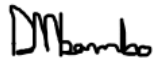


REPORT NO.705

**SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON UNFRAMED GLASS MIRRORS
ORIGINATING IN OR IMPORTED FROM THE REPUBLIC OF INDONESIA: FINAL
DETERMINATION**

The International Trade Administration Commission of South Africa herewith presents its **Report No. 705: SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON UNFRAMED GLASS MIRRORS ORIGINATING IN OR IMPORTED FROM THE REPUBLIC OF INDONESIA: FINAL DETERMINATION**



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14/12/2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

REPORT NO. 705

SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON UNFRAMED GLASS MIRRORS ORIGINATING IN OR IMPORTED FROM THE REPUBLIC OF INDONESIA: FINAL DETERMINATION

SYNOPSIS

On 25 June 2020 the International Trade Administration Commission of South Africa (“the Commission”) notified interested parties, through Notice No. 387 of 2021 in *Government Gazette* No. 44761, that unless a substantiated request is made indicating that the expiry of the anti-dumping duty against imports of unframed glass mirrors originating in or imported from the Republic of Indonesia (“Indonesia”) would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia would expire on 05 October 2022.

PFG Building Glass, a division of PG Group (Pty) Ltd (“the Applicant”) submitted an application to the Commission on 04 April 2022. After all deficiencies were identified and addressed, an updated final application was received on 28 April 2022.

The information submitted by the Applicant was verified on 17 May 2022. The verification report was sent to the Applicant on 20 May 2022. A response to the verification report was received on 29 May 2022. A letter confirming that the application was deemed to be properly documented was sent to the Applicant on 22 June 2022.

On 22 July 2022, the Commission initiated a sunset review of the anti-dumping duty on unframed glass mirrors, originating in or imported from Indonesia. Notice of initiation of the investigation was published as Notice No.1166 of 2022 in *Government Gazette* No.47061.

The investigation was initiated after the Commission considered that the Applicant submitted *prima facie* information to indicate that there is a likelihood of the recurrence of dumping and the recurrence of material to the Southern African Customs Union (“SACU”) industry should the current anti-dumping duty expire.

Upon initiation of the investigation, the known producers/exporters of the subject product in Indonesia were sent foreign manufacturers/exporters questionnaires to complete. Importers of the subject product were also sent questionnaires to complete.

No properly documented responses were received from any exporters and importers of the subject product. However, comments were received from one importer Glass Edge (Pty) Ltd; two exporters, namely PT Asahimas Flat Glass and PT Matahari Silverindo Jaya; Indonesia Glass Association and the Ministry of Trade of the Republic of Indonesia.

The Commission made a final determination before essential facts that the expiry of the anti-dumping duties on the subject product originating in or imported from Indonesia would lead to the recurrence of dumping and the recurrence of material injury.

Essential facts letters were sent to all interested parties on 18 October 2022, informing them of “essential facts” which were being considered by the Commission and inviting interested parties to comment. Comments on the Commission’s essential facts letters were received on 25 October 2022.

After considering Applicant’s comments on the “essential facts letter”, the Commission made a final determination that the expiry of the anti-dumping duty on the subject product originating in or imported from Indonesia would likely to lead to the recurrence of dumping and the recurrence of material injury.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that, as there were no imports of the subject product from

Indonesia during the period of investigation, the current anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia be maintained as follows:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm (excluding that manufactured by PT Matahari Silverindo Jaya)	Indonesia	6.61%

1. APPLICATION AND PROCEDURE

1.1 LEGAL FRAMEWORK

This investigation was conducted in accordance with the International Trade Administration Act, 2002 (“ITA Act”), the International Trade Administration Commission Anti-Dumping Regulations (“ADR”), read with the World Trade Organisation (“WTO”) Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, 1994 (“ADA”).

1.2 APPLICANT

The application was lodged by PFG Building Glass, a division of PG Group (Pty) Ltd (“Applicant”), being the only producer for the subject product in the SACU.

1.3 ACCEPTANCE OF APPLICATION

The application was accepted by the Commission as being properly documented in accordance with Section 21 of the ADR on 22 June 2022.

1.4 ALLEGATIONS BY THE APPLICANT

The Applicant alleged that the expiry of the anti-dumping duty on the subject product originating in or imported from Indonesia would likely lead to the recurrence of dumping and the recurrence of material injury.

The Applicant further alleged that as a result of the recurrence of dumping of the subject product from Indonesia, it will experience material injury in the form of:

- (a) Increase of imports
- (b) Decline sales volume
- (c) Decline in output
- (d) Decline in market share
- (e) Decline in growth
- (f) Decline in productivity
- (g) Decline in cash flow
- (h) Increase in Inventory

1.5 INVESTIGATION PROCESS

The Applicant submitted an application to the Commission on 04 April 2022. The information submitted by the Applicant was verified on 17 May 2022. The verification report was sent to the Applicant on 20 May 2022. A response to the verification report was received on 29 May 2022. A response to the verification report was received on 29 May 2022.

The Commission initiated an investigation into alleged dumping on unframed glass mirrors, originating in, or imported from Indonesia pursuant to Notice No.1166 of 2022 in *Government Gazette* No.47061 on 22 July 2022.

Prior to the initiation of the investigation, the trade representatives of the countries concerned were notified of the Commission's intention to investigate, in terms of ADR 27.1. All known interested parties were informed and requested to respond to the questionnaires and the non-confidential version of the application.

1.6 INVESTIGATION PERIODS

The investigation period for dumping was from 1 January 2022 to 31 December 2022, and the injury investigation involved evaluation of data for the period 01 January to 31 December 2022 (estimates in the event that the anti-dumping duties expire).

1.7 COMMENTS

The Commission considered comments received from interested parties with regard to the application and procedure. Non-confidential versions of these comments are available on the public file.

