

General:**Revision of the rates of duty on:**

Maize (corn), classifiable under tariff subheadings 1005.10 (Seed) and 1005.90 (other); other cereals classifiable under tariffs subheading 1008.90; maize (corn) flour, classifiable under tariff subheading 1102.20; groats, meal and pellets of maize (corn), classifiable under tariff subheading 1103.13; and grain of maize (corn) otherwise worked, classifiable under tariff subheading 1104.23.

[BTT Ref. T5/2/2/3/1 (980169). Enquiries: Mr K. A. Collett, Tel. (012) 310-9963]

- Note:** 1. The revision is undertaken with a view to recommending a long-term customs tariff dispensation and to look at the possible differentiation of protection granted on white and yellow maize. The effect of the exchange rate on dollar-based tariff band protection measures will receive specific attention.
2. Interested parties who wish to comment are invited to consult with Mr Kevin Collett [tel. (012) 310-9963] regarding the layout of their comments. Interested parties are further requested to submit their comments within six weeks of the date of publication of this notice to the Chairman, Board on Tariffs and Trade, Private Bag X753, Pretoria, 0001.

Applicants:

National Agricultural Marketing Council, Private Bag X935, Pretoria, 0001.

National Association of Maize Millers, P.O. Box 10748, Centurion, 0046.

LIST 19/98 WAS PUBLISHED UNDER GENERAL NOTICE 1592 OF 14 AUGUST 1998.

(21 August 1998)

NOTICE 1695 OF 1998**BOARD ON TARIFFS AND TRADE****NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED SUBSIDISED EXPORT OF PAPER INSULATED, LEAD COVERED ELECTRIC CABLE ORIGINATING IN OR IMPORTED FROM INDIA**

The Board on Tariffs and Trade (the Board) received a petition alleging that paper insulated, lead covered electric cable originating in or imported from India is being subsidised by the Indian Government, causing material injury (or threat of material injury) to the SACU industry concerned.

THE PETITIONER

The petition was lodged by Aberdare Cables (Pty) Ltd, which is one of two domestic manufacturers of the product under investigation in the SACU. The petition was supported by the only other domestic manufacturer. The petitioner alleges that it cannot compete with the low prices charged by the importers and that the allegedly subsidised products are causing material injury and/or a threat of material injury. The petitioner submitted sufficient evidence and established a *prima facie* case to enable the Board to arrive at a reasonable conclusion that an investigation should be initiated on the basis of subsidisation, material injury (or threat of material injury), and causality.

THE PRODUCT

The product allegedly being subsidised by the Indian Government is paper insulated lead covered electric cable, for a voltage exceeding 1000V, classifiable under tariff subheading 8544.60, originating in or imported from India.

THE ALLEGATION OF SUBSIDISED EXPORT

The Petitioner alleges and submitted sufficient evidence that the Indian Government subsidises paper insulated, lead covered electric cable in the form of an exemption of export profits from taxation. This was alleged to be a countervailable subsidy in accordance with the WTO Agreement on Subsidies and Countervailing Measures. Based on the available information, the subsidy was calculated to be 28 per cent of the export value.

THE ALLEGATION OF MATERIAL INJURY (OR THREAT OF MATERIAL INJURY) AND CAUSAL LINK

The petitioner alleges and submitted sufficient evidence to show that there is price undercutting and that the imports in question are suppressing and depressing its selling prices. The petitioner's information indicated a decline in sales, profit margins (to a loss situation), output, market share, productivity and capacity utilisation. It was also evident that the decrease in market share has been at the expense of a corresponding increase in the market share of the allegedly dumped goods. On this basis the Board found that there was *prima facie* proof of material injury (or threat of material injury) and causal link.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the dumping margins in the respective exporting country or country of origin will be from July 1997 to June 1998. The period of investigation for purposes of determining injury will be for the years 1995/96, 1996/97, 1997/98 and for the period March 1998 to June 1998. If there are subsequent events that are relevant to injury the Board may later request and consider further, more recent information.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Board has begun an investigation in terms of section 4 of the Board on Tariffs and Trade Act, 1986 (the BTT Act). The Board will conduct its investigation in accordance with the BTT Act and the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Board's office on request

In order to obtain the information it deems necessary for its investigation, the Board will send non-confidential versions of the petition and questionnaires to all known importers and exporters, and known representative associations. The trade representatives of the exporting countries have also been notified. Importers, exporters and other interested parties are invited to contact the Board as soon as possible in order to determine whether they have been listed and have been sent the relevant documents. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address:

Physical address

The Director : Dumping Investigations
Room 1601
Fedlife Building
Corner of Church and Prinsloo Streets
PRETORIA
SOUTH AFRICA

Postal address

The Director : Dumping Investigations
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

All responses, including non-confidential copies of the responses, should be received by the Director: Dumping Investigations not later than 30 days from the date hereof or from the date on which the letter accompanying the above-mentioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

It should be noted that the investigation process is complex and the Board is subject to strict time limits within which to complete the investigation. Late submissions will therefore not be accepted except with the prior written consent of the Board. The Board will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day period.

The information submitted by any party may need to be verified by the investigating officers in order for the Board to take such information into consideration. The Board may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Board. Parties should therefore ensure that the information submitted will subsequently be available for verification. Parties should also ensure that all the information requested in the questionnaire is provided and in the specified detail and format. The questionnaires are designed to ensure that the Board is provided with all the information required to make a determination in accordance with the rules of Anti-Dumping Agreement. The Board may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Board has agreed in writing to a deviation from the required format. (A failure to submit an adequate non-confidential version of the response that complies with the rules set out above, will be regarded as an incomplete submission.)

Parties that experience difficulty in furnishing the information required, or in the format required, are therefore urged to make written applications to the Board at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Board's requirements. The Board will give due consideration to such a request on good cause shown.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Board may disregard the information submitted and make provisional or final findings on the basis of the facts available to it.

Enquiries may be directed to the investigating officers, Ms C Grove at telephone (012) 310-9815 and Mr A Strydom at (012) 310 9606.

[BTT Ref. T5/2/6/2/1]