

**NOTICE 734 OF 2007****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****INVITATION TO PUBLIC INTEREST HEARING IN THE INVESTIGATION FOR REMEDIAL ACTION IN THE FORM OF SAFEGUARDS AGAINST THE INCREASED IMPORTS OF LYSINE**

On 11 May 2007, the International Trade Administration Commission of South Africa (the Commission) initiated an investigation for remedial action in the form of a safeguard against the increased imports of lysine.

**THE APPLICANT**

The application was lodged by SA Bioproducts (pty) Ltd, the only producer of L-Lysine HCl in SACU.

**DESCRIPTION OF THE SUBJECT PRODUCTS UNDER INVESTIGATION**

The subject products are described as L-Lysine HCl (scientific name) or commonly known as lysine powder, classifiable under tariff subheading 2922.41, and feed supplements containing by mass 40% or more lysine, whether or not containing added antibiotics or added melengestrol acetate (scientific name) or commonly known as L-Lysine sulphate and its byproducts from fermentation or Biolys or Protein Lysine, classifiable under tariff subheading 2309.90.65.

**DESCRIPTION OF THE LIKE OR DIRECTLY COMPETITIVE SACU PRODUCT**

The SACU product is described as L-Lysine HCl (scientific name) or commonly known as lysine powder.

## **CRITICAL CIRCUMSTANCES AND PROVISIONAL MEASURES**

The Commission made a preliminary determination that there are critical circumstances where a delay would cause damage that would be difficult to repair and that there is clear evidence that the increased imports have caused and are threatening to cause further serious injury to the SACU industry.

Therefore, the Commission decided to request the Commissioner for the South African Revenue Service, in terms of section 57 A of the Customs and Excise Act, 91 of 1964, to impose provisional measures, to the amount of 160 per cent, for a period of 200 days. The provisional measures were imposed on 11 May 2007.

## **PROCEDURAL FRAMEWORK**

This investigation is conducted in accordance with the International Trade Administration Act, 2002 (ITA Act), the World Trade Organization Agreement on Safeguards (the Safeguard Agreement) and the International Trade Administration Commission Safeguard Regulations (SGR).

## **PROCEDURES AND TIME LIMITS**

Interested parties are invited to submit comments on whether it will be in the public interest to impose definitive safeguard measures on the subject product, in accordance with Section 20.2 of the SGR.

A public hearing is scheduled for 29 June 2007 at 13h00 at the address as indicated below. All interested parties which wish to attend the public hearing on public interest and wish to make oral representations to the Commission on public interest, should indicate their intention to attend on or before 15 June 2007 at 15h00 to the Senior Manager: Trade Remedies I.

All interested parties which wish to address the Commission on public interest should submit a detailed version, including a non-confidential version, of the information to be discussed at the public hearing, in writing to the Senior Manager: Trade Remedies I on or before 22 June 2007 at 15h00. A party that did not timeously submitted a non-confidential version of the information to be discussed at the public hearing will not be allowed to take part in the public hearing.

Parties requesting to attend the public hearing should note that this will be an open hearing with all parties present and only non-confidential information should be presented during the public hearing. As indicated parties are at liberty to submit a confidential version of the information in writing to the Commission, on or before 22 June 2007.

### **CONFIDENTIAL INFORMATION**

Please note that if any information is considered to be confidential, 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.

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.

#### ADDRESS

Any information regarding this matter must be submitted in writing to the following address:

##### Physical address

Senior Manager: Trade Remedies I International  
Trade Administration Commission Block E - The  
DTI Campus  
77 Meintjies Street  
SUNNYSIDE  
PRETORIA  
SOUTH AFRICA

##### Postal address

Senior Manager: Trade Remedies I  
Private Bag X753  
PRETORIA  
0001  
SOUTH AFRICA

Enquiries may be directed to Ms Carina van Vuuren at telephone +2712 394-3594 or the investigating officer Ms Mandie Wagner at +27 12 394-3593 or at fax +27 12 3940518.