

NOTICE 975 OF 2006**INTERNATIONAL TRADE ADMINISTRATION COMMISSION**

NOTICE NO. 867 OF 2006, PUBLISHED IN THE GOVERNMENT GAZETTE NO. 28975 OF 7 JULY 2006 WITH REGARD TO THE INITIATION OF THE INVESTIGATION INTO THE ALLEGED DUMPING OF WHITE SELF-COPY PAPER ORIGINATING IN OR EXPORTED FROM THE UNITED STATES OF AMERICA IS HEREBY WITHDRAWN, AND REPLACED BY THIS NOTICE.

The Commission accepted an application alleging that White Self-Copy Paper (SCP) originating in or imported from USA is being dumped in the Southern African Customs Union (SACU) market, causing material injury to the SACU industry concerned.

THE APPLICANT

The application was lodged by Mondi South Africa Ltd (the Applicant) which represents 100% of the SACU industry production volume. The Applicant alleges that it cannot compete with the low prices offered to importers and that the allegedly dumped exported products are causing material injury. 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 dumping, material injury, and causality.

THE PRODUCT

The subject product allegedly being dumped in the SACU area is White Self-Copy Paper (SCP), classifiable under tariff subheadings 4809.20 and 4816.20, originating in or imported from the USA.

THE ALLEGATION OF DUMPING

The allegation of dumping is based on the comparison between the normal values in the USA and the ex-factory export prices from USA to SACU. The normal values were determined/based on pricing data gathered in the USA domestic market. The prices were adjusted with the domestic delivery costs. The export prices were derived from the SACU import statistics representing the average import prices of SCP in reels and sheets combined from the USA. To be able to differentiate between the free on board (fob) export price was adjusted with the domestic delivery cost in order to obtain an ex-factory price. On this basis, the Commission found that there was *prima facie* proof of dumping.

THE ALLEGATION OF MATERIAL INJURY AND CAUSAL LINK

The Applicant alleges and submitted sufficient evidence to show that there is price undercutting, price depression and price suppression, decline in profit margins and decline in the return on investment. The Commission also noted that imports from the USA, in respect of the subject products, had increased by 2431 per cent from 2002 to 2005. On this basis the Commission found that there was *prima facie* proof of material injury and causal link.

PERIOD OF INVESTIGATION

The period of investigation for purposes of dumping will be from 1 January 2005 to 31 December 2005. The period of investigation for purposes of determining injury will be from 1 January 2002 to 31 December 2005.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a prima facie case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement) and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters, and known representative associations. The trade representatives of the exporting countries have also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

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