


**REPORT NO.216**

**TERMINATION OF THE ANTI-DUMPING DUTIES ON SPADES AND SHOVELS,  
FORKS, PICKS AND RAKES ORIGINATING IN OR IMPORTED FROM THE  
PEOPLE'S REPUBLIC OF CHINA.**

**The International Trade Administration Commission of South Africa herewith presents its Report No. 216: TERMINATION OF THE ANTI-DUMPING DUTIES ON SPADES, SHOVELS, FORKS, PICKS AND RAKES ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA.**

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**ITUMELENG MASEGE  
ACTING CHIEF COMMISSIONER**

**PRETORIA**

**08/02/ 2007**

# **INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

## **TERMINATION OF THE ANTI-DUMPING DUTIES ON SPADES AND SHOVELS, FORKS, PICKS AND RAKES ORIGINATING IN OR IMPORTED THE PEOPLE'S REPUBLIC OF CHINA.**

1. In accordance with the provisions of Article 53.1 of the International Trade Administration Commission of South Africa Anti Dumping Regulations (ADR), anti-dumping duties shall remain in place for a period not exceeding five years from the imposition of the review thereof, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to the continuation or recurrence of dumping and injury.
2. On 26 May 2006, the Commission notified all interested parties, through Notice No. 673 of Government Gazette No. 28847, that unless a request is made by or on behalf of the SACU industry for the duties to be reviewed prior to the expiry thereof, the anti dumping duties on spades, shovels, forks, picks and rakes originating in or imported the People's Republic of China (PRC) would expire on 8 March 2007.
3. The trade representative of the country involved was notified and provided with a copy of the Government Gazette notice.
4. The SACU manufacturer was invited to submit information indicating that the expiry of the anti-dumping duties is likely to lead to the continuation or recurrence of dumping and injury.

5. On 29 September 2006, a detailed response to the Commission's sunset review questionnaire was received from Lasher Tools, indicating that the expiry of the anti-dumping duties against the imports of hand tools originating in or imported from the PRC shall likely lead to the continuation or recurrence of dumping and injury.
- 6 On 01 November 2006 the Commission verified the information submitted by the Applicant
- 7 At its meeting of 31 January 2007, the Commission made a decision not to initiate a sunset review of the anti-dumping duties on spades and shovels, forks, picks and rakes originating in or imported from the PRC.

The Commission's decision was based on the following;

- The anti-dumping duties have been in place for ten years;
- The Applicant is not suffering material injury at present;
- The information presented did not convince the Commission of a likelihood of recurrence of material injury.
- The Applicant enjoys a SACU market share; and
- The instrument of anti-dumping protection is available to the applicant should there be a recurrence of dumping.

## **RECOMMENDATION**

- 8 The Commission therefore decided to recommend that the anti-dumping duty on spades, shovels, forks, picks and rakes, originating in or imported from the People's Republic of China be withdrawn with retrospective effect, to the date of the five-year expiry of the duty, that is 08 March 2007.