

NOTICE 1504 OF 2006

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA**

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON FROZEN MEAT OF
FOWLS OF THE SPECIES GALLUS DOMESTICUS CUT IN PIECES WITH
BONE IN ORIGINATING IN OR IMPORTED FROM THE UNITED STATES OF
AMERICA: FINAL DETERMINATION**

On 28 May 2004, the Commission notified the SACU industry through Notice No. 947 in Government Gazette No. 26374, that unless a substantiated request is made by it indicating that the expiry of the anti-dumping duties on the subject product originating in or imported from the USA would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on the subject product originating in or imported from the USA will expire on 27 December 2005.

A response to the sunset review application questionnaire was received from the Applicant on 25 May 2005. The Southern African Poultry Association (SAPA) (the Applicant), being the representative organisation, lodged the application on behalf of the Southern African Customs Union (SACU) industry.

The investigation was initiated through Notice No. 1737 in *Government Gazette* No. 28011 on 16 September 2005. Exporters and importers review questionnaires were sent to various known interested parties.

On 22 February 2006, the Commission made a preliminary determination that although the expiry of the anti-dumping duties would likely lead to the recurrence of dumping from the USA, the expiry of the anti-dumping duties would not likely lead to the recurrence of material injury to the SACU industry. It was considered that the SACU industry is in a healthy state notwithstanding the presence in the market of low cost imports from Brazil.

In its response to the Commission's preliminary finding the Applicant provided pricing information for the Commission to consider. This information indicated that the prices at which leg quarters are available would enable imports from the USA to substantially undercut both the SACU product and Brazilian imports. It was therefore considered likely that should the duty be removed, that material injury would recur. As the American exporters did not provide any pricing information, the Commission had to base its finding on the best available information.

After considering all parties' comments in respect of the "essential facts" letter the Commission made a final determination that the expiry of the duty is likely to lead to recurrence of dumping and material injury.

The Commission therefore decided to recommend to the Minister of Trade and Industry that the existing duties on frozen meat of fowls of the species *gallus domesticus* cut in pieces with bone-in originating in or imported from the United States of America, be maintained.

The Minister of Trade and Industry approved the Commission's recommendation. The Commission's Report No. 195 containing its determination is available at the Commission's office.

Enquiries may be directed to the investigating officers, Mr. Albert Strydom at telephone (012) 394 3597 and Mr. Karabo Modimokwane at telephone (012) 394 3637, or at fax (012) 395 0518.