

**NOTICE 1576 OF 2006****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF  
SOUTH AFRICA****TERMINATION OF THE INVESTIGATION INTO THE ALLEGED DUMPING OF  
FEED SUPPLEMENTS CONTAINING BY MASS 40% OR MORE LYSINE,  
WHETHER OR NOT CONTAINING ADDED ANTIBIOTICS OR ADDED  
MELENGESTROL ACETATE, COMMONLY KNOWN AS L-LYSINE  
SULPHATE AND ITS BYPRODUCTS FROM FERMENTATION (BIOLYS)  
ORIGINATING IN OR IMPORTED FROM THE UNITED STATES OF AMERICA**

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged dumping of feed supplements containing by mass, 40 per cent or more lysine, whether or not containing added antibiotics or added melengestrol acetate, commonly known as "L-Lysine sulphate and its byproducts from fermentation (Biolys)" originating in or imported from the United States of America pursuant to Notice No. 947 which was published in **Government Gazette** No. **27685** on 24 June 2005.

The application was lodged on behalf of the Southern African Customs Union (SACU) by SA Bioproducts (Pty) Ltd (the Applicant), being the only manufacturer 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 to the SACU industry.

Upon initiation of the investigation, known producers and exporters of the subject product in the United States of America were sent foreign manufacturers/exporters questionnaires to complete. Importers of the subject product were also sent questionnaires to complete.

After considering all information and parties' comments, the Commission made a preliminary determination that the subject product was being dumped on the SACU market and the SACU industry was suffering material injury and that there was a causal link between the dumping of the subject product and the material injury suffered.

As the Commission considered that the SACU industry would **continue to suffer** material injury during the course of the investigation if provisional payments were not imposed, it decided to request the Commissioner for the South African Revenue Service to impose provisional payments for a period of twenty-six weeks.

On 22 June 2006, the Commission made a decision to request the Commissioner for the South African Revenue Service to amend the provisional payments.

Based on the details as contained in the Commission's preliminary report and the comments received on this report, the Commission made a final decision that the **subject** product was being dumped on the SACU market and that the SACU industry was suffering material injury, but that there were factors other than dumping detracting from the causal link between the dumping and the material injury.

After considering all parties' comments in respect of the essential facts letter, the Commission made a final determination that the investigation be terminated.

The Commission, therefore, decided to recommend to the Minister of Trade and Industry to terminate the investigation into the alleged dumping of feed supplements containing by mass, 40 per cent or more lysine, whether or not containing added antibiotics or added melengestrol acetate commonly known as "L-Lysine sulphate and its byproducts from fermentation (Biolys)" originating in or imported from the United States of America.

The Commission's detailed reasons for its decision are set out in Commission Report No. 193 (Final determination).

**Enquiries may be directed to the investigating officers, Mr Ephraim Mogashoa at telephone (012) 394 3595, Ms Selma Takacs at telephone at (012) 394 3596 or Ms Porcia Mphahlele at telephone (012) 394 3630 or at fax (012) 395 0518.**