
GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 3 OF 2004

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF ARTICLES OF PLASTER OR OF COMPOSITIONS BASED ON PLASTER, FACED OR REINFORCED WITH PAPER OR PAPERBOARD ONLY, COMMONLY REFERRED TO AS "GYPSUM PLASTERBOARD", ORIGINATING IN OR IMPORTED FROM INDONESIA

On 16 July 2003, the International Trade Administration Commission (the Commission) made a preliminary determination that gypsum plasterboard, originating in or imported from Thailand, was being dumped into the SACU market, causing material injury to the SACU industry. The Commission requested the Commissioner for South African Revenue Service to impose provisional payments on imports of gypsum plasterboard originating in or imported from Thailand. Provisional payments were imposed pursuant to Notice No. R1207 of Government Gazette No. 25363 on 22 August 2003.

Subsequent to the imposition of the provisional payments, large quantities of gypsum plasterboard were found to be exported to the SACU market by a company in Indonesia, which is claimed to be related to the exporter investigated in Thailand. The Commission received a complaint from the SACU industry alleging that this constitutes circumvention in the form of country hopping.

Country hopping is defined in Anti-Dumping Regulations (ADR) 60.8, which reads as follows:

"Country hopping shall be deemed to take place if imports, following the imposition of anti-dumping duties or provisional payments or the initiation of an anti-dumping investigation switch to a supplier related to the supplier against which an anti-dumping investigation has been or is being conducted and that is based in another country or customs territory."

THE APPLICANT

The application was lodged by BPB Gypsum, the manufacturer of the product under investigation in the SACU.

THE PRODUCT

The product allegedly being dumped is gypsum plasterboard, classifiable under tariff subheading 6809.11, originating in or imported from Indonesia.

THE ALLEGATION OF DUMPING

Section 62.3 of the Anti-Dumping Regulations provides as follows:

" Provided an anti-circumvention complaint is lodged with the Commission prior to, or within one year of the publication of the Commission's final finding, and in relation to any circumvention alleged in section 60.2(b), (c), (d), (e), (f) or (g), the Commission may use the normal value previously established to determine the margin of dumping until such time as the exporter or foreign producer has submitted proper information."

Accordingly, the allegation of dumping is based on the comparison between the normal value in Thailand and the export price from Indonesia. The normal value was determined in the Commission's investigation into the alleged dumping of gypsum plasterboard originating in or imported from Thailand. The export price was determined based on the official import statistics obtained from the South African Revenue Service (SARS). On this basis, the Commission found that there was *prima facie* proof of dumping.

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

Section 62.2 of the Anti-Dumping Regulations provides as follows:

"Provided an anti-circumvention complaint is lodged with the Commission prior to or within one year of the publication of the Commission's final determination, the SACU industry shall not be required to update its injury information."

Accordingly, the Commission considered the injury information submitted by the SACU industry for purposes of the investigation into the alleged dumping of gypsum

plasterboard originating in or imported from Thailand.

The Applicant submitted sufficient evidence to show that there is price undercutting. The Applicant's information indicated decreased profit margins, 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 Commission 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 dumping in Indonesia will be from 01 June 2003 to 30 November 2003.

PROCEDURAL FRAMEWORK

The Commission will conduct its investigation in accordance with the International Trade Administration Act (the ITA Act), the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement) and the Anti-Dumping Regulations (ADR) of the International Trade Administration Commission of South Africa. Both the ITA Act and the ADR are available on ITAC's website (www.itac.gov.za) or from the Trade Remedies section, on request.

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers, exporters and representative associations. The trade representatives of the exporting country have also been notified. Importers, exporters and other interested parties are invited to contact the Commission 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 part of your submission or further correspondence is based on confidential information, a proper non-confidential version indicating all instances where information has been claimed to be confidential, and the reasons for confidentiality, must be provided. The non-confidential version should be in sufficient detail to allow other interested parties a reasonable understanding of the substance of the information submitted in confidence. All information not clearly indicated to be confidential will be regarded as non-confidential, and the Commission may disregard all information claimed to be confidential, that is not accompanied by a non-confidential version. All interested parties are referred to sections 33 to 37 of the ITA Act and ADR 2 regarding confidential information.

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 : Trade Remedies 1
Room A 405
SABS BUILDINGS
GROENKLOOF
PRETORIA
SOUTH AFRICA

Postal address

The Director : Trade Remedies 1
Private Bag X753
PRETORIA
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SOUTH AFRICA

RESPONSES BY INTERESTED PARTIES

Interested parties are required to respond to the relevant questionnaires within 40 days after initiation of the investigation, or within 37 days from the date the relevant letters and questionnaires were dispatched. All parties are referred to ADR 29-32 regarding the procedures to be followed in respect of responses.

ORAL HEARING

Any interested party may request an oral hearing at any stage of the investigation, provided it indicates reasons for not relying on written submissions only. Parties requesting an oral hearing are required to provide the Commission with a detailed agenda and the information, including a non-confidential version thereof, to be addressed during the oral hearing, as provided for in terms of ADR 5.

VERIFICATION

Verification of information supplied by interested parties may take place as provided for under Section 18 of the ADR.

Enquiries may be directed to the investigating officers, Mr J Maphagela at telephone (012) 428 7760 and Mr A Strydom at (012) 428 7724, or at fax (012) 428 7736.