Comments from Glass Edge (Pty) Ltd

The importer stated that is not importing any of the subject product (unframed

glass mirror from Indonesia) under investigation. The importer further indicated that they buy their stock from the Applicant.

Comments from PT Asahimas Flat Glass Tbk

The exporter indicated that it did not export unframed glass mirrors to SACU during the investigating period and requested that their company be excluded from the sunset review.

Comments from PT Matahari Silverindo Jaya

The exporter indicated that it did not export unframed glass mirrors to SACU during the investigating period.

Commission's consideration

The exporters that indicated that they did not export to SACU during the period of investigation will be subject to the residual anti-dumping duty. Should these exporters qualify, they are at liberty to apply for a new shipper review to obtain an individual dumping margin, should they wish to export to SACU in the future.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry)

In response to the information contained in the application, the Ministry of Trade of the Republic of Indonesia indicated that the current anti-dumping measure has been imposed for more than sixteen years. The Ministry also stated that is of the view that SACU industry has enjoyed sixteen years - long protection from imported subject products and has been provided with more time to recover from material injury suffered because of imports from Indonesia.

The Ministry further stated that as the SACU industry was given more time recover from injury, the continuation of anti-dumping measure is unwarranted as the removal of anti-dumping duty on imports of unframed glass mirrors from Indonesia would not result in continuation or recurrence of injury to the SACU domestic industry.

Response by the Applicant to comment made by the Ministry

In response to the above comment, the Applicant stated that it appears as if the Ministry might have confused the trade remedy mechanisms of the Safeguard and Anti-Dumping instruments, with one another. The Applicant further stated that in the event of a Safeguard the domestic industry is offered an opportunity, with the protection granted for the stipulated period, to recover from increased quantities (a surge) in imports, absolute or relative to domestic production and that may cause or threaten to cause serious injury to the domestic industry.

The Applicant also stated it wished to point out that the duration of protection against unfair trade, which occurred through dumping and that caused material injury to the SACU domestic industry and/or poses a recurrence of material injury, is not subject to a 'phasing process' or the 'recovery status' of the domestic industry. These two concepts reside in principles applied in accordance with the Agreement on Safeguards.

The Applicant further stated that every sunset review investigation subsequent to an initial investigation is subject to an assessment of prima facie evidence presented and an investigation through the Commission's verification of information presented, guided by the provisions contained in the Anti-Dumping Agreement, the ITA Act and the ADR. The Applicant pointed out that the duration of protection as presented in the Ministry's letter against unfair trade is irrelevant and requests the Commission to take no heed to the allegation raised by the Ministry.

The Applicant also stated that the Commission's investigation at hand is concerned with the matter of unfair trade that is causing material injury or the likelihood of a recurrence of material injury. The Applicant stated that they would like to enlighten the Ministry that the imposition of an anti-dumping duty is aimed at protecting the SACU industry against the effects of the unfair trade caused by the subject product that is imported at dumped prices or the likelihood of a

recurrence of material injury, posed by threat that future imports hold if the anti-dumping duty is revoked. An anti-dumping duty is not a mechanism to negatively impact on, or impair fair trade from an originating or exporting country.

The Applicant stated that they would also like to remind the Ministry that they have supplied substantiated evidence in the sunset review application that the Indonesian glass industry continued to export at dumped prices. Thus, if the dumping duty is revoked there will be a recurrence of dumping and because of no dumping duty being in place, there will be a recurrence of material injury to the SACU industry.

Commission's consideration

In sunset reviews, the Commission determines whether revocation of the anti-dumping duty would likely lead to the continuation or recurrence of dumping and material injury to the SACU industry. If the Commission's determination is affirmative, the duty may remain in place.

The Commission is of the view that the analysis of both dumping and injury information submitted in the application confirms that should the anti-dumping duty be revoked, there will be a recurrence of dumping and a recurrence of material injury to the SACU industry.

1.8 PARTIES CONCERNED

1.8.1 SACU industry

The Applicant is the only producer for the subject product in the SACU and represents 100 percent of the domestic production.

1.8.2 Responses by Foreign Manufacturers/Exporters/Importers

No properly documented responses were received from any of exporters and importers.

Essential facts letters were sent to all interested parties, informing them of

“essential facts” which were being considered by the Commission and inviting interested parties to comment. Comments on the essential facts letter were received from the Ministry of Trade Republic of Indonesia, the Indonesia Glass Association and the Applicant.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry) to the Commission’s essential facts letter

The Ministry stated that the Section 43.2 of the Republic of South Africa’s Anti-Dumping rules states, “All parties will receive 14 days from the dispatch of the essential facts letter to comment thereon.”

The Ministry further stated that in its essential facts letter, the Commission only offered 7 (seven) days for all parties to submit any comments on the given essential facts for its consideration before making its final determination and recommendation to the Minister of Trade, Industry and Competition. The Ministry also stated that the Commission has made a procedural error by only giving a comment period of 7 (seven) days to all interested parties instead of 14 days as mandated by the Republic of South Africa’s Anti-Dumping regulations.

Commissioner’s Consideration

Although the Commission noted that a period of 14 days should have been granted, the Commission was of the view that the Ministry did not request an extension to the deadline and indeed submitted its comments within the 7 days provided. The Ministry was therefore not prejudiced and the Commission took all comments submitted into consideration for purposes of making its final determination.

