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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 546 OF 2017

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

In accordance with the provisions in Article 53.1 of the Anti-Dumping Regulations (ADR) of the International Trade Administration Commission of South Africa (the Commission), any 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.

The Commission 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 2018:

	PRODUCT	COUNTRY	RATE OF ANTI-DUMPING DUTY	DATE OF IMPOSITION OF THE DUTY	DATE OF EXPIRY OF DUTY
1	Frit	Brazil	24.65% - 50%	15/02/13	14/02/18
2	Unframed glass mirrors	China	40.22%	26/07/13	25/07/18
3	PVC Rigid	China	32.7%	10/05/13	09/05/18
4	Garden picks, Spades, shovels, rakes, forks	China	158.1c/kg - 480c/kg	18/10/13	17/10/18
5	PVC Rigid	Chinese Taipei	22.6%	10/05/13	09/05/18

PROCEDURAL FRAMEWORK

The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act and the ADR, with due regard to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). 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 of the subject products listed above in the SACU, 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. In the instances where no replies are received from the SACU manufacturers within these time limits, the Commission will recommend the termination of the duties on the date of expiry.

SACU manufacturers, who do submit a request within the time limit set out above, are requested to 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, on the dates as specified below:

	PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTIES	DATE OF SUBMISSION
1	Frit	Brazil	15/02/13	14/08/17
2	Unframed glass mirrors	China	26/07/13	25/01/18
3	PVC Rigid	China	10/05/13	09/11/17
4	Garden picks, Spades, shovels, rakes, forks	China	18/10/13	17/04/18
5	PVC Rigid	Chinese Taipei	10/05/13	09/11/17

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 exporters 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
International Trade Administration
Commission
Block E – Uuzaji Building
The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager: Trade Remedies1
Private Bag X753
Pretoria
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

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 not later than close of business on **21 August 2017**.

SACU manufacturers who do submit a request before **21 August 2017**, should 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.

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 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. 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. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of Anti-Dumping Agreement. 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 an adequate 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 in the format required, are therefore urged to make written applications 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 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 Senior Manager: Trade Remedies I, Ms Carina Janse van Vuuren, at telephone (012) 394-3594 or at fax (012) 394-0518.

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 547 OF 2017

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA**

**NOTICE OF INITIATION OF THE SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON
CLEAR FLOAT GLASS ORIGINATING IN OR IMPORTED FROM INDONESIA**

In accordance with the provisions in 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 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 24 June 2016, the International Trade Administration Commission of South Africa (the Commission) notified all interested parties, through Notice No. 365 of 2016 in *Government Gazette* No. 40088, that unless a duly substantiated request is made by or on behalf of the SACU industry, indicating that the expiry of the anti-dumping duty against the imports of clear float glass originating in or imported from Indonesia would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on clear float glass originating in or imported from Indonesia will expire on 26 July 2017. A detailed response to the Commission's sunset review questionnaire was received from PFG Building Glass, a division of PG Group (Pty) Ltd on 13 March 2017.

THE APPLICANT

The application was lodged by PFG Building Glass (Pty) Ltd, the sole producer of clear float glass within the SACU.

The Applicant alleges that the expiry of the duty would likely lead to the continuation or recurrence of dumping and the recurrence 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 duty on clear float glass originating in or imported from Indonesia be initiated.

THE PRODUCT

The anti-dumping duty subject to this sunset review is the duty applicable on clear float glass, of a thickness of 3mm or more but not exceeding 6mm classifiable under tariff subheading 7005.29.17, 7005.29.23, 7005.29.25 and 7005.29.35 originating in or imported from Indonesia.

THE ALLEGATION OF THE CONTINUATION OR RECURRENCE OF DUMPING

The allegation of continuation or recurrence of dumping is based on the comparison between the normal values and the export prices.

The normal value for Indonesia was determined based on an email with average domestic prices obtain from data supplied by a trader in India on request by the applicant for the 3mm to 6mm thicknesses of clear float glass.

The export price for Indonesia was determined based on the import statistics obtained from the South African Revenue Services (SARS) for the dumping period 1 January to 31 December 2016 for 4mm to 6mm thickness of clear float glass. In the case of 3 mm glass there were no imports from Indonesia, and a price obtained from a trader was used.

The dumping margin for Indonesia was calculated as follows for 3 mm to 6mm thickness as % of the ex-factory export price:

HS 7005.29.17 (3 mm)	26.8%
HS 7005.29.23 (4 mm)	15.6%
HS 7005.29.25 (5 mm)	12.3%

HS 7005.29.35 (6 mm)	7.3%
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On this basis, the Commission found that there was *prima facie* proof of the likelihood of the continuation or recurrence of dumping.

THE ALLEGATION OF RECURRENCE OF MATERIAL INJURY

The Applicant alleges and submitted sufficient evidence to show that it would experience a decline in sales, profit, output, productivity, capacity utilisation, net cash flow, employment, and growth, if the duty expires.

On this basis, the Commission found that there was *prima facie* proof of the likelihood of the recurrence of material injury.

PERIOD OF INVESTIGATION

The investigation period for dumping is from 1 January 2014 to 31 December 2016 and the injury investigation involves the evaluation of data for the period 1 January 2016 to 31 December 2016, and 2017 estimates in the event the duty expires.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement) and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR). 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 order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers

and exporters and known representative associations. The trade representative of the country of origin has also been notified.

Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other 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:

- X where confidential information has been omitted and the nature of such information;
- X reasons for such confidentiality;
- X a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- X 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 material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies 1
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager:
Trade Remedies 1
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

The Senior Manager: Trade Remedies 1, 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 abovementioned questionnaire 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-day period. Merely citing insufficient time is not an acceptable reason for an extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of foreign producers.

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. Specifically, it is planned to verify the information submitted by the foreign producers 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 appointed representatives, will not be considered to be good cause.

Parties should also ensure when they engage representatives 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 applications 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.

Should you have any queries, please do not hesitate to contact the investigating officers Ms Selma Takacs at +27 12 394 3596 or Mr Thabelo Tshikomba at +27 12 394 3638 fax number +27 12 394 0518.

WARNING!!!

To all suppliers and potential suppliers of goods to the Government Printing Works

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Renny Chetty (012) 748-6375 (Renny.Chetty@gpw.gov.za),

Anna-Marie du Toit (012) 748-6292 (Anna-Marie.DuToit@gpw.gov.za) and

Siraj Rizvi (012) 748-6380 (Siraj.Rizvi@gpw.gov.za)

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