NOTICE 697 OF 2012

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITITATION OF A NEW SHIPPER REVIEW FOR ACETAMINOPHENOL ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)

Exporters that did not export to SACU during the original investigation period for dumping may request a new shipper review. The exporter requesting such review shall provide sufficient information to prove that it is not and was not related to any party to which the anti-dumping duty was applied.

On 24 April 2012 the International Trade Administration Commission of South Africa (the Commission) accepted a new shipper review.

The anti-dumping duties on acetaminophenol originating in or imported from the PRC have been imposed as follows:

2924.29.05	1999	2005	2011
PRC: Acetaminophenol	2 573c/kg	2 573c/kg	2 573c/kg

THE APPLICANT

The application was received from Anqiu Lu'an Pharmaceuticals Co. Ltd a manufacturer and exporter of the subject product from the PRC, alleging that it did not export the subject product to SACU during the period of investigation for dumping in the original investigation and it has no relationship with any of the exporters of the subject product from the PRC to which the anti-dumping duty was applied. The Applicant submitted evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a new shipper review investigation should be initiated.

THE PRODUCT

The subject product is acetaminophenol originating in or imported from the PRC, classifiable under tariff heading 2924.29.05.

PERIOD OF INVESTIGATION

The investigation period for dumping is from 01 January 2011 to 31 January 2012.

PROCEDURAL FRAMEWORK

The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR) and will give due regards to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). 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.

In accordance with section 50 of the ADR, the Commission recommended to the Minister of Trade and Industry that Anqiu Lu'an Pharmaceuticals Co. Ltd be exempted from the payment of the anti-dumping duty on the subject product originating in or imported from the PRC. The Minister of Trade and Industry on approval of the Commission's determination, requested the Deputy Minister of Finance to withdraw the anti-dumping duty on the subject product originating in or imported from the PRC and manufactured by Anqiu Lu'an Pharmaceuticals Co. Ltd and impose provisional payments at the same level as the applicable anti-dumping duty.

On publication of this notice, the Commission will inform the SACU manufacturers. The trade representative of the exporting country will also been notified. Representations must be made within the time limit set out below.

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.

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.

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 response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting threat 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

The Senior Manager: Trade Remedies II, should receive all responses, including non-confidential copies of the responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the notice was received. The said 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-days period. Merely citing insufficient time is not an acceptable reason for 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 would 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 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.

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 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 and arguments are 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 investigating officers, Ms Sandile Dlamini at telephone number +27 12 394 3685 or Mr Khathutshelo Nefale at telephone number +27 12 394 3671 or at fax number +27 12 394 0518.