

NOTICE 495 OF 2011**INTERNATIONAL TRADE ADMINISTRATION COMMISSION
OF SOUTH AFRICA**

In accordance with the provisions of Article 53.1 of the Anti-Dumping Regulations, any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the International Trade Administration Commission of South Africa ("ITAC" or "the Commission") determines, in a review initiated before that date on its 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.

ITAC hereby notifies all interested parties that, unless a duly substantiated request is made by or on behalf of the Southern African Customs Union ("SACU") industry, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury, the following anti-dumping duties will expire during 2012:

	COUNTRY	PRODUCT	RATE OF ANTI-DUMPING DUTY	DATE OF IMPOSITION OF THE DUTIES	DATE OF EXPIRY OF DUTIES
1	People's Republic of China (PRC)	PVC Rigid	32.7%	26/10/07	25/10/12
2	Chinese Taipei	PVC Rigid	22.6%	26/10/07	25/10/12

PROCEDURAL FRAMEWORK

The Commission will conduct its investigation in accordance with the relevant sections of the International Trade Administration Act, 2002 (Act No. 71 of 2002) ("ITA Act"), ITAC's Anti-Dumping Regulations (ADR). Both the ITA Act and the ADR are available from the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

Manufacturers in the SACU of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so within the time limit set out below (see Procedures and Time Limits). Where no replies are received from the SACU manufacturers within this time limit, the Commission will recommend the termination of the duties on the date of expiry.

SACU manufacturers who submit a request within the specified time limit, are requested to submit duly substantiated information, indicating that the expiry of the duties would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission, on the dates as specified in the following table:

	PRODUCT	COUNTRY	DATE OF EXPIRY OF DUTIES	DATE OF SUBMISSION
1	PVC Rigid	People's Republic of China (PRC)	25/10/12	25/04/12
2	PVC Rigid	Chinese Taipei	25/10/12	25/04/12

The Commission will consider the information submitted in order to determine whether *prima facie* evidence exist to justify the initiation of a review. Should the Commission decide to initiate a review, notice will be given in the *Government Gazette* and other parties, being producers and importers of the subject products, will be requested to comment and provide information.

CONFIDENTIAL INFORMATION

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

These rules applies 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.

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)(a) 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;*

provided that a party submitting such information indicates it to be confidential."

ADDRESS

The requests by manufacturers in the SACU of the subject products, and the duly substantiated information indicating what the effect of the expiry of the duties will be, must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies 1

The International Trade Administration
Commission of South Africa

Block E – Uuzaji Building

The DTI Campus

77 Meintjies Street

SUNNYSIDE

PRETORIA

SOUTH AFRICA

Postal address

The Senior Manager: Trade Remedies 1

The International Trade Administration
Commission of South Africa

Private Bag X753

Pretoria

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SOUTH AFRICA

PROCEDURES AND TIME LIMITS

Manufacturers in the SACU of the subject product listed above, who wish to submit a request for the duty to be reviewed prior to its expiry, are requested to do so not later than close of business on **29 August 2011**.

SACU manufacturers, who do submit a request on or before **29 August 2011**, should subsequently submit duly substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission by **25 April 2012**.

It should be noted that the investigation process is complex and the Commission is subject to strict time limits within which to complete the investigation. Late submissions will therefore 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 period. Merely citing insufficient time is not an acceptable reason for an extension.

The information submitted by any party may need to be verified by the Investigating Officers 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. Specifically, it is planned to verify the information submitted by the exporters within three to five weeks subsequent to the 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 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 ITA Act and the ADR. 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. A failure to submit a 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 information in the format required, are urged to make written application 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 submissions 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 must provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information is not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, 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 Senior Manager: Trade Remedies I, Ms Carina Janse van Vuuren, at telephone (012) 394-3594 or at fax (012) 394-0518.