

Report No. 88

Amendment of the implementation of the rebate provision of the anti-dumping duties on plates, sheets, film, foil, tape and strip of polymers of vinyl chloride from 10 October 2003 to 22 February 2002

The International Trade Administration Commission of South Africa herewith presents Report No 88; AMENDMENT OF THE IMPLEMENTATION OF THE REBATE PROVISION OF THE ANTI-DUMPING DUTIES ON PLATES, SHEETS, FILM, FOIL, TAPE AND STRIP OF POLYMERS OF VINYL CHLORIDE FROM 10 OCTOBER 2003 TO 22 FEBRUARY 2002



Ms N.P. Maimela
Chief Commissioner
PRETORIA

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INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA REPORT NO 88

AMENDMENT OF THE IMPLEMENTATION OF THE REBATE PROVISION ON THE ANTI-DUMPING DUTIES ON PLATES, SHEETS, FILM, FOIL, TAPE AND STRIP OF POLYMERS OF VINYL CHLORIDE FROM 10 OCTOBER 2003 TO 22 FEBRUARY 2002

SYNOPSIS

On 22 February 2002, the South African Revenue Service (SARS) published definitive anti-dumping duties by Notice No. R221 in *Government Gazette* No. 23159 on polymers of vinyl chloride (PVC based roll goods) originating in or imported from Germany, India, Thailand and the Netherlands.

On request of two manufacturers (applicants) and on recommendation of the Commission of the South African Revenue Service (SARS) published anti-dumping rebate provisions by Notice No. R1420 in *Government Gazette* No 25527 for PVC based roll goods used in the manufacture of lampshades and tablecloths on 10 October 2003.

The applicants, subsequently applied for the rebate provision on anti-dumping duties to be amended from 10 October 2003 to 22 February 2002, since there was no anti-dumping rebate provision for PVC rolled goods during this period and these manufacturers had to pay anti-dumping duties on products not domestically manufactured.

On 30 June 2004 the Commission recommended to the Minister of Trade and Industry the amendment of the implementation of the rebate provision retrospective from 10 October 2003 to 22 February 2002.

1. APPLICATION AND PROCEDURE

1.1 LEGAL FRAMEWORK

This investigation was conducted in accordance with the ITA Act.

1.2 APPLICANT

The applications were lodged by Cowie Trading (Pty) Ltd and Wire World (Pty) Ltd, (applicants) who imported PVC based roll goods not manufactured in SACU.

1.3 BASIS OF APPLICATION

On 22 February 2002 definitive anti-dumping duties on PVC based roll goods, originating in or imported from Germany, India, Thailand and the Netherlands were imposed.

After the implementation of the definitive anti-dumping duties on PVC based rolled goods, applicants applied to the Commission for rebate provisions on anti-dumping duties payable on PVC based rolled goods not manufactured in SACU. On recommendation of the Commission, this provision was implemented on 10 October 2003.

Since applicants had to pay anti-dumping duties during the period 22 February to 10 October 2003, they subsequently applied for the amendment of the rebate provision on the anti-dumping duties retrospective to 22 February 2002.

2.1 PRODUCT

The products that forms the basis of this application are PVC based roll goods, which are used in the in the manufacturing of lampshades and tablecloths.

2.2 TARIFF CLASSIFICATION

The products are currently classifiable as follows:

Tariff Heading	Code	Description.	Imported from or originating in	Rate of anti-dumping duty
3920.40	01.05	Plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15°C and 30°C	India	157%
3920.40	02.05	Plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15°C and 30°C imported from Solvay Draka BV	Netherlands	2.3%
3920.4	3.05	Plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15°C and 30°C (excluding that imported from Solvay Draka BV)	Netherlands	56,9%

3920.4	4.05	Plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15°C and 30°C, imported from CCPC Decorative Products (Pty) Ltd	Thailand	6,9%
3920.4	5.05	Plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15° C and 30° C (excluding that imported from CCPC Decorative Products (Pty) Ltd)	Thailand	54,9%
3920.4	6.05	Other plates sheets, film, foil, tape and strip of polymers of vinyl chloride, non cellular and not reinforced, laminated or similarly combined with other materials, of a thickness of 0,07 or more but not exceeding 1mm, which can, without fracturing, be bent mutually around a cylinder of a diameter of 18 cm, at a temperature between 15° C and 30°C	Germany	24%

REBATE PROVISION

A rebate for the anti-dumping duties on PVC based roll goods for the manufacture of lampshades and tablecloths originating in or imported from the Germany, India, Thailand and the Netherlands was implemented under Schedule 3 of the Customs and Excise Act with effect on 10 October 2003 by Notice No. R.1420.

3. CONSIDERATION

3.1 ANTI-DUMPING DUTIES PAID

The applicants submitted information substantiating that anti-dumping duties were paid during the period from the implementation of the final duties (22 February 2002) up until the implementation of the rebate implementation (10 October 2003). The applicants' payments of anti-dumping duties were substantiated in the applications with all relevant copies of the original documentation, which reflected the anti-dumping duty paid in respect of each import transaction.

4 RECOMMENDATION

The Commission decided on 30 June 2004, to recommend to the Minister of Trade and Industry that the implementation of the rebate provision on PVC based rolled goods for the manufacturing of lamp shades and table cloths published on 10 October 2003 (Notice No.1420 in *Government Gazette* N0 25527) be amended for implementation retrospective from 10 October 2003 to 22 February 2002.