

NOTICE 226 OF 2012**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****EXCLUSION OF SPECIFIC PVC STRIPS OF A THICKNESS OF 2MM AND A WIDTH NOT EXCEEDING 20MM FROM THE EXISTING ANTI-DUMPING DUTIES APPLICABLE ON PVC RIGID ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)**

An investigation into the alleged dumping of PVC rigid was conducted in 2007 and definitive anti-dumping duties were imposed on the subject product originating in or imported from the People's Republic of China (PRC) and Chinese Taipei with effect from 25 April 2008.

The current anti-dumping duties on PVC rigid were published through **Notice No. R.882 of 2008 in Government Gazette No. 31342** and are as follows:

Country	Product	Rate of Anti-Dumping Duties	Date of imposition of duties
PRC	PVC rigid	32.7%	26/10/07
Chinese Taipei	PVC rigid	22.6%	26/10/07

A request was received from Austro Group Limited, an importer of PVC strips to exclude PVC strips of a thickness of 2mm and a width not exceeding 20mm, originating in or imported from the PRC, as the products are not manufactured in the SACU

THE PRODUCT

The specific PVC strips are classifiable as "Rigid PVC Strips" under tariff heading 3920.49.

The specific strips that are imported contains less than 6% plasticizer and are alleged to be manufactured by Huali (Asia) Industries Co. Ltd in the PRC for use as edging in the furniture manufacturing business.

THE APPLICANT

A request was received from Austro Group Limited, an importer of PVC strips to exclude PVC strips of a thickness of 2mm and a width not exceeding 20mm, originating in or imported from the PRC, as the products are not manufactured in the SACU.

PROCEDURAL FRAMEWORK

The Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of 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 of the International Trade Administration Commission of South Africa (ADR). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

All Interested parties are invited to submit comment on the Applicant's comment.

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 Commission, 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 Commission 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.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

- (a) management accounts;
- (b) financial accounts of a private company;
- (c) actual and individual sales prices;
- (d) actual costs, including cost of production and importation cost;

- (e) actual sales volumes;
- (f) individual sales prices;
- (g) information, the release of which could have serious consequences for the person that provided such information; and
- (h) information that would be of significant competitive advantage to a competitor;

Provided that a party submitting such information indicates it to be confidential."

ADDRESS

Any information regarding this matter must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies

International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager: Trade
Remedies I
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 Senior Manager: Trade Remedies I not later than 30 days from the date hereof.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission 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 Commission 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 Commission to take such information into consideration. The Commission 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 Commission. Parties should therefore ensure that the information submitted will subsequently be available for verification.

Enquiries may be directed to the investigating officers, Ms R. N. Peta at telephone +27 12 394-3737 and Ms Selma Takacs at telephone +27 12 394-3596 or fax number +27 12 394 0518.