

NOTICE 115 OF 2011
INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON POLYETHYLENE
TEREPHTHALATE ORIGINATING IN OR IMPORTED FROM CHINESE TAIPEI,
THE REPUBLIC OF KOREA, AND INDIA: FINAL DETERMINATION**

In accordance with the provisions in Article 11.3 of the World Trade Organisation Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, and definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

On 26 June 2009, the International Trade Administration Commission (ITAC) notified all interested parties, through **Notice No. 902 of 2009 in Government Gazette No. 32333**, that unless a duly substantiated request is made by or on behalf of the SACU industry, indicating that the expiry of the anti-dumping duties against the imports of polyethylene terephthalate originating in or imported Chinese Taipei, the Republic of Korea, and India would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on polyethylene terephthalate originating in or imported from Chinese Taipei, the Republic of Korea, and India will expire on 06 October 2010.

A response to the review questionnaire was received from the Applicant on 06 April 2010. A deficiency letter was sent to the Applicant on 14 April 2010 and a response was submitted on 20 April 2010. The information submitted by the Applicant was verified on 13 May 2010. A verification report was sent to the Applicant on 14 May 2010.

The sunset review investigation was initiated pursuant to Notice No. 712 of 2010 in Government Gazette No. 33384, published on 23 July 2010. Initiation letters to interested parties were sent on 30 July 2010. The due date for responses was 01 September 2010.

None of the importers and exporters responded to the Commission's sunset review questionnaire.

After considering all the information submitted by the Applicant, the Commission issued essential facts letters indicating that it was considering making a final determination that the expiry of the anti-dumping duties on polyethylene terephthalate originating in or imported from Chinese Taipei, the Republic of Korea, and India would lead to the continuation or recurrence of dumping and to the recurrence of material injury.

Comments to the "essential facts" letters were received from the Applicant only.

After considering all the comments received from the Applicant to the Commission's essential facts letters, the Commission made a final determination that the expiry of the anti-dumping duties on polyethylene terephthalate originating in or imported from Chinese Taipei, the Republic of Korea, and India would lead to the continuation or recurrence of dumping and to the recurrence of material injury.

The Commission, therefore, recommended to the Minister of Trade and Industry that the anti-dumping duties on polyethylene terephthalate originating in or imported from Chinese Taipei, the Republic of Korea, and India be maintained as follows:

Tariff subheading	Description	Statistical Unit	Rate of anti-dumping duty		
			Chinese Taipei	India	Republic of Korea
3907.60	Polyethylene terephthalate, in primary forms (excluding liquids and pastes)	kg	75%	54.1%	19.7%

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its decision are set out in Commission's Report No. 361 (Final determination report).

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