

The Commissioner for South African Revenue Service
Private Bag X47
Pretoria
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Dear Commissioner

MINUTE NO. M12/2021: ADDENDUM TO REPORT NO. 678 – AMENDMENT TO THE ANTI-DUMPING DUTIES ON FROZEN BONE-IN PORTIONS OF FOWLS OF THE SPECIES *GALLUS DOMESTICUS* ORIGINATING IN OR IMPORTED FROM BRAZIL, DENMARK, IRELAND, POLAND AND SPAIN

The South African Poultry Association (“SAPA”) submitted an application on behalf of the Southern African Customs Union (“SACU”) industry (“the Applicant”) to the International Trade Administration Commission of South Africa (“the Commission”) to investigate the alleged dumping of frozen bone-in portions of fowls of the species *Gallus Domesticus* originating in or imported from Brazil, Denmark, Ireland, Poland and Spain. The initiation notice for the investigation was published in the *Government Gazette* on 5 February 2021.

The investigation was initiated after the Commission considered that the Applicant submitted *prima facie* information to indicate that the subject product was being imported at dumped prices, causing material injury and a threat of material injury to the SACU industry.

The tariff subheadings applicable in this investigation is as follows:

Country	Tariff heading	Description
Brazil	0207.14.93	Frozen Leg Quarters
	0207.14.95	Frozen Wings
	0207.14.96	Frozen Breasts (with Bone-In)
	0207.14.99	Other Frozen Bone-In

Denmark	0207.14.93	Frozen Leg Quarters
	0207.14.95	Frozen Wings
	0207.14.97	Frozen Thighs
	0207.14.98	Frozen Drumsticks
	0207.14.99	Other Frozen Bone-In
Ireland	0207.14.93	Frozen Leg Quarters
	0207.14.95	Frozen Wings
	0207.14.97	Frozen Thighs
	0207.14.98	Frozen Drumsticks
Poland	0207.14.93	Frozen Leg Quarters
	0207.14.95	Frozen Wings
	0207.14.98	Frozen Drumsticks
Spain	0207.14.95	Frozen Wings
	0207.14.97	Frozen Thighs
	0207.14.98	Frozen Drumsticks

After considering all interested parties' submissions and comments, the Commission made a preliminary determination that the subject product originating in or imported from Brazil, Denmark, Ireland, Poland and Spain is being dumped onto the SACU market, causing material injury and a threat of material injury to the SACU industry.

The Commission therefore decided to request the Commissioner for the South African Revenue Service ("SARS") to impose the following provisional measures on imports of the subject product for a period of 6 months:

Country	Company	Tariff subheading	Rate of duty
Brazil	Agroaraçá Indústria De Alimentos	0207.14.9	30.5%
	Agrosul Agroavícola Industrial S/A	0207.14.9	30.5%
	Avivar Alimentos Ltda	0207.14.9	13.0%
	Aurora Cooperativa Central Aurora Alimentos	0207.14.9	30.5%
	C.Vale – Cooperativa Agroindustrial	0207.14.9	22.0%
	Cooperativa Agroindustrial Consolata	0207.14.9	30.5%
	Jaguafrangos Indústria E Comércio De Alimentos Ltda	0207.14.9	48.0%
	Rio Branco Alimentos S/A	0207.14.9	10.0%
	Seara Alimentos Ltda	0207.14.9	6.0%
	Zanchetta Alimentos Ltda	0207.14.9	30.5%
	All other	0207.14.9	265.1%
Denmark	HK Scan	0207.14.9	39.0%
	All other exporters	0207.14.9	67.4%
Ireland	All exporters	0207.14.9	158.4%
Poland	Animex Foods Sp. Z.O.O.	0207.14.9	5.0%
	Drobimex Sp. Z.O.O	0207.14.9	9.0%
	Poland: All other exporters (excluding Plukon Sieradz Sp. Z.O.O)	0207.14.9	96.9%
Spain	Distribuciones Avícolas Vázquez S.A.U.	0207.14.9	16.0%
	An Avicola Melida S.L.	0207.14.9	3.0%
	UVE S.A	0207.14.9	4.0%
	Grupo Vall Companys	0207.14.9	26.0%
	All other exporters	0207.14.9	85.8%

Because of the tariff structure of the portions, the Commission made a decision to conduct the negligibility test separately for each of the tariff subheadings at the 8-digit level and found that imports of the subject product imported under some tariff subheadings were below the 3% threshold. However, it has come to the

Commission's attention that the recommendation in Report No. 678 did not exclude all the tariff subheadings that were below the 3% threshold.

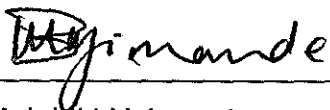
The Commission made a preliminary decision not to initiate an investigation or impose provisional measures on imports of the subject product under the following tariff subheadings:

Country	Tariff subheading	Description
Brazil	0207.14.91	Whole bird cut in half
	0207.14.97	Thighs
	0207.14.98	Frozen Drumsticks
Denmark	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
Ireland	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
	0207.14.99	Other
Poland	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
	0207.14.97	Thighs
	0207.14.99	Other
Spain	0207.14.91	Whole bird cut in half
	0207.14.93	Frozen Leg Quarters
	0207.14.96	Breasts
	0207.14.99	Other

RECOMMENDATION

It is proposed that the Commissioner amends the provisional payments with retrospective effect to the date of the imposition of the provisional duty to exclude the following:

Country	Tariff subheading	Description
Brazil	0207.14.91	Whole bird cut in half
	0207.14.97	Thighs
	0207.14.98	Frozen Drumsticks
Denmark	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
Ireland	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
	0207.14.99	Other
Poland	0207.14.91	Whole bird cut in half
	0207.14.96	Breasts
	0207.14.97	Thighs
	0207.14.99	Other
Spain	0207.14.91	Whole bird cut in half
	0207.14.93	Frozen Leg Quarters
	0207.14.96	Breasts
	0207.14.99	Other



Meluleki Nzimande

Chief Commissioner

Date: 20/12/1.....2021