1.9 FINAL DETERMINATION AND RECOMMENDATION

After considering all interested parties’ comments on the application and “essential facts letter”, the Commission made a final determination that the expiry of the anti-dumping duty on the subject product originating in or imported from

Indonesia would likely lead to the recurrence of dumping and the recurrence of material injury.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that, as there were no imports of the subject product from Indonesia during the period of investigation, the current anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia be maintained as follows:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm (excluding that manufactured by PT Matahari Silverindo Jaya)	Indonesia	6.61%

2. PRODUCTS, TARIFF CLASSIFICATION AND DUTIES

2.1 SUBJECT PRODUCT

2.1.1 Description

The subject of this application is unframed glass mirrors, of a thickness of 2mm or more but not exceeding 6mm.

2.1.2 Like product

In the original investigation, the Commission found that the SACU product and the imported product from Indonesia are like products, for purposes of comparison, in terms of section 1 of the ADR.

2.1.3 Tariff classification

The subject product is classifiable as follows:

Table 2.1.3: Tariff classification

Tariff heading / subheading	Description	Statistical unit	Rate of duty					
			General	EU	EFTA	SADC	MERCOSUR	AfCFTA
7009	Glass mirrors, whether or not framed, including rear-view mirrors:							
7009.9	- Other:							
7009.91	- -Unframed	Kg	15%	free	free	free	15%	12%

2.1.4 Other applicable duties and rebates

The following anti-dumping duties are currently applicable:

Table 2.1.4: Other applicable duty

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm	India	68,74%
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm (excluding that manufactured by PT Matahari Silverindo Jaya)	Indonesia	6,61%
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm	China	40,22%

3. SACU INDUSTRY

3.1 INDUSTRY STANDING

The Applicant is the only producer for the subject product in the SACU and represents 100 percent of the domestic production.

The Commission made a final determination that the application can be regarded as being made “by or on behalf of the domestic industry” in terms of Section 7 of the ADR.

4. RECURRENCE OF DUMPING

4.1 METHODOLOGY IN THIS INVESTIGATION FOR INDONESIA

As there were no properly documented responses received from any exporter/manufacturer in Indonesia, the Commission made a final determination based on the best information available, as contemplated in ADR 58.2, being the information provided by the Applicant.

4.1.1 Normal Value

In calculating the normal value for Indonesia, an independent consultant, on behalf of the Applicant, obtained a quotation for the domestic selling prices of the subject product in Indonesia. The normal value was calculated to be 16.11/kg.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry)

In response to the information submitted by the Applicant regarding summarizing of confidential information, the Ministry indicated that the Applicant stated that a quotation for the domestic selling prices of the subject product in Indonesia was obtained from an independent consultant, the source of information is confidential, and the information cannot be summarized.

The Ministry also indicated that the Applicant did not provide any information regarding the size of sample transactions being used for determining the domestic sales prices as well as the date of such transactions. The Ministry requested the Commission to request the domestic industry to disclose the above information as it is crucial to determine the accuracy and reliability of the data and information used as the basis for normal value calculation.

Response by the Applicant to comment made by the Ministry

The Applicant indicated that it wishes to affirm that its confidentiality claim is

valid and in line with the requirements set out in the legislative and regulatory criteria. As the Commission is in possession of confidential data that ‘answers’ and addresses the issues raised by Ministry, there is no need for the Applicant to further respond thereto at this time.

Commission’s consideration

The Commission noted that the Applicant has supplied adequate motivation why this information is classified as confidential and why it cannot be summarized as required by the ADR. Furthermore, the Commission can confirm that the information used to calculate the normal value falls within the period of investigation and is accurate and reliable.

4.1.2 Export Price

In calculating the export price for Indonesia, an independent trader in Indonesia was used by the Applicant to obtain pricing information for Free On Board (“FOB”) export prices of the subject product from Indonesia to a third country, the Republic of Malaysia, for the period 01 January to 31 December 2022, to determine what the export price from Indonesia. The export price was calculated to be 14.45/kg.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry)

The Ministry indicated that the Applicant’s use of an export quote from Indonesia to Malaysia to determine the export price is not in line with the requirements under Article 2.2 and 2.3 of the Anti-Dumping Agreement.

The Ministry further indicated that the methodology used by the petitioner in determining the export price by referring to an Indonesia export price to Malaysia is inconsistent with the requirement under Anti-Dumping Agreement, as this method should be used to determine normal value rather than export price.

Response by the Applicant to comment made by the Ministry

The Applicant stated that the WTO is very clear in its document entitled Anti-Dumping: Technical Information with regard to the absence of an export price wherein the following is stated: “There may be no export price for a given product, for instance, if the export transaction is an internal transfer, or if the product is exchanged in a barter transaction. In addition, the transaction price at which the exporter sells the product to the importing country may be unreliable because of an association or a compensatory arrangement between the exporter and the importer or a third party. In such a case, the transaction price may not be an arms-length market price, but may be manipulated, for instance for tax purposes. The Agreement recognizes that, in such cases, an alternative method of determining an appropriate export price for comparison is needed”.

The Applicant further stated that Regulation 10.1(a) of the ADR stipulates that where there is no export price at the time of importation (note that the requirement is that there must be an import transaction), the export price may be constructed, but without elaborating on what is meant by this. Here guidance is provided by the WTO document entitled Anti-Dumping: Technical Information which provides that “no export price” in this context relates to when “the export transaction is an internal transfer” or it is a “barter transaction”. Clearly, no provision is made in the Anti-Dumping Agreement or ADR for the construction of an export price if no export transaction took place; this, according to the Applicant, applies to original investigations and Sunset Review investigations. The Applicant also stated that Article 2.2 and Article 2.3 of the Anti-Dumping Agreement would only become factors for the Commission’s consideration when there are co-operating interested parties in an investigation, through the submission of properly documented responses that would allow for the verification of the submitted information. The Applicant therefore concludes that the Ministry’s theoretical views on the export price determination or price construction are flawed and should be ignored.

