

**NOTICE 244 OF 2015**

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION**

**NOTICE OF INITIATION OF A SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON FRESH OR CHILLED GARLIC, ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA**

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 its 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 within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury.

On 20 June 2014, the International Trade Administration Commission of South Africa (the 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 fresh or chilled garlic originating in or imported from the People's Republic of China would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on fresh or chilled garlic originating in or imported from the People's Republic of China will expire on 25 March 2015.

On 02 October 2014 the International Trade Administration Commission of South Africa (the Commission) received a sunset review application from the South African Garlic Growers Association (SAGGA).

**THE APPLICANT**

The application was lodged by South African Garlic Growers Association, representing 73 percent by production based on average land planted and average yield in 2014.

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 fresh or chilled garlic, classifiable under tariff heading 0703.20 "garlic" and 0712.90.90 "other" originating in or imported from the People's Republic of China.

### **THE ALLEGATION OF THE CONTINUATION AND/OR RECURRENCE OF DUMPING**

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

The applicant stated that it could not obtain domestic price information in the PRC. According to the Record of Understanding between the International Trade Administration Commission of South Africa (ITAC) and the Bureau of Fair Trade for Imports and Exports (BOFT) of the Ministry of Commerce of the People's Republic of China (PRC), China will be treated as a market economy for purposes these investigations. In instances where information of domestic selling prices in China is not reasonably available to the SACU industries, it is necessary to allow SACU industries to use alternative methods, which are permitted by the WTO, of determining a normal value in China for the subject product for the purposes of initiation of an investigation. The applicant nominated Mexico as a surrogate country for normal value determination. Mexico was nominated because it has a similar industry to that of the PRC. There were no producers from Mexico who co-operated with the investigation. The normal value was determined based on the market price in Mexico.

The export price for the People's Republic of China was determined based on the official import statistics obtained from the South African Revenue Service (SARS).

