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GENERAL NOTICE

NOTICE 2001 OF 1997

BOARD ON TARIFFS AND TRADE

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED CIRCUMVENTION OF THE ANTI-DUMPING DUTY ON CIRCUIT BREAKERS ORIGINATING AT AND/OR IMPORTED FROM HAGER OF FRANCE

The Board on Tariffs and Trade received a petition alleging that the anti-dumping duty on circuit breakers originating at and/or imported Hager of France is being circumvented, causing material injury to the South African industry concerned. The anti-dumping duty in question was imposed under Notice No. 1083 in *Government Gazette* No. 18193 of 8 August 1997. The reasons for the imposition of the anti-dumping duty were set out in the Board on Tariffs and Trade Report No. 3781.

The petitioner

The petition was lodged by **Circuit Breaker Industries Ltd (CBI)**, the largest Southern African Customs Union (SACU) manufacturer.

The product

The products on which the anti-dumping duty is allegedly being circumvented is circuit breakers, classifiable under tariff subheading 8536.20 originating at and/or imported from Hager of France.

The allegation of circumvention

The allegation of circumvention is based on the comparison between the prices of Electromechanic, the sole importer from Hager, before the imposition of the anti-dumping duty and its prices following the imposition of the anti-dumping duty. CBI has submitted proof that Electromechanica's list prices have decreased by between 1,2% and 6,0% after the anti-dumping duty of 18,9% was imposed. CBI has also indicated there is a possibility that the anti-dumping duty may be circumvented by declaring products as having a breaking capacity not exceeding 3,5 kA and subsequently selling or using those products in 5 kA or 6 kA applications, as the 2,5 kA and the 6 kA appear to be identical products.

Procedure

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Board has begun an investigation in terms of section 4 of the Board on Tariffs and Trade Act, 1986 (the BTT Act). In order to obtain the information it deems necessary for its investigation, the Board will send questionnaires to the known importers and exporters, and known representative associations. The trade representatives of the exporting countries have been notified. Importers, exporters and other interested parties are invited to contact the Board as soon as possible in order to determine whether they have been listed and sent a questionnaire. If not they should request a copy of the questionnaire as soon as possible. The questionnaire has to be completed, and any other representations must be made, within the time limit set out below.

The Board will conduct its investigation in accordance with the BTT Act and the World Trade Organisation Agreement on Implementation of Article VI of GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Board's offices, on request.

Time limit

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing and must reach the Director: Dumping Investigations, Board on Tariffs and Trade, 16th Floor, Fedlife Building, corner of Church and Prinsloo Streets, Private Bag X753, Pretoria, 0001, not later than 14 days following the date of publication of this notice or, in the case of parties known to be interested, 14 days following the date on which the letter accompanying the above-mentioned questionnaire was received. The said letter shall be deemed to have been received seven days after the date of its dispatch.

