

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 840 OF 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON FRESH OR CHILLED GARLIC
ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC):
FINAL DETERMINATION**

In accordance with regulation 53.1 of the International Trade Administration Commission's (the Commission) Anti-Dumping Regulations, any definitive anti-dumping duty shall be terminated on a date not later than five years from its 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 within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury to Southern African Customs Union (SACU) industry.

On 24 May 2019, the Commission notified the SACU industry through Notice No. 284 of 2019 in *Government Gazette* No. 42474, that the anti-dumping duties on the fresh or chilled garlic (subject product) originating in or imported from the People's Republic of China (PRC) would expire on 29 October 2020 unless a substantiated request is made by the SACU industry, indicating that the expiry of the said anti-dumping duties would likely lead to the continuation or recurrence of dumping and material injury.

On 05 June 2020, a sunset review application was received from the South African Garlic Growers Association (SAGGA) on behalf of the SACU industry. After all the deficiencies were addressed, an updated sunset review application was received on 18 September 2020.

The application was lodged by the SAGGA, a representative organisation for local subject product growers and producers, which constitutes approximately 100 percent of the SACU industry production of the subject product from 01 March 2019 to 29 February 2020. The applicant alleged that the expiry of the anti-dumping duties on the subject product originating in or imported from the PRC would likely lead to the continuation or recurrence of dumping and material injury to the SACU industry.

The applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation should be initiated.

On 23 October 2020, the investigation was initiated through Notice No. 603 of 2020, which was published in the *Government Gazette* No. 43834.

Subsequent to initiation of the investigation, all known interested parties were informed and requested to respond to the relevant questionnaires and the non-confidential application.

No responses to the Commission's questionnaires from importers, and PRC producers and/or exporters of the subject product were received.

On 19 March 2021, essential facts letters were sent to the interested parties to allow comments on the Commission's considerations prior to the final determination. The deadline for comments was 02 April 2021.

There were no responses to the essential facts letters from importers, and producers and/or exporters of subject product from the PRC.

The dumping margin was therefore determined based on facts available which is the information supplied by the applicant and contained in the application.

After considering all the information at its disposal, the Commission made a final determination that the expiry of the anti-dumping duties on the subject product originating in or imported from the PRC would likely lead to the continuation or recurrence of dumping and material injury to the SACU industry.

The Commission therefore made a final determination to recommend to the Minister of Trade, Industry and Competition that the anti-dumping duties on subject product originating in or imported from the PRC be maintained at 1925c per kilogram under the following tariff subheadings: 0703.20 (Garlic, fresh or chilled) and 0712.90.90 (Dried garlic, in the form of bulbs or cloves).

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its decision are set out in the Commission's Report No. 663.

Enquiries may be directed to the investigating officers, Ms. Thuli Nkomo at email address: tnkomo@itac.org.za or Ms. Portia Chuma at email address: pchuma@itac.org.za