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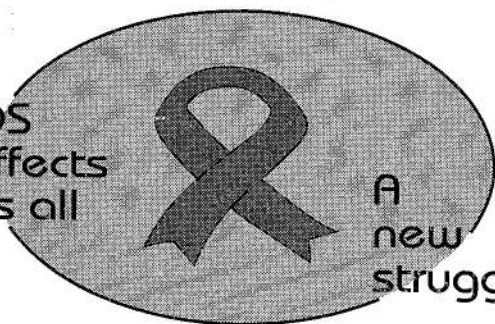
Vol. 412

PRETORIA, 15 OCTOBER 1999  
OKTOBER 1999

No. 20472

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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**GENERAL NOTICE**

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**NOTICE 2330 OF 1999****BOARD ON TARIFFS AND TRADE****NOTICE OF INITIATION OF A REVIEW OF THE ANTI-DUMPING DUTY ON  
CALCIUM PROPIONATE ORIGINATING IN AND IMPORTED FROM THE  
NETHERLANDS**

The following anti-dumping duty was imposed by Notice No. R1541, published in Government Gazette No. 18439 of 21 November 1997.

<b>Tariff Heading</b>	<b>Description</b>	<b>Imported from or originating in</b>	<b>Rate of anti- dumping duty</b>
2915.50.30	Calcium Propionate	The Netherlands	25c/kg

**THE PETITIONER**

Mikrochem, a division of Prochem (Pty) Ltd, which is the only domestic manufacturer of the product under investigation in the SACU has now lodged a petition with the Board for the revision of the anti-dumping duty on calcium propionate. The petitioner is of the opinion that the existing dumping duty is too low as imports have substantially increased into the SACU market since the imposition of the anti-dumping duty in 1997 and at prices lower than those prevailing when the anti-dumping duty was imposed. The Petitioner alleged that it cannot compete with the low prices charged by the importers and that the allegedly dumped products are causing it material injury. The petitioner submitted sufficient evidence and established a *prima facie* case to enable the Board to arrive at a reasonable conclusion that an investigation should be initiated on the basis of dumping, material injury, and causality.

**THE PRODUCT**

The product which is the subject of the review is calcium propionate, classifiable under tariff subheading 2915.50.30, originating in and imported from the Netherlands.

**PROCEDURAL FRAMEWORK**

In order to obtain the information it deems necessary for its investigation, the Board will send non-confidential versions of the petition and questionnaires to the known importers and exporters, and known representative associations. The trade representatives of the exporting country have also 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 have been sent the relevant documents. 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.

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of the review, the Board has begun an investigation in terms of section 4 of the Board on Tariffs and Trade Act, 1986 (the BTT Act). The Board will conduct its investigation in accordance with the BTT Act and the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Board's office on request.

### **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.

### **ADDRESS**

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 to the following address:

#### **Physical address**

The Director : Dumping Investigations  
Room 1601  
Fedlife Building  
Corner of Church and Prinsloo Streets  
PRETORIA  
SOUTH AFRICA

#### **Postal address**

The Director : Dumping Investigations  
Private Bag X753  
PRETORIA  
0001  
SOUTH AFRICA



## **PROCEDURES AND TIME LIMITS**

All responses, including non-confidential copies of the responses, should be received by the Director: Dumping Investigations not later than 30 days from the date hereof or from 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 day 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 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day 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. (A failure to submit an adequate non-confidential version of the response that complies with the rules set out above, will be regarded as an incomplete submission.) 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 alternative format that can satisfy the Board's requirements. The Board will give due consideration to such a request on good cause shown.

Oral representations to the Board may also be made on written request to the Board at least seven days prior to the expiry of the original 30-day period and by prior arrangement with the Directorate. Such oral representations must be made within the same time period as the written representations, unless prior written consent of the Board has been obtained for the oral representations to be made at a later date, which shall in any event not be later than 14 days after the written representations have been submitted.

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 disregard the information submitted and make provisional or final findings on the basis of the facts available to it.

**Enquiries may be directed to the investigating officers, Mr G Kuhn at telephone (012) 310-9610 and Ms Edith Rakgole at (012) 310 9609.**

[BTT Ref. T5/2/6/1/2]

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515  
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001  
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515