

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 991 OF 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE ON LIMITING THE EXAMINATION TO A REASONABLE NUMBER OF EXPORTERS AND IMPORTERS OR SAMPLING IN THE INVESTIGATION INTO THE ALLEGED DUMPING OF NEW PNEUMATIC TYRES OF RUBBER OF A KIND USED ON MOTOR CARS (CLASSIFIABLE UNDER TARIFF SUBHEADINGS HS 4011.10.01, HS 4011.10.03, HS 4011.10.05, HS 4011.10.07, AND HS 4011.10.09) AND ON BUSES OR LORRIES (CLASSIFIABLE UNDER TARIFF SUBHEADINGS HS 4011.20.16, HS 4011.20.18, AND HS 4011.20.26) ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA

The International Trade Administration Commission of South Africa (the Commission) through Notice 795 of 2022, published the initiation of the investigation into the alleged dumping of new pneumatic tyres of rubber of a kind used on motor cars (classifiable under tariff subheadings HS 4011.10.01, HS 4011.10.03, HS 4011.10.05, HS 4011.10.07, and HS 4011.10.09) and on buses or lorries (classifiable under tariff subheadings HS 4011.20.16, HS 4011.20.18, and HS 4011.20.26) originating in or imported from the People's Republic of China, in the *Government Gazette* number 45851 on 31 January 2022. Following the initiation, a correction notice was published through Notice 809 of 2022, in the *Government Gazette* number 45891 on 09 February 2022.

THE APPLICANT

The application was lodged by South African Tyre Manufacturing Conference (SATMC) (the Applicant), an industry organisation of the SACU industry. The SATMC members Bridgestone, Continental, Goodyear, and Sumitomo together constitute 100% of the domestic production of the subject products in SACU.

The four members of SATMC provided injury information in this regard, and they constitute a major proportion of the total SACU production.

THE PRODUCT

The product allegedly dumped is new pneumatic tyres of rubber of a kind used on motor cars (classifiable under tariff subheadings HS 4011.10.01, HS 4011.10.03, HS 4011.10.05, HS 4011.10.07, and HS 4011.10.09) and on buses or lorries (classifiable under tariff subheadings HS 4011.20.16, HS 4011.20.18, and HS 4011.20.26) originating in or imported from the People's Republic of China.

SAMPLING

In response to the Commission's initiation notice, responses were received from 62 exporters/foreign producers and 17 importers of the subject product. Due to the large number of exporters and importers, the Commission at its meeting of 12 April 2022, made a determination to limit its examination to a reasonable number of exporters and importers in accordance with Regulation 8.6, 8.7 and 8.8 of South Africa's Anti-Dumping Regulations (ADR) and the sample be based on ADR8.6 (a). The Commission decided to limit the sample for importers to corresponding sampled exporters. Where more than one corresponding importer, the largest importer be selected. Interested parties are invited to make submissions/comments regarding the Commission's determination.

LEGAL PROCEDURAL FRAMEWORK

The Commission has begun the 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, and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR) giving due regard to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). 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.

PROCEDURES AND TIME LIMITS

In terms of Regulation 8.7, the exporters and importers that submitted responses are invited to make submissions regarding the Commission's decision on sampling.

The Senior Manager: Trade Remedies II, should receive all responses, including non-confidential copies of the responses, not later than 7 days from the date hereof or from the date on which correspondence on the abovementioned determination is received.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 7 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 7 day period. Merely citing insufficient time is not an acceptable reason for extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of exporters.

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 and or/ threat of material injury must be submitted in writing to the email addresses of the investigating officers or to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager
Trade Remedies II
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Enquiries may be directed to the investigating officers, Mr Siphumelele Edwin Mkwanazi at email address: emkwanazi@itac.org.za, Ms Thuli Nkomo at email address: tnkomo@itac.org.za, Ms Portia Chuma at email address: pchuma@itac.org.za, and Ms Portia Mathebula at email address: pmathebula@itac.org.za.