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**NOTICE 2290 OF 2002**  
**BOARD ON TARIFFS AND TRADE**

**NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF  
GYPSUM PLASTERBOARD ORIGINATING IN OR IMPORTED FROM THAILAND**

The Board on Tariffs and Trade (the Board) received a petition alleging that gypsum plasterboard originating in or imported from Thailand is being dumped on the Southern African Customs Union (SACU) market, causing material injury (or threat of material injury) to the SACU industry concerned.

***THE PETITIONER***

The petition was lodged by BPB Gypsum, the domestic manufacturer of the product under investigation in the SACU. The Petitioner alleges that it cannot compete with the low prices charged by the importers and that the allegedly dumped products are causing it material injury. The Petitioner submitted sufficient evidence to establish a *prima facie* case of dumping, material injury (or threat of material injury), and causality.

***THE PRODUCT***

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

***THE ALLEGATION OF DUMPING***

The allegation of dumping is based on the comparison between the normal value in and the export price from Thailand. The normal value was determined based on sales invoices of the subject product in Thailand. The export prices were determined based on the official import statistics obtained from the South African Revenue Services (SARS).

## **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. The Petitioner's information indicated a decline in sales, profit margins, output, market share, return on investment, employment, wages per employee and capacity utilisation. It was also indicated 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 dumping in the exporting country will be from 01 September 2001 to 31 August 2002. The period of investigation for purposes of injury will be for the period 1 April 2000 to 31 August 2002. 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 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 representative of the exporting country has 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:

- X where confidential information has been omitted and the nature of such information;
- X reasons for such confidentiality;
- X a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- X 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 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 forthwith (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 such 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 : Trade Remedies 1  
Room A 405  
SABS BUILDINGS  
GROENKLOOF  
PRETORIA  
SOUTH AFRICA

#### **Postal address**

The Director : Trade Remedies 1  
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: Trade Remedies 1 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.

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 do 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