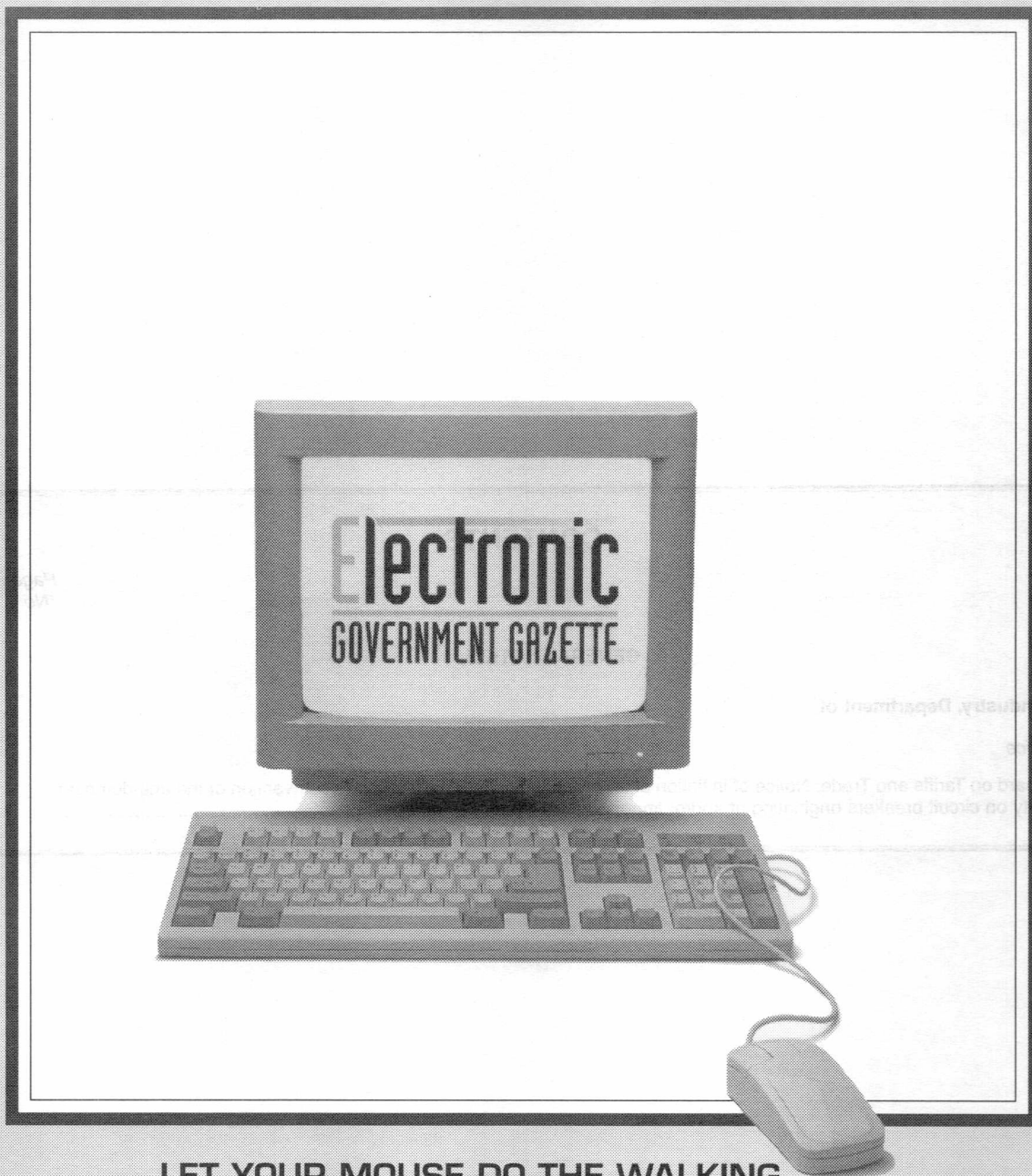
It should be noted that the investigation process is complex and the Board is subject to strict time limits within which to complete the investigation. Late submissions will therefore not be accepted except with the prior written consent of the Board. The Board will give due consideration to written requests for an extension of not more than seven days on good cause shown, if received prior to the expiry of the original 30 days' period.

The information submitted by any party may need to be verified by the investigating officers in order for the Board to take such information into consideration. The Board may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Board. Parties should therefore ensure that the information submitted will subsequently be available for verification. Parties should also ensure that all the information requested in the questionnaire is provided and in the specified detail and format. The questionnaires are designed to ensure that the Board is provided with all the information required to make a determination in accordance with the rules of the Anti-Dumping Agreement. The Board may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Board has agreed in writing to a deviation from the required format. Parties that experience difficulty in furnishing the information required, or in the format required, are therefore urged to make written applications to the Board at an early stage for permission to deviate from the questionnaire or provide the information in an alternate format that can satisfy the Board's requirements. The Board will give due consideration to such a request on good cause shown.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Board may make provisional or final findings on the basis of the facts available to it, which includes extending the scope of the anti-dumping duty to include products with a rupture capacity lower than 2,5 kA, and increasing the anti-dumping duty to a level where the importer's price would reflect the effect of the anti-dumping duty of 18,9%.

Enquiries may be directed to the Investigating Officer, Mr Gustav Brink, at telephone (012) 310-9826.

(BTT Ref. T5/2/16/2/1)



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