

**NOTICE 470 OF 2004**  
**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF**  
**SOUTH AFRICA (THE COMMISSION)**

**NOTICE OF INITIATION OF SUNSET REVIEW OF ANTI-DUMPING DUTIES ON  
DRAWN AND FLOAT GLASS ORIGINATING IN OR IMPORTED FROM THE  
PEOPLE'S REPUBLIC OF CHINA (THE PRC) AND INDIA**

In terms of Article 11.3 of the World Trade Organisation Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, (to be read with Sub-Part IV *Sunset Reviews* of the Anti-Dumping Regulations) an anti-dumping duty shall be terminated on a date not later than five years from its 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 within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

On 30 May 2003, the International Trade Administration Commission (the Commission) notified all interested parties, through Notice No. 1560 of Government Gazette No. 24893, that unless a request is made by or on behalf of the domestic industry for the duties to be reviewed prior to the expiry thereof, the anti-dumping duties on drawn and float glass originating in or imported from the PRC and India will expire on 28 May 2004.

A duly completed Application Review Questionnaire was submitted to the Commission on 28 November 2003.

***THE APPLICANT***

The application was lodged on behalf of the South African Customs Union (SACU) industry by PFG Building Glass (Pty) Ltd (PFG), the domestic manufacturer of the product under investigation in the SACU. The Applicant alleged that expiry of the duties

would be likely to lead to continuation or recurrence of dumping and injury. The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a review investigation should be initiated on the subject product originating in or imported from PRC and India.

### **THE PRODUCTS**

The product under investigation is clear drawn and float glass of a thickness exceeding 2,5 mm, up to 6mm. The SACU product is currently classifiable under tariff subheading 70.05.29 and 70.04.90.

### **THE ALLEGATION OF DUMPING**

The allegation of continuation or recurrence of dumping is based on the comparison between the normal values and the export prices. India was nominated by the Applicant to be used as a surrogate country for the PRC as the Applicant regards India as having a glass industry that is at a similar level of development to that in the PRC. The normal values for India (and for the PRC using India as the surrogate country) were obtained from a price quotation from a glass supplier in that country. The export prices in respect of the PRC were obtained from float glass suppliers in that country. In respect of India, export quotations were obtained from Indian float glass suppliers.

### **THE ALLEGATION OF MATERIAL INJURY AND CAUSAL LINK**

The Applicant alleged and submitted sufficient evidence to show that there is price undercutting and that the imports in question are suppressing and depressing its selling prices. The Applicant's information indicated a decline in profit margins, output, productivity, return on investment and capacity utilisation. On this basis the Commission found that there was *prima facie* proof of the continuation and/or recurrence of material injury with regard to the subject product originating in or imported from the PRC and India.

**PERIOD OF INVESTIGATION**

The period of investigation for purposes of determining the dumping margins in the respective exporting countries or countries of origin will be from 1 January 2003 to 31 December 2003. The period of investigation for purposes of determining injury will be from 1 January 2000 to 31 December 2003. If there are subsequent events that are relevant to injury the Commission may later request and consider further, more recent information.

**PROCEDURAL FRAMEWORK**

The period of investigation for purposes of determining the continuation or recurrence of dumping countries concerned will be from 1 January 2003 to 31 December 2003. The period of investigation for purposes of determining continuation or recurrence of injury will be from 1 January 2000 to 31 December 2003. An estimate of what the situation will be if the duties expire will also be considered by the Commission.

**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 26 of the ITA Act, No.71 of 2001 (the ITA Act). The Commission will conduct its investigation in accordance with the ITA Act, the Anti-Dumping Regulations and the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). Copies of the documents are available from the Commission's website at [www.itac.org.za](http://www.itac.org.za), or from the Commission's office 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, exporters and other interested parties are invited to contact the Commission as soon as possible