Comments by Indonesia Flat and Safety Glass Association (“The Association”) to Commission’s Essential facts letter

In response to the Commission essential fact letter issued, the Association stated that the current anti-dumping duties on unframed glass mirror originating or imported from Indonesia should not be maintained. The Association stated that the reasons for not stopping the anti-dumping duties are very weak and are based on best information available. The pricing information for the FOB export price was for the period of 01 January to 31 December 2022 that did not correlate to the time of the investigation, and such unmatched data could not be used.

The Association further stated that the recurrence of dumping of the subject product originating in or imported from Indonesia is not possible, as there were no export of the subject product from Indonesia since 2017, five years ago. The Association also requested the Commission to exclude the Indonesia unframed glass mirrors manufacturers from its recommendation to maintain the anti-dumping duties on unframed glass mirror originating or imported from Indonesia.

Comments by the Applicant to the Commission's essential facts letter

The Applicant stated that is in agreement with the Commission using the best evidence available for the purpose of its final determination. The Applicant further stated that it also supports the Commission's consideration of making a final determination that the expiry of the anti-dumping duty would likely lead to the recurrence of dumping of the subject product under investigation, which either originated in or is imported from Indonesia.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry) to Commission's essential facts letter.

The Ministry stated that it would like to reiterate its concerns regarding the determination of the dumping margin, particularly the export price calculation,

which is not considered by the Commission in its essential facts letter. It believes that the use of FOB export prices of the subject product from Indonesia to a third country, the Republic of Malaysia, in calculating the export price for Indonesia is not in line with the requirement under the ADA. Article 2.2 of the ADA provides as follow: “When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country or when, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, the margin of dumping shall be determined by comparison with a comparable price of the like product when exported to an appropriate third country, provided that this price is representative, or with the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and for profits.”

It further stated that Article 2.3 of the ADA states: “In cases where there is no export price or where it appears to the authorities concerned that the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of the price at which the imported products are first resold to an independent buyer, or if the products are not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as the authorities may determine.” The Ministry also stated that the normal value can be determined based on the ‘third-country sales’ or the ‘constructed normal value’ if the normal value cannot be determined on the basis of the domestic sales price in the exporting country. The export price may also be constructed in cases where there is no export price or where the export price is unreliable. Section 10.1 (a) of the Republic of South Africa’s Anti-Dumping Regulations also provides that export price is constructed where there is no export price at the time of importation.

The Ministry stated that it therefore believes that the methodology used by the Commission in determining export price by using Indonesia’s export price to

Malaysia is inconsistent with the requirement under the ADA and the Republic of South Africa's Anti-Dumping Regulations as this method should be used to determine normal value rather than export price. Instead, the Commission should construct the export price.

Commission's consideration

The Commission noted that in any dumping investigation, it normally uses audited import statistics from SARS to determine the volume and value of the subject product entering the SACU from the country under investigation. It is important to note that during the period of investigation the subject product import volumes from Indonesia were not at commercial volumes (an average of 0,003 percent of total imports) and thus cannot be considered to reflect reliable and reasonable prices.

The Commission considered that Section 32(5) of the ITA Act states: "The Commission must, despite the definition of "export price" set out in subsection (2), when evaluating an application concerning dumping that meets the criteria set in subsection (6), determine the export price for the goods in question on the basis of the price at which the imported goods are first resold to an independent buyer, if applicable, or on any reasonable basis." Furthermore, Section 32(6) (c) states that section 32(5) applies where the export price actually paid or payable is unreliable for any reason and here it is because of the small volume. Section 32(5), in turn, allows the Commission, in such cases, to use "any reasonable basis", which is what the investigators have done by basing the export price on 3rd country sales.

The Commission's viewpoint is that the methodology used to determine export price is in line with the above provisions.

The Commission made a final determination to use best information available, being the information submitted by the Applicant, for purposes of its final determination.

4.1.3 Dumping margin

The dumping margin was calculated to be 11.49 percent.

Based on the above information, the Commission made final determination that there is sufficient information available to indicate that the expiry of the duty is likely to lead to the recurrence of dumping of the subject product from Indonesia.

4.2 SUMMARY – DUMPING

The Commission made a final determination that there is sufficient information available to indicate that the expiry of the duty is likely to lead to the recurrence of dumping of the subject product from Indonesia.

5. RECURRENCE OF MATERIAL INJURY

The Commission noted that although the data regarding the Applicant's financial performance was supplied to the Commission for the period 01 January 2019 to 31 December 2021; this application is submitted on the basis of the likely recurrence of dumping and the recurrence of material injury during the period 01 January to 31 December 2022, if the anti-dumping duty is revoked.

5.1 IMPORT VOLUMES AND EFFECT ON PRICES

5.1.1 Import volumes

The following table shows the volume of allegedly dumped imports of the subject product obtained from SARS:

Table 5.1.1: Import volumes

Import Volumes in kg	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Indonesia	91	0	0	973 805
Other Imports	3 049 434	1 812 344	3 335 810	3 335 810
Total	3 049 525	1 812 344	3 335 810	4 309 615

The table above indicates that the import volumes for the period of investigation for injury from the Indonesia were not at commercial volumes (an average of 0,003 percent of total imports for 2019 and it also shows that there were no imports for the years 2020 and 2021). The Applicant indicated that import volume from Indonesia in 2004 prior to the imposition of the duties represented 32.34 percent of the import market.

Therefore, it can reasonably be expected that if the anti-dumping duty is revoked that the dumped imports would surge again to the same volume as in 2004.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry)

The Ministry made a reference to section E 3.1.5 of the application form where the Applicant acknowledged that the total imports from Indonesia in 2019 only accounted for 0,003 percent of the total imports of the subject product and also there were no imports from Indonesia in the year 2020 and 2021 and thus indicate that imports from Indonesia only contributed 0,001 percent of the total imports during the period of investigation 2019 to 2021. The Ministry also stated that the Applicant made a claim that the dumped imports from Indonesia would surge again to the same volume as in 2004, if the anti-dumping duty is revoked.

Response by the Applicant to comment made by the Ministry

In response to the above comment, the Applicant stated that due to the anti-dumping duty being in place, it effectively discouraged (and still does) the dumped imports from Indonesia and therefore the import volumes of the subject product from Indonesia were very small to non-exist. The anti-dumping duty that is in place does offer much needed protection against the dumped imports from Indonesia that in the past did cause material injury to the SACU Industry.

The Applicant reiterates that it submitted substantiated evidence that, in the event that the anti-dumping duty should fall away, there will be a recurrence of material injury to the SACU Industry, caused by the increased dumped imports from Indonesia.

Commission's consideration

The Commission considered that the table above indicated that there were minimal import volumes from Indonesia over the period 2019 to 2021 because of the current anti-dumping duty in place. However, should the duty revoked, the information provided by the Applicant suggests that the imports

volume will increase to the same volume as in 2004 before the original duty was imposed.

5.2. Effect on Domestic Prices

5.2.1. Price undercutting

Table 5.2.1: Price undercutting

Year	kg	(Jan 2019–Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021–Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Applicant selling price	(R/kg)	100	109	131	131
Indonesia Landed cost	(R/kg)	130	0	0	11
Undercutting per kg		[CONFIDENTIAL] No	n/a	n/a	[CONFIDENTIAL] Yes (An undercutting margin of between 15 and 35 percent.)
Undercutting as a percentage of selling price		[CONFIDENTIAL] No	n/a	n/a	[CONFIDENTIAL] Yes (An undercutting margin of between 15 and 35 percent.)

Table indexed using 2019 as base year, due to confidentiality

The table above does not indicate price undercutting for the years 2019 to 2021, as the volumes imported in 2019 were not commercially viable and there were no imports in 2020 and 2021, due to the anti-dumping duty being in place, making the imports from Indonesia less attractive.

The Applicant indicated that the estimated FOB import price from Indonesia for 2022 is based on the expectation that in an attempt to capture the market share of SACU industry, the Indonesian exporters will reduce their selling prices to below the level of the selling price of the Applicant in 2021. The Applicant indicated that should the anti-dumping duty be revoked the importers will turn to Indonesian exporters that are offering products at dumped prices. The Applicant also indicated that when the estimated export

price from Indonesia is compared with the unsuppressed selling price of the Applicant in 2022, there is clear evidence of even larger price undercutting indicating that Applicant will suffer even more injury that is material if the anti-dumping duty is revoked.

5.2.2 Price depression

The following table shows the domestic industry is selling price for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.2.2: Price depression

R/kg	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Unframed Glass Mirrors	100	109	131	131

Table indexed using 2019 as base year, due to confidentiality

The table above shows that the Applicant did not experience price depression for the years 2019 to 2021, as a result of the anti-dumping duties that were in place.

The Applicant indicated that if the anti-dumping duty on Indonesia is revoked, the Applicant will not be able to depress its selling price to try to retain market share, as it has to retain the profit margin to allow it to re-invest and to maintain the plant.

The Applicant further indicated that if the anti-dumping duty is revoked it is estimated that the product from Indonesia will be landed at the same or below the prices of the Applicant in 2022, again causing material injury to the SACU industry.

Commission's consideration

The Commission considered that the table above indicated that the Applicant did not experience price depression over the period 2019 to 2021.

5.2.3 Price suppression

The following table shows the Applicant's cost of production and its selling prices for the subject product for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.2.3: Price suppression

Unframed Glass Mirrors	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Applicant ex-factory price per R/kg	100	109	131	131
Applicant cost (production) per R/kg	100	109	119	128
Applicant cost (total) per R/kg	100	109	117	128
Applicant gross profit per R/kg	100*	125	-107	75
Applicant net profit per R/kg	100*	115	-33	87
Applicant gross profit %	100*	115	-82	57
Applicant net profit %	100*	106	-25	66
Price Suppression	100	101	90	98

100* the base total is negative-table indexed using 2019 as base year, due to confidentiality

The Applicant stated that SACU industry experienced price suppression over the period of investigation, due to price increases not being in line with the production cost increases. The Applicant further indicated that as profit levels decline, it is estimated that price suppression will continue in 2022 if the anti-dumping duty is revoked notwithstanding the fact that the Applicant wishes to retain the same profit levels. This would be as a result of the fact that the SACU industry would not be able to pass on the cost increases in 2022 to the market, due to dumped product being imported without the payment of the anti-dumping duty.

Commission's consideration

The Commission considered that the table above indicated that the Applicant did experience price suppression over the period 2019 to 2021.

5.3.1 Economic factors and indices having a bearing on the state of the industry

5.3.1.1 Actual and potential decline in volumes

The following table shows the Applicant’s sales volumes of unframed glass mirrors in 2019 to 2021, and an estimate in the event the duty expires:

Table 5.3.1.1 (a): Sales volumes

Years	(Jan 2019–Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021–Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Applicant’s sales (kg)	100	98	115	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)

Table indexed using 2019 as base year, due confidentiality

The Applicant stated that sales volume decreased from 2019 to 2020 and increased from 2020 to 2021. If the Anti-dumping duty on unframed glass mirrors from India is revoked, it is estimated that the Applicant sales volume will decline in 2022, causing material injury to Applicant, which scenario would threaten the future existence of the mirror manufacturing plant.

Commission’s consideration

The Commission considered that the table above indicated sales volume of the Applicant increased for the period 2019 to 2021 because of current Anti-dumping duty in place but will decrease significantly if anti-dumping duty is revoked.

5.3.1.2 Profit

The following table shows the Applicant’s profit before interest and tax for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.3.1.2: Profit

Kg	(Jan 2019– Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Applicant gross profit margin (%)	100*	115	-82	57
Applicant gross profit rand per kg	100*	125	-107	75
Kg sold to SACU	100	98	115	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)
Total Net profit margin (%)	100*	106	-25	66
Total Net profit rand per kg	100*	115	-33	87

100* the base total is negative - Table indexed using 2019 as base year, due to confidentiality

The table above indicated that the Applicant realised losses in 2019 and 2020, and only in 2021 returned to profitability. The Applicant stated that if the anti-dumping duty against Indonesia is revoked, it is estimated that there will be a considerable increase in dumped imports from Indonesia re-entering the SACU market at low prices, which will result in losses.

5.3.1.3 Output

The following table outlines the Applicant's domestic production volume of the subject product for the years 2019 to 2021 and an estimate in the event the duty expires:

Table 5.3.1.3: Output

Unframed Glass Mirrors	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Kg	100	98	116	99

Table indexed using 2019 as base year, due confidentiality

The above table indicates that the Applicant’s output reflected an increasing trend in output over the 2019 to 2021 period, despite a decrease in 2019 from 2020, which would be followed by another (estimated) decrease in 2022. The Applicant indicated that it would like to keep the 2022 production the same as in 2021, to ensure economies of scale.

As indicated above, should the anti-dumping duty expire, it is estimated that the imports at dumped prices would substantially increase, at the expense of Applicant’s sales volumes.

5.3.1.4 Market share

The following table shows the market share for the subject product for the years 2019 to 2021 and an estimate in the event of the expiry of the duty:

Table 5.3.1.4: Market share (Volume)

Kg	(Jan 2019– Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Applicant market share kg	100	98	115	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)
Market share of Indonesia imports of Total SACU Market kg	91	0	0	973 805
Market share of other imports kg	3 049 434	1 812 344	3 335 810	3 335 810
Total market share of imports kg	3 049 434	1 812 344	3 335 810	3 335 810
Total SACU market (local produced & imports) kg	100	84	113	113
Applicant market share%	100	117	102	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)

Market share of Indonesia imports of Total SACU Market %	100	0	0	[CONFIDENTIAL] (An increasing variance from the Total SACU market 2019 base value of 100, of between 10 and 25 index points)
Market share of other imports of Total SACU Market %	100	71	97	97
Total SACU market %	100%	100%	100%	[CONFIDENTIAL] (A decreasing variance from the 2019 base value of between 15 and 30 index points)

Table indexed using 2019 as base year, due confidentiality

The above table indicates that Applicant market share (volume) in 2020 increased compared to 2019 and then decreased in 2021, to just above the 2019 market share.

The Applicant indicated that over the 2020 and 2021 periods, the Indonesian market share (volume) remained zero as no imports entered the SACU market. However, should the anti-dumping duty expire, the importers will switch to dumped Indonesian product and the Applicant will lose sales volume and as a result, the market share of the Applicant (volume) will reduce further, to below the 2019 market share level, while the Indonesian market share increases, causing material injury to Applicant.

Commission's consideration

It is clear from the information submitted that should the current anti-dumping duty be revoked, imports from Indonesia will increase making it difficult for the SACU industry to compete and sell its product on the domestic market, thus leading to the recurrence of material injury.

5.3.1.5 Productivity

The following table shows the Applicant's productivity for the subject product for the years 2019 to 2021, and an estimate in the event of the expiry of the duty:

Table 5.3.1.5: Productivity

Applicant Sales volume to SACU (Kg)	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Total production volume (Kg)	100	98	116	116
Number of employees (manufacturing only)	100	140	160	160
kg per employee	100	70	72	72

Table indexed using 2019 as base year, due confidentiality

The above table indicates that productivity shows a declining trend over the period 2019 to 2020 and an increase in 2020 to 2021. If the anti-dumping duty is revoked and production remains the same, productivity will also remain constant. If production declines, Applicant would be forced to reduce its employment during 2022, whilst trying to retain at least the 2021 productivity level.

5.3.1.6 Return on investment

The following table shows the Applicant's return on investment on earnings before interest and tax, and an estimate in the event of the duty expires:

Table 5.3.1.6: Return on investment

Rand	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Net profit (product concerned)	100*	113	-38	84
Return on investment-Net assets (product concerned)	100	66	55	45
Return on investment-Net assets (product concerned) (%)	100*	170	-69	189

100* the base total is negative-table indexed using 2019 as base year, due to confidentiality

The above table indicates that the Applicant's return on net assets for the period of investigation. It is clear that both, return on net assets and total investment indicates negative returns in 2019 and 2020, while in 2021 the returns were both positive. However, should the anti-dumping duty be revoked, it is estimated that both return on net assets and total investment will again be negative, causing the Applicant to suffer material injury.

5.3.1.7 Utilization of production capacity

The following table provides the Applicant's capacity and production for the subject products for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.3.1.7 (a): Utilization of production capacity

	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022– Dec 2022) Estimate if duty expires
Applicant capacity (kg)	100	100	100	100
Applicant actual production (kg)	100	98	116	101
Applicant capacity utilization %	100	98	116	101

Table indexed using 2019 as base year, due confidentiality

The Applicant indicated that as capacity utilisation is at a very low level and the potential loss of production volume to the dumped imports from Indonesia would have an additional negative impact on capacity utilisation. Therefore, the production cost per kilogram will escalate and this will cause the Applicant to suffer material injury.

