

NOTICE 4667 OF 2000

BOARD ON TARIFFS AND TRADE

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED CIRCUMVENTION OF THE ANTI-DUMPING DUTIES ON BLANKETS, ORIGINATING IN OR IMPORTED FROM CHINA AND TURKEY, BY THE IMPORTATION OF BLANKETING IN ROLL FORM

The Board on Tariffs and Trade (the Board) received a petition alleging that circumvention of the anti-dumping duty imposed on blankets originating in or imported from China and Turkey is taking place through the importation of blanketing in roll form, thereby causing material injury to the SACU industry. The anti-dumping duty in question was imposed pursuant to Notice No. R 791 in *Government Gazette* No. 20226 on 18 June 1999. The reasons for the imposition of the anti-dumping duties were set out in the Board on Tariffs and Trade Report No. 3979 dated 10 June 1999.

THE PETITIONER

The petition was lodged by Waverley Blankets Ltd and Aranda Textile Mills (Pty) Ltd, the domestic manufacturers of blankets in the SACU. The Petitioner alleges that it cannot compete with the low prices charged for the imported products that are allegedly imported to circumvent the anti-dumping duty on blankets, and that this competition is causing them 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.

THE PRODUCT

The products on which the anti-dumping duty is allegedly being circumvented are blankets of acrylic fibre or blankets partially containing acrylic fibre, classifiable under tariff subheadings 6301.40 and 6301.90, originating in or imported from China and Turkey. The products that are allegedly being used to circumvent the anti-dumping duty

are woven fabrics containing 85% or more acrylic or mod-acrylic staple fibres, woven pile fabrics of man made fibres, knitted pile fabrics (long pile fabrics) and looped pile fabrics, classifiable under tariff subheadings 5512.29; 5515.29.57/90; 5801.34.90; 5801.35.90; 6001.10; 6001.2280; 6001.92. These products are allegedly being imported as blanketing in roll form or fabric in roll form and are then cut to the required sizes, seamed or otherwise completed and sold as blankets.

THE ALLEGATION OF CIRCUMVENTION

The allegation of circumvention is based on the alleged replacement of the imports entered under tariff subheadings 6301.40/90 by imports entered under the tariff subheadings relating to the importation of the various fabrics stated above.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the existence and extent of the alleged circumvention will be from January 2000 to December 2000.

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 require the following information from interested parties that are importing fabric rolls that are destined for the production of acrylic blankets or blankets containing acrylic fibre of the kind classifiable under the above-stated tariff subheadings:

1. Registered (full names in the case of private individuals) names of importers;
2. Street addresses;
3. Postal addresses;
4. Responsible officials or contact persons;
5. Telephone and fax numbers, also provide any e-mail addresses;
6. Customs import registration numbers;
7. Please also provide the following information in table form in respect of your imports/purchases of the fabric products classifiable under the above-stated tariff subheadings :

DATE OF PURCHASE	SHIPMENT DATE & COUNTRY OF ORIGIN	TERMS OF SALE	CLEARANCE DATE AND DASOO NUMBER & NAME OF FOREIGN SUPPLIER	PAYMENT DATE	PRODUCT DESCRIPTION & TARIFF SUBHEADINGS	UNITS & MASS (in kilograms)	TOTAL VALUE IN FOREIGN CURRENCY (Show whether fob or cif)	TOTAL VALUE IN SA CURRENCY - ADVISE RATE OF EXCHANGE

Please note that every shipment must be detailed separately. (Countries must also be listed separately)

8. Provide details of your manufacturing facilities as well as your capacity and current utilisation.
9. Provide details of the current employment in the manufacturing of the blankets.
10. Provide details of the selling prices and levels of trade in respect of each of the import transactions detailed in question 7 above.

Information other than that required under 1 to 10 of the previous paragraph may be required from the interested parties concerned during the course of the investigation.

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 provide the required information to the Board. 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.

This rule applies to all parties and to all correspondence with and submissions to the Board, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If the above requirements regarding the submission of a non-confidential version of documents are not strictly adhered to, the Board might disregard the information so submitted.

Should a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Board in writing immediately with (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and the responsible party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

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
2nd Floor
SABS Building
1 Dr Lategan Road, Groenkloof
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 of publication of this notice.

Late submissions will 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. Merely citing insufficient time is not an acceptable reason for extension. Please note that the Board will not consider requests for extension by Embassies on behalf of exporters.

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 of time 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 applicable questionnaire is provided in the specified detail and format. (Failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading "Confidential Information" will be regarded as an incomplete submission.)

Parties who experience difficulty in furnishing the information required, or submitting it 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 requests on good cause shown.

Oral representations to the Board by any interested party may also be made on written request to the Board at least seven days prior to the expiry date of the original 30 day period to respond and by prior arrangement with the Directorate. Such oral representations must be made within the same period as the written representations, unless prior written consent of the Board has been obtained for the oral representations to be made at a later date, which shall not be later than 14 days after the written representations have been submitted. Oral representations will be limited to one hour for SACU manufacturers and exporters and thirty minutes for importers.

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.

Parties that have not responded or cooperated with the Board in the preliminary phase of the investigation and/or have not provided responses to the Board's questionnaires, must show good cause why the Board should consider any subsequent responses or submissions from them. The Board reserves its right to disregard responses or submissions received from parties that did not cooperate during the preliminary phase of the investigation.

Enquiries may be directed to the investigating officers, TP Botha at telephone (012) 428-7722 and Ms S Takacs at (012) 428-7731 or at fax no. (012) 422-7736.

(15 December 2000)
