

NOTICE 173 OF 2013**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA****FINAL DECISION IN THE INVESTIGATION INTO THE ALLEGED DUMPING OF FROZEN MEAT OF FOWLS OF THE SPECIES GALLUS DOMESTICUS, WHOLE BIRD AND BONELESS CUTS ORIGINATING IN OR IMPORTED FROM BRAZIL:**

The International Trade Administration Commission of South Africa (the Commission) initiated an investigation into the alleged dumping of frozen meat of fowls of the species GALLUS DOMESTