

NOTICE 386 OF 2013**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****NOTICE OF INITIATION OF INTERIM REVIEW OF THE ANTI-DUMPING DUTIES ON ROPES AND CABLES MANUFACTURED BY CASAR AND ORIGINATING IN OR IMPORTED FROM GERMANY**

The International Trade Administration Commission of South Africa (the Commission) accepted an application for an interim review in terms of the Anti-Dumping Regulations (ADR) 45 with regard to dumping of ropes and cables manufactured by Casar Drahtseilwerk Saar GmbH (the Applicant) and originating in or imported from Germany.

THE APPLICANT

The application was lodged by Casar Drahtseilwerk Saar GmbH (the Applicant). The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that an investigation should be initiated on the basis of changed circumstances with regard to dumping and the level of anti-dumping duty applicable to the Applicant.

THE PRODUCT

The subject product is described as ropes and cables originating in rope, of iron or steel, not electrically insulated, of a diameter exceeding 8mm (excluding that of wire of stainless steel, that of wire plated, coated or clad with copper and that identifiable as conveyor belt cord) (Scientific name), commonly identified or referred to as steel wire ropes (common name), classifiable under tariff subheading 7312.10.40

THE ALLEGATION OF CHANGED CIRCUMSTANCES

The Applicant stated that in August 2007 it was acquired by WireCo WorldGroup Incorporated. This change in ownership occurred after the period of investigation in the sunset review. The Applicant also stated that the change in ownership brought about a change in the pricing policy which is strictly enforced.

On this basis the Commission found that there was *prima facie* of changed circumstances with regard to dumping.

THE ALLEGATION OF DUMPING

The Applicant submitted information for the Commission's consideration to demonstrate that it no longer dumps the subject product in the South African Customs Union (SACU); and that the dumping margin has decreased significantly and is in fact significantly negative.

The normal value was determined based on the domestic sales by the Applicant in Germany. The Applicant claimed adjustments on the normal value for cost of payment terms, delivery and packaging costs to arrive at the net ex-factory weighted average normal value. The export price was determined based on the export sales by the Applicant to the SACU market. The Applicant adjusted the export price to arrive at the net ex-factory weighted average export price. The dumping margin for the Applicant was determined to be negative.

On this basis, the Commission found that there was *prima facie* proof that dumping no longer takes place.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the dumping margin in the exporting country of origin will be from 1 January 2012 to 31 August 2012.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an interim review, the Commission has begun an investigation in terms of Anti-Dumping Regulation (ADR) 45. The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, and the Commission's Anti-Dumping Regulations (ADR). The ITA Act, together with the ADR is available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

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 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.

Sections 2.3 of the ADR provide 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 1

The International Trade Administration
Commission of South Africa

Block E – Uuzaji Building

The DTI Campus

77 Meintjies Street

SUNNYSIDE

PRETORIA

SOUTH AFRICA

Postal address

The Senior Manager: Trade Remedies 1

The International Trade Administration
Commission of South Africa

Private Bag X753

Pretoria

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SOUTH AFRICA

PROCEDURES AND TIME LIMITS

All comments, 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, or from the date on which the letter accompanying this notice. 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 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 an 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. Specifically, it is planned to verify the information submitted by the exporters within three to five weeks subsequent to the submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants, will not be considered to be good cause. Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Sections 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing must provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request. If the required information is not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

Enquiries may be directed to the investigating officers, Mr Zuko Ntsangani at telephone +27 12 394-3662 or Mr Emmanuel Manamela at telephone +27 12 394-3632 or at fax +27 12 394-0518.