

NOTICE 1097 OF 2005
INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA

TERMINATION OF THE INVESTIGATION INTO THE ALLEGED DUMPING OF
CHEDDAR CHEESE ORIGINATING IN OR IMPORTED FROM IRELAND

On 25 June 2004, the International Trade Administration Commission of South Africa (the Commission) formally initiated an investigation into the alleged dumping of cheddar cheese originating in or imported from the Republic of Ireland (hereafter referred to as Ireland). Notice of the initiation of the investigation was published in Notice No.1157 of *Government Gazette* No.26477 dated 25 June 2004.

The application was lodged on behalf of the Southern African Customs Union (SACU) industry by Milk SA (the Applicant), being the representative body of the majority of producers of the subject product in SACU, which claimed that dumped imports were causing 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 exporter of the subject product in Ireland was sent a foreign manufacturer/exporter questionnaire to complete. Importers of the subject product were also sent questionnaires to complete.

After considering all parties' comments, the Commission made a preliminary determination that the subject product was being dumped on the SACU market causing material injury to the SACU industry.

As the Commission considered that the SACU industry would continue to suffer material injury during the course of the investigation if provisional payments were not imposed, it decided to request the Commissioner for South African Revenue Service to impose provisional payments for a period of twenty-six weeks.

The Commission's detailed reasons for its decision were set out in Commission Report No. 95 (preliminary report).

Interested parties were invited to comment on the Commission's preliminary report.

Based on the details as contained in the Commission's preliminary report and the comments received on this report, the Commission made a final decision that it was considering to confirm its preliminary determination that the subject product is being dumped on the SACU market and that the SACU industry is suffering material injury. However, the Commission further indicated that it was considering to decide that factors other than dumping, sufficiently detracted from the causal link between the dumping and the material injury.

The Commission therefore indicated that it is considering making a final determination to recommend to the Minister of Trade and Industry that the investigation be terminated.

On 25 April 2005, the Commission sent out letters to all interested parties, informing them in terms of Section 37 of the International Trade Administration Anti-Dumping Regulations and Article 6.9 of the Anti-Dumping Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade of the "essential facts" which are being considered by the Commission. The Commission invited comments from interested parties on these "essential facts" being considered by the Commission.

On 1 June 2005, the Commission, after considering all parties' comments, made a

final determination that the subject product was being dumped on the SACU market and that the SACU industry was suffering material injury.

The Commission, however, made a final determination that factors other than dumping was causing injury to the industry and this sufficiently detracted from the causal link between the dumping and the material injury.

The Commission therefore recommended to the Minister of Trade and Industry that the investigation into the alleged dumping of cheddar cheese originating in or imported from Ireland, be terminated.

Enquiries may be directed to the investigating officers, Ms Mandie Wagner at telephone (012) 394 3593 and Mr Jeffrey Maphagela at (012) 394 3639, or at fax (012) 395 0518.