

NOTICE 835 OF 2006

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

TERMINATION OF THE INVESTIGATION INTO THE ALLEGED DUMPING OF PLATES, SHEETS, FILM, FOIL AND STRIP OF BIAXIALLY ORIENTATED POLYMERS OF PROPYLENE, NON-CELLULAR AND NOT REINFORCED, LAMINATED, SUPPORTED OR SIMILARLY COMBINED WITH OTHER MATERIALS OF A THICKNESS EXCEEDING 0,012MM BUT NOT EXCEEDING 0,06MM, NOT HEAT SHRINKABLE, COMMONLY KNOWN AS BOPP FILM (BOPP FILM) ORIGINATING IN OR IMPORTED FROM BRAZIL

On 04 November 2005, the Commission formally initiated an investigation into the alleged dumping of plates, sheets, film, foil and strip of biaxially orientated polymers of propylene, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of a thickness exceeding 0,012mm but not exceeding 0,06mm, not heat shrinkable, commonly known as BOPP film (BOPP film) originating in or imported from Brazil. Notice of the initiation of the investigation was published through Notice No. 1957 of *Government Gazette* No. 28169 dated 04 November 2005.

The application was lodged by Treofan SA (Pty) Ltd, being the only manufacturer of the product under investigation in the SACU. The Applicant alleged that it cannot compete with the low prices charged by the importers and the alleged dumped products are causing it or threatening to cause it material injury.

The investigation was initiated after the Commission considered that there was *prima facie* evidence to show that the subject product was being imported at dumped prices, causing material injury to the SACU industry.

On initiation of the investigation, the known producers and exporters of the subject products in Brazil were sent foreign manufacturers/exporters questionnaires to complete. Importers of the subject products were also sent questionnaires to complete.

Responses from Consol Flexibles (Consol), Nampak and Astraflex were received on 15 December 2005; but were deficient. On 3 January, deficiency letters were sent to the importers through Ernst and Young, their representative, indicating that the deficiencies were not all addressed and that their information would not be taken into account for purposes of the preliminary determination. A response was received from Consol but it did not import the subject product during the period of investigation. It only imported the product outside the period of investigation and wanted their comments to be taken into account.

Bowman and Gilfillan, on behalf of the exporters, requested extension for submitting the responses as they were of the opinion that the application was deficient. Extension to submit responses was granted until 17 January 2006. On 17 January 2006, the three exporter's responses were submitted. Deficiency letters were sent on 03 February 2006 and responses were received on 10 February 2006 but the cost and price build-up for the three exporters were deficient. On 20 February 2006 Bowman and Gilfillan was informed that the responses were deficient and the information would not be taken into account for purposes of the preliminary determination. The Commission decided to use best information available, which is the information provided by the Applicant.

On 26 May 2006, the Commission made a preliminary determination that:

- The subject product originating in or imported from Brazil was being dumped into the SACU market;
- The SACU industry suffered material injury; and
- There were factors other than dumping that sufficiently detracted from the causal link between the dumping and the injury experienced.

The Commission therefore made a preliminary determination to terminate the investigation.

The Commission's detailed reasons for its decision are set out in the Commission's Report No. 177 (preliminary report).

Enquiries may be directed to the investigating officers, Ms Kedibone Machiu at telephone (012) 394-3599, Ms Selma Takács at (012) 394-3596 or Ms Mpho Chakalane at (012) 394- 3670, or at fax no. (012) 394-0518.