5.3.1.10 Actual and potential negative effects on cash flow

The following table provides the Applicant's cash flow for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.3.1.10: cash flow

Rand	(Jan 2019–Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021–Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Cash flow: incoming	100	105	150	127
Cash flow: outgoing	100	107	144	149
Net cash flow	100*	(234)	(65)	(412)
Debtors (value)	100	106	151	125
Debtors: average days outstanding	100	100	100	100

100* the base total is negative - Table indexed using 2019 as base year, due confidentiality

It is evident from the above table that the Applicant's net cash flow decreased over the period of investigation for injury. It is estimated, based on reduced sales values, that if the anti-dumping duty is revoked, the net cash flow will decline even further in 2022 to far below the negative 2019, 2020 and 2021 cash flow figures, causing the Applicant to suffer material injury.

5.3.1.11 Inventories

The Applicant provided the following levels of inventories for 2019 to 2021, and an estimate in the event of the expiry of the duty:

Table 5.3.1.11: Inventories

Volume (kg)	(Jan 2019–Dec 2019)	(Jan 2020–Dec 2020)	(Jan 2021–Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
kg	100	103	125	268

Table indexed using 2019 as base year, due confidentiality

The above table shows that inventory levels increased trend over the period of investigation. If the anti-dumping against imports from Indonesia is revoked, it is estimated that the Applicant will cut back on the production to prevent the increase in inventory levels. If the Applicant continues to produce at the same level of 2021, the inventory levels will increase, causing the SACU industry to suffer material injury.

5.3.1.12 Employment

The following table shows the Applicant's employment level for the years 2019 to 2021 and an estimate in the event duty expires:

Table 5.3.1.12: Employment

No. of employees	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Direct labour (units)	100	140	160	160
Indirect labour (units):	100	75	75	75
Total labour (units) : production	100	111	122	122
SGA Labour	100	200	100	100
Applicant total labour (units)	100	120	120	120

Table indexed using 2019 as base year, due confidentiality

The Applicant indicated that its operations are capital intensive and thus a small number of employees are involved. Should the Applicant be forced to reduce employment, it will be limited to the minimum number of people to be able to retain a productivity level close to that of 2021. Lost production capacity will prevent any further capital investment and may result in the closure of the plant in due course, which put all the direct jobs at risk.

5.3.1.13 Wages

Using the production wages and employment figures sourced from the Applicant, its production wages per employee in respect of the subject product is as follows:

Table 5.3.1.13: Wages

Rands	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Direct Wages:	100	84	101	106
Indirect Wages:	100	109	120	127
Total labour : production	100	95	110	115
SGA Wages	100	77	168	177
Total wages:	100	89	129	136

Table indexed using 2019 as base year, due confidentiality

The Applicant stated that it should be noted as pointed out, that due to the production being capital intensive, there is not a huge number of employees directly involved in the production process and therefore the remuneration is not a meaningful indicator of material injury.

5.3.1.14 Growth

The following table provides the Applicant's growth information for the years 2019 to 2021 and an estimate in the event the duty expires:

Table 5.3.1.14: Growth

(Kg)	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Size of the SACU market	100	98	115	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)
% growth from previous year	N/A	98	-827	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 90 and 115 index points.)
Applicant sales volume (kg)	100	98	115	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 15 and 30 index points based on the 2019 base value.)
Applicant growth %	N/A	(100)	827	[CONFIDENTIAL] (A decreasing variance from the 2021 figure, of between 90 and 115 index points.)
Total SACU growth %	N/A	(100)	216	0

100* the base total is negative - Table indexed using 2019 as base year, due confidentiality

The table above indicates that the Applicant showed growth over the period of investigation, with SACU market also experiencing a positive growth over the same period. The table indicates that the total SACU market decreased in volume percent in 2020 from 2019, but increased in 2021 from 2020. Should the duty expire it is estimated that the Applicant will experience a further negative growth.

5.3.1.15 Ability to raise capital or investments

The following table shows the Applicant's ability to raise capital and investment for the years 2019 to 2021, and an estimate in the event the duty expires:

Table 5.3.1.15: Ability to raise capital or investment

Rand	(Jan 2019– Dec 2019)	(Jan 2020– Dec 2020)	(Jan 2021– Dec 2021)	(Jan 2022 – Dec 2022) Estimate if duty expires
Total capital/investment in the subject product	100	99	98	98
Capital expenditure during year on subject product	100	0	0	0

Table indexed using 2019 as base year, due confidentiality

The Applicant stated that it has no difficulty in raising capital or drawing investment to expand production, where such investment can be shown to be viable. Viability includes effective protection from unfair and harmful trading practices, such as injurious dumping. If the anti-dumping duty against Indonesia is revoked, while it is clear that there will be a recurrence of dumping and that, the SACU industry will suffer material injury, it is unlikely that capital will be forthcoming for additional investment in the SACU industry. The reason being that there will be no return on investment foreseen, making the SACU industry less competitive.

5.3 SUMMARY – MATERIAL INJURY

The information submitted by the Applicant demonstrated that should the duty be revoked, it is clear that the dumped imports will again enter the SACU market, thereby resulting in the recurrence of injury and having a negative impact on the performance of the domestic industry.

Comments by Directorate General of Foreign Trade, Ministry of Trade of the Republic of Indonesia (The Ministry)

The Ministry indicated that the Applicant's claim on the likelihood of continuation or recurrence of injury is merely based on presumptions. The injury in this investigation covered the period from 2019 to 2021. The Ministry stated that it has analysed the economic parameters over the injury period provided in the non-confidential file and the annexures, and it is clear that the Applicant recorded a growth of sales both in terms of value and volume. The Applicant's sales value increased by 51% in 2021 as compared to 2019. Output and capacity utilization injury indicators also showed an increase of 15% and 16% in 2021 compared to 2019. The Ministry further made a reference to Article 5.8 of the Anti-Dumping Agreement in relation to termination of sunset review if sufficient evidence is not provided.

