

NOTICE 151 OF 2015

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

INITIATION OF A SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON CLEAR FLOAT AND DRAWN GLASS ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) AND INDIA

In accordance with the provisions in Article 53.1 of the Anti-Dumping Regulations (ADR), any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the International Trade Administration Commission of South Africa (the Commission) determines, in a review initiated before that date on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would likely lead to continuation or recurrence of dumping and material injury.

On 20 June 2014, Commission notified the interested parties through Notice No. 450 of 2014 in *Government Gazette* No. 37740, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of clear float and drawn glass originating in or imported from the Republic of China (PRC) and India would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on clear float and drawn glass originating in or imported from the PRC and India would expire on 25 March 2015.

A response to the sunset review application questionnaire was received from PFG Building Glass on behalf of the Southern African Customs Union (SACU) industry on 15 July 2014.

THE APPLICANT

The application was lodged by PFG Building Glass, the only producer of clear float in the SACU.

The Applicant alleges that the expiry of the duty would likely lead to 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 should be initiated.

THE PRODUCT

The product allegedly being dumped is clear float and drawn glass classifiable under the following tariff subheadings 7004.90.90, 7005.29.17, 7005.29.23, 7005.29.25 and 7005.29.35 originating in or imported from the PRC and India.

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 Applicant provided domestic selling prices in China and India obtained from retailers in the respective countries for purposes of the normal value. To calculate the export price for China, the Applicant provided a quote from an exporter in China. As there were no imports from India during the period of investigation, the Applicant provided an average price at which the suppliers exported to Egypt during the period of investigation.

On this basis, the Commission found that there was *prima facie* proof of the likelihood of continuation or recurrence of dumping if the duties expire.

THE ALLEGATION OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY

The Applicant alleges and submitted *prima facie* evidence to show that it is experiencing a decline in return on investments, cash flow and its ability to raise capital and that there would be price undercutting, price depression and suppression should the anti-dumping duties expire.

On this basis the Commission found that there was *prima facie* proof of recurrence of material injury if the duties expire.

PERIOD OF INVESTIGATION

The investigation period for dumping is from 1 April 2013 to 31 March 2014 and the injury investigation involves evaluation of data for the period of 1 April 2011 to 31 March 2014. The Commission will also consider an estimate of what the situation will be, if the anti-dumping duties expire.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of a sunset review 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 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.

