

NOTICE 764 OF 2006

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICATERMINATION OF THE INVESTIGATION INTO THE ALLEGED
DUMPING OF REFINED SUNFLOWER OIL ORIGINATING IN OR
IMPORTED FROM THE ARGENTINE REPUBLIC AND THE
FEDERATIVE REPUBLIC OF BRAZIL: FINAL DETERMINATION

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged dumping of refined sunflower oil originating in or imported from the Argentine Republic and the Federative Republic of Brazil through Notice No. 889 of *Government Gazette No. 27641* published on 10 June 2005.

The application was lodged by the South African Oil Processors Association (SAOPA) on behalf of its members which include Epko Oil Seed Crushing (Pty) Ltd and Nola Foods (Pty) Ltd, who are manufacturers of the subject product in the SACU. The Applicant alleged that the subject product was being dumped into the SACU market, causing material injury to the SACU industry.

The investigation was initiated after the Commission considered that there was *prima facie* evidence to show that the subject product was being imported at dumped prices, causing material injury.

On initiation of the investigation, the known producers and exporters of the subject products in Argentina and Brazil were sent foreign manufacturers/exporters questionnaires to complete, Importers of the subject product were also sent questionnaires to complete.

On 4 August 2005 the Applicant requested that the description of subject product in the investigation should be amended to read: "refined sunflower oil, packed and

bottled in 210 litres drums and below.

The South African Revenue Services (**SARS**) was requested to comment on the description of the subject product and it was suggested that the description of the subject product be amended to read: " Sunflower oil seed oil (*Helianthus annuus*) and fractions thereof, not chemically modified, in containers holding 210 litres or **less** (excluding crude oil and safflower oil (*Carthamus tinctorius*) or fractions thereof)".

Based on this information, the Commission, on 22 February 2006, decided to amend the scope of **the** investigation as above.

The Commission, therefore, made a final determination to recommended to the Minister of Trade and Industry that:

- **(1)** as there were no imports of the subject product originating in or imported from Brazil during the period of investigation, the investigation into the alleged dumping of refined sunflower oil originating in or imported from Brazil **be** terminated.
- (2)** although dumping and injury were found, there were factors sufficiently detracting from the causal link between the dumping and the injury suffered **by** the Applicant, the investigation into the alleged dumping of refined sunflower originating in or imported from Argentina, be terminated.

The Commission's detailed reasons for its decision are set out in Commission's Report No. **162** (**final** report).

Enquiries may be directed to the investigating officers, Mr Albert Strydom at telephone (012) 394 3597 or Ms. Regina Peta at telephone at (012) 394 3632, or at fax (012) 395 0518.