
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1925 OF 2023

INTERNATIONAL TRADE ADMINISTRATION COMMISSION INVESTIGATION INTO THE ALLEGED DUMPING OF FROZEN BONE-IN PORTIONS OF FOWLS OF THE SPECIES *GALLUS DOMESTICUS* ORIGINATING IN OR IMPORTED FROM BRAZIL, DENMARK, IRELAND, POLAND AND SPAIN: IMPOSITION OF THE FINAL ANTI-DUMPING DUTIES

The International Trade Administration Commission of South Africa (“the Commission”) initiated an anti-dumping investigation on frozen bone-in portions of fowls of the species *gallus domesticus* (“the subject product”) originating in or imported from Brazil, Denmark, Ireland, Poland and Spain (“subject countries”) through Notice No. 54 of 2021 in *Government Gazette* No. 44173 dated 05 February 2021.

After considering comments, the Commission made a final determination that the subject product originating in or imported from the subject countries was being dumped into the SACU market, causing material injury to the SACU industry.

The Commission, therefore, made a recommendation to the Minister of Trade, Industry and Competition (“the Minister”) to impose definitive anti-dumping duties on the subject product originating in or imported from Brazil, Denmark, Ireland, Poland and Spain.

The Minister approved the Commission’s recommendation. However, in making its decision, the Minister considered the rapid rise in food prices in the SACU market and globally at the time and the significant impact this had, especially on the poor, as well as the impact that the imposition of the anti-dumping duties might have on the price of chicken as one of the more affordable protein sources. The Minister, therefore, decided to suspend the imposition of the anti-dumping duties for a period of twelve (12) months or a shorter period of time depending on the prevailing circumstances at the time.

The Minister indicated at the time of making the decision that should circumstances in the next 12 months warrant the further extension of the implementation date, the Minister would undertake timeous consultations with affected parties before doing so. Further, the Minister indicated that the five (5) year period that the anti-dumping duties may stay in place before the duties lapsed if a sunset review is not initiated, will be counted from the publication date of the notice of 1 August 2022.

A notice to this effect was published in the Government Gazette on 1 August 2022.

The purpose of this notice is to advise all interested parties that the twelve-month period is ending and in the circumstances, the Minister is of the view that the anti-dumping duties should now become effective. The Minister has therefore requested the Minister of Finance in terms section 56 of the Customs and Excise Act, 1964, to give effect to the anti-dumping duties through amendment in the Customs and Excise Act by SARS.

The Minister will be requesting the Competition Commission to closely monitor the prices of frozen bone-in portions and if there is price increases aimed at taking advantage of the introduction of the anti-dumping duties, the Minister may request the Minister of Finance to suspend the anti-dumping duties for a period.

Enquiries may be directed to the investigating officer, Mr Busman Makakola at Bmakakola@itac.org.za or Ms Mosa Sebe at Msebe@itac.org.za.