06
12	Welded galvanized steel pipe	India	14/06/02	14/12/06
13	Lysine	Indonesia, USA	25/01/02	25/07/06
14	Roller Bearings	USA	26/07/02	26/01/07

The Commission will consider the information **submitted** in order to determine whether *prima facie* evidence exist to justify the initiation of a review. Should the Commission decide to initiate a review, notice will be given in the *Government Gazette* and other parties, **being** exporters **and** importers of the subject products, will **be** requested to

comment and provide information.

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 confidential 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 in 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.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or *is otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*
- (f) individual sales prices;*
- (g) information, the release of which could have serious consequences for the person that provided such information; and*
- (h) information that would be of significant competitive advantage to a competitor;*

Provided that a party submitting such information indicates it to be confidential."

ADDRESS

The requests by manufacturers in the SACU of the subject products, and the duly substantiated information indicating what the effect of the expiry of the duties will be, must be submitted in writing to the following address:

Physical address

The Director: Trade Remedies
International Trade Administration Commission
Block E – The DTI Campus

Postal address

The Director: Trade Remedies
Private Bag **X753**
PRETORIA

77 Meintjies Street

0001

SUNNYSIDE

SOUTH AFRICA

PRETORIA

SOUTH AFRICA

PROCEDURES AND TIME LIMITS

Manufacturers in the SACU of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so not later than close of business on 30 June 2006.

SACU manufacturers who do submit a request by 30 June 2006, should submit duly substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission.

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 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 would 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. 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.

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** Director: Trade Remedies, **Ms Carina Grové**, at **telephone (012) 394-3594 or at fax (012) 394-0518.**