



International Trade Administration Commission of South Africa

Report No. 72

Sunset review of the anti-dumping duties on stainless steel hollowware originating in or imported from the People's Republic of China (PRC), Chinese Taipei and South Korea: Final determination

The International Trade Administration Commission of South Africa herewith presents
its **Report No. 72: SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON
STAINLESS STEEL HOLLOWWARE ORIGINATING IN OR IMPORTED FROM
THE PEOPLE'S REPUBLIC OF CHINA (PRC), CHINESE TAIPEI AND SOUTH
KOREA: FINAL DETERMINATION**



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CHIEF COMMISSIONER

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INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA (ITAC)

SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON STAINLESS STEEL HOLLOWWARE ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC), CHINESE TAIPEI AND SOUTH KOREA: FINAL DETERMINATION

BACKGROUND

In accordance with the provisions in Article 11.3 of the World Trade Organisation Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, 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, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

On 03 October 2003, the International Trade Administration Commission (the Commission) initiated a sunset review of the anti-dumping duties on stainless steel hollowware originating in or imported from the People's Republic of China (PRC), Chinese Taipei and South Korea and notified the interested parties through Notice No. 2521 in Government Gazette No. 25492, that unless substantiated information is submitted by the SACU industry indicating that the expiry of the duties on stainless steel hollowware originating and exported from the PRC, Chinese Taipei and South Korea would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on stainless steel hollowware originating and exported from the People's Republic of China, Chinese Taipei and South Korea will expire.

The trade representatives of the countries involved were notified and provided with a copy of the notice which was published in the *Government Gazette*.

The South African Stainless Steel Development Association (SASSDA) submitted a completed petition to the Commission, indicating that the expiry of the duties would lead to continuation or recurrence of dumping and material injury.

Exporters and importers sunset review questionnaires were sent to known interested parties. None of the exporters or importers responded to the Commission's questionnaire.

At verification of the Petitioner's information it was found that:

- the management accounts used in the calculation of the information submitted could not be reconciled to the audited financial statements;
- the sales volumes could not be verified, as the computer systems used to extract the volumes were not operational and information could not be retrieved;
- production volumes could not be verified, as no production records exist. A theoretical calculation was done to determine production units for 2002 and 2003, but this could not be done for 2001 as the inventory value for December 2000 is not available;
- only the value of inventories could be verified and not the quantities;
- capacity could not be calculated or verified;
- total cost of the products could not be verified as the Petitioner refused to submit the total cost figures of the company.

For purposes of its preliminary decision, the Commission decided that the Petitioner could not provide substantiated information to indicate that the expiry of the duties would be likely to lead to the continuation or recurrence of material injury.

The Commission, therefore, made a preliminary decision to recommend to the Minister of Trade and Industry to terminate the anti-dumping duties on stainless steel hollowware originating in or imported from the PRC, Chinese Taipei and South Korea.

“Essential facts” letters, containing the Commission’s preliminary decision were sent to interested parties to comment on.

In response to the “essential facts” letter, the Petitioner indicated that the information could now be verified and that it is willing to cooperate fully in the investigation.

The Commission decided not to verify the information submitted by the Petitioner. The Commission was of the opinion that all interested parties should receive equal treatment and that information submitted by exporters, who then do not cooperate with the verification, is not taken into consideration.

After considering all parties’ comments in response to the “essential facts” letters, the Commission made a final determination, that the expiry of the duties on the subject product originating in or imported from the PRC, Chinese Taipei and South Korea would not lead to continuation or recurrence of material injury

RECOMMENDATION

The Commission, therefore, decided to recommend to the Minister of Trade and Industry that the following existing anti-dumping duties on stainless steel hollowware originating in or imported from the PRC, Chinese Taipei and South Korea, be terminated:

Tariff subheading	Description	Originating in or imported from	Anti-dumping duty
7323.93.20	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel (excluding those plated with precious metal)	China (excluding that imported from Sunnex Products Ltd)	1806c/kg
7323.93.90	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel, plated with precious metal	China (excluding that imported from Sunnex Products Ltd)	1852c/kg
7323.93.20	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel (excluding those plated with precious metal)	Republic of Korea (excluding that imported from Dong Won Metal co.Ltd)	2728c/kg
7323.93.90	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel plated with precious metal	Republic of Korea (excluding that imported from Dong Won Metal co.Ltd)	2394c/kg
7323.93.20	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel (excluding those plated with precious metal)	Taiwan	3416c/kg
7323.93.90	Saucepans, steamers, stewpans, casseroles or frying pans, or sets containing such items, of stainless steel plated with precious metal	Taiwan	2136c/kg