

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 3089 OF 2025

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON GARDEN PICKS, SPADES AND SHOVELS, RAKES AND FORKS ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA ("CHINA"): FINAL DETERMINATION

In accordance with the provisions of Section 53 of the Anti-Dumping Regulations and Article 11.3 of the World Trade Organization Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duties 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 duties would likely lead to the continuation or recurrence of dumping and injury.

On 02 June 2023, the International Trade Administration Commission of South Africa ("the Commission") notified interested parties through Notice No. 1847 of 2023 in *Government Gazette* No. 48696, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of garden picks, spades and shovels, rakes and forks originating in or imported from China would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China will expire on 11 July 2024.

A detailed response to the Commissions' sunset review questionnaire was received from Ussher Inventions (Pty) Ltd (t/a Lasher Tools) ("Lasher Tools" or "the Applicant") on 14 December 2023.

After all deficiencies were identified and addressed, a properly documented letter was sent to the Applicant on 09 April 2024.

The Applicant alleged that the expiry of the anti-dumping duties would likely lead to the recurrence of dumping and the continuation of material injury. 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 of the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China, should be initiated.

On 19 April 2024, the investigation was initiated through Notice No. 2422 of 2024, which was published in *Government Gazette* No. 50528.

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

No responses were received from any exporter/manufacturer or any SACU importer of the subject products.

On 16 July 2024, the Commission issued essential facts letters to interested parties. The deadline for comments from interested parties was 30 July 2024.

On 25 July 2024, comments were received from the Applicant supporting the Commission's intention to maintain the anti-dumping duties on the subject products.

On 29 July 2024, comments were also received from Botswana Trade Commission in support of the Commission's intention to maintain the current anti-dumping duties on the subject products.

The Commission made a final determination that the expiry of the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China would likely lead to the recurrence of dumping and the continuation of material injury.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that the current anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China, be maintained as follows:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
215.11	8201.10.10	Spades and shovels, of a maximum blade width of more than 200 mm but not exceeding 320 mm	China	4 796c/kg
215.11	8201.30.03	Picks	China	3 295c/kg
215.11	8201.30.90	Rakes with more than 8 prongs	China	3 466c/kg
215.11	8201.90.20	Forks, with a prong length exceeding 150 mm (excluding forks with 8 or more prongs)	China	4 668c/kg

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its final determination are set out in Report No. 732.

Should you have any queries, please do not hesitate to contact the following investigating officers: Mr Busman Makakola at BMakakola@itac.org.za and Mr Brian Same at BSame@itac.org.za.