The Ministry also stated that the Commission must terminate the sunset review investigation on unframed glass mirror originated or imported from Indonesia without an extension of the anti-dumping measure.

Response by the Applicant to comment made by the Ministry

The Applicant stated there is no logic to be found in the statement made in the Ministry letter that the "domestic industry's improved its performance during the past few years" as this is a sunset review, where the domestic industry's improved performance is not a factor to be considered in the event that anti-dumping duty is to expire. Clearly, the protection from the unfair trade practices of the Indonesian glass industry contributed to the SACU industry' performance.

The Applicant further stated that as for the allegation that “there is no likelihood of continuation or recurrence of injury once the duty is expired” it needs to be pointed out that it is an unsubstantiated and opportunistic allegation. The Commission is therefore requested to ignore this futile attempt by the Ministry to draw any correlation to these statements, as it is absurd and does not relate to the recurrence of material injury to the SACU industry, if the anti-dumping duty is revoked.

Commission’s Consideration

The Commission noted that although the Applicant was not experiencing material injury over the investigation period as a result of the current anti-dumping duty that is in place, should the duty be revoked, there will be a recurrence of material injury to the SACU industry.

The Commission noted that the sunset review application was submitted to apply a forward-looking analysis and seeks to resolve the issue of what would be likely to occur if the anti-dumping duty is terminated. Thus, the likelihood determination is a prospective determination – recurrence.

Comments by the Applicant to the Commission’s essential facts letter

In response to the Commission’s essential facts letter, the Applicant stated that it is in agreement with the Commission’s consideration that the substantiated information, as set out in the Application, supports the fact that the expiry of the anti-dumping duty would likely lead to the recurrence of material injury.

The Applicant further stated that it wishes to confirm that despite the trends that manifested during the period of investigation of 01 January 2019 to December 2021, or whether injury was suffered or dumping occurred during the POI, this sunset review investigation focuses on whether there will be a likely recurrence of dumping and material injury should the anti-dumping duty be revoked, as found by the Commission.

Comments by the Ministry to the Commission’s essential facts letter

In response to the Commission’s essential facts letter, the Ministry stated that it would like to reiterate its concerns submitted to the Commission in the written submission on 18 August 2022. The Ministry stated that Article 11.1 of the ADA provides that “an anti-dumping duty shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury”. As such, the existing anti-dumping duty can only be extended to the extent necessary to counteract dumping which is causing injury.

Commission’s consideration

In sunset reviews, the Commission determines whether revocation of the anti-dumping duty would likely lead to continuation or recurrence of dumping and material injury to the SACU industry. If the Commission’s determination is affirmative, the duty may remain in place.

The Commission is of view that the analysis of both dumping and injury information submitted in the application confirms that should the anti-dumping duty be revoked, there will be a recurrence of dumping and the recurrence of material injury to the SACU industry.

The Commission made a final determination that the expiry of the anti-dumping duty would likely lead to the recurrence of material injury.

6. SUMMARY OF FINDINGS

6.1 INDUSTRY STANDING

The Applicant is the only producer for the subject product in the SACU and represents 100 percent of the domestic production.

The Commission made a final determination that the application can be regarded as being made “by or on behalf of the domestic industry” under the provisions of the ADR.

6.2 DUMPING

As there were no properly documented responses received from any exporter/manufacturer in Indonesia, the Commission made a final determination based on the best information available, as contemplated in ADR 58.2, being the information provided by the Applicant.

The Commission made a final determination that there is sufficient information available to indicate that the expiry of the duty is likely to lead to the recurrence of dumping of the subject product from Indonesia.

6.3 RECURRENCE OF MATERIAL INJURY

The Commission made a final determination that there will be increase of imports, decline sales volume, decline in output, decline in market share, decline in growth, decline in productivity, decline in cash flow, increase in inventory, should the duty be withdrawn.

The Commission therefore made a final determination that the expiry of the duty would likely lead to the recurrence of material injury.

7. FINAL DUTIES

7.1 Amount of duties

The table below is provided for the purposes of comparison between the applicable anti-dumping duty and the calculated anti-dumping margin in the investigation:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty	Calculated anti-dumping margin
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm (excluding that manufactured by PT Matahari Silverindo Jaya)	Indonesia	6.61%	11.49%

Comments by the Applicant to the Commission's essential facts letter

The Applicant stated that it is in agreement with the Commission's consideration of making a final determination to recommend to the Minister of Trade, Industry and Competition to maintain the anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia.

The Applicant however stated that it requests the Commission to increase the existing anti-dumping duty rate of 6.61 percent to the newly calculated dumping margin of 11.49 percent, when making its final determination to ensure that there is no recurrence of material injury to it.

Commission's Consideration

ADR Section 59 states: "the Commission's recommendation may result in the withdrawal, amendment or reconfirmation of the original anti-dumping duty." The Commission noted that it is the practice of the Commission to maintain the anti-dumping duties in sunset review investigations if there were no imports of the subject product during the period of investigation. In this investigation, there is

no compelling motivation provided by the Applicant to make the Commission to deviate from its practice.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that the current anti-dumping duty be maintained.

8. FINAL DETERMINATION

The Commission made a final determination that there is sufficient information to indicate that the expiry of the duty would lead to the recurrence of dumping and the recurrence of material injury.

The Commission therefore decide to recommend to the Minister of Trade, Industry and Competition that, as there were no imports of the subject product from Indonesia during the period of investigation, the current anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia be maintained as follows:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
213.03	7009.91	Unframed glass mirrors, of a thickness of 2 mm or more but not exceeding 6 mm (excluding that manufactured by PT Matahari Silverindo Jaya)	Indonesia	6.61%