

NOTICE 301 OF 2009

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA****INVESTIGATION INTO THE ALLEGED DUMPING OF TALL OIL FATTY
ACID ORIGINATING IN OR IMPORTED FROM SWEDEN: FINAL
DETERMINATION**

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged dumping of tall oil fatty acid originating in or imported from Sweden through Notice No. 762 of *Government Gazette* No. 31145 published on 20 June 2008.

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

The application was lodged by ITS Trade on behalf of Industrial Oleochemical Products (Pty) Ltd (the Applicant), being the sole manufacturer of the subject product in SACU.

Upon initiation of the investigation, known producer and exporter of the subject product in Sweden was sent foreign manufacturers/exporters questionnaires to complete. Importers of the subject product were also sent questionnaires to complete. Only one exporter in Sweden responded to the Commission's exporters questionnaire. Importers of the subject product, Cray valley Resins and Hobart Trading, an agent importing on behalf of Rolfes Chemicals, as well as Rolfes Chemicals, also responded to the Commission's importers questionnaires. Information submitted by all parties was considered by the Commission.

The Commission made a preliminary determination that dumping of the subject product originating in or imported from Sweden was taking place, thereby causing material injury to the SACU industry. The Commission, therefore, made a preliminary determination to recommend to the Commissioner for the South African Revenue Services (SARS) that provisional duties be imposed. The Commission's preliminary findings were published through Notice No. 1371 of *Government Gazette* No. 31727 dated 12 December 2008. All interested parties were invited to comment to the Commission's preliminary report.

Based on the details as contained in the Commission's preliminary report and the comments received on this report, the Commission made a final determination that the subject product originating in or imported from Sweden was being dumped in the SACU market, thereby causing material injury to the SACU industry. The Commission, therefore, made a final determination to recommend to the Minister of Trade and Industry that definitive anti-dumping duties be imposed.

The Commission sent out letters to all interested parties, informing them in terms of Section 37 of the International Trade Administration Anti-Dumping Regulations (ADR 37) and Article 6.9 of the Anti-Dumping Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, of the "essential facts" which were being considered by the Commission, and invited comments.

After considering all the comments received from interested parties, the Commission made a final determination that dumping of the subject product originating in or imported from Sweden was taking place, thereby causing material injury to the SACU industry.

The Commission, therefore, decided to recommend to the Minister of Trade and Industry that definitive anti-dumping duties on imports of tall oil fatty acid originating in or imported from Sweden be imposed.

The Commission's detailed reasons for its decision are set out in Commission Report No. 298.

Enquiries may be directed to the investigating officer, Mr Jeffrey Maphagela at telephone +27 12 394 3639, or at fax +27 12 394 0518.