

NOTICE 999 OF 2010**NOTICE OF INITIATION OF A SUNSET REVIEW INVESTIGATION OF THE ANTI-DUMPING DUTY ON PAPER INSULATED LEAD COVERED ELECTRIC CABLES ORIGINATING IN OR IMPORTED FROM INDIA**

The International Trade Administration Commission of South Africa (the Commission) received an application on 29 June 2010 for a review of the anti-dumping duty on paper insulated lead covered electric cables originating in or imported from the India.

THE APPLICANT

The application was lodged by ITS Trade (Pty) Ltd on behalf of the Association of Electric Cable Manufacturers South Africa (AECMSA) which represents the SACU manufacturers of the paper insulated lead covered electric cables.

THE PRODUCT

The subject product is paper insulated lead covered electric cables classifiable under tariff subheading 8544.60.10.

THE ALLEGATION OF RECURRENCE/CONTINUATION OF DUMPING

The Applicant alleged that the recurrence of dumping of the subject product is likely to take place in the event that the current anti-dumping duty lapses.

The Applicant could not obtain domestic price information from India and therefore constructed the normal value based on prices published at the London Metal Exchange (LME). The export price was derived from the previously quoted tender price and adjusted to the current level using LME raw material prices.

On this basis, the Commission found that there is *prima facie evidence* to indicate the likelihood of recurrence of dumping of the subject product.

THE ALLEGATION OF RECURRENCE/CONTINUATION OF MATERIAL INJURY

The applicant alleged and submitted sufficient evidence to indicate the likelihood of recurrence of material injury, in the form of price undercutting, price suppression, a decline in sales, profit margin, output, market share, productivity and capacity utilisation.

The Applicant further indicated that there is a likelihood of recurrence of negative effects on cash flow, growth and return on total net assets. On the basis of this information, the Commission found that there was *prima facie* proof of recurrence of material injury.

PERIOD OF INVESTIGATION

The investigation period for dumping is from 1 March 2009 to 28 February 2010, and the investigation period for injury investigation involves evaluation of data for the period 1 March 2007 to 28 February 2010 and an estimate should the duty expire.

PROCEDURAL FRAMEWORK

Having determined that there is a *prima facie* case to justify the initiation of the sunset review investigation, the Commission decided to initiate an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the Anti-Dumping Regulations (ADR) of the International Trade Administration Commission of South Africa. Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

The trade representative of the exporting country has been notified. In order to obtain the information deemed necessary for the investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters, and representative associations. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation.

If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential, a non-confidential version of the information must be submitted simultaneously with the confidential version for the public file. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- a) where confidential information has been omitted and the nature of such information;
- b) reasons for such confidentiality;
- c) a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- d) 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 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;*
Provide that a party submitting such information indicates it to be confidential

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of likelihood of recurrence of dumping, and the recurrence of material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E, The DTI campus
77 Meintjies Street
Sunnyside
PRETORIA
SOUTH AFRICA

Postal address

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

PROCEDURES AND TIME LIMITS

All responses, including non-confidential copies of the responses, should be received by the Senior Manager: Trade Remedies II not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The aforementioned letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will 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 30-day period. The mere citation of insufficient time is not an acceptable reason for an extension. Please note that the Commission will not consider requests for extension by an Embassy on behalf of exporters.

The information submitted by any party may need to be verified by the investigating officials 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 will 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 the 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 the 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. 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 it 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, at the time of request, with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing.

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 is not possible, 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 investigating officers, Mr. Edwin Mkwana at +27 12 394 3742 or Ms. Masego Moloto at +27 12 394 3676 or at fax +27 12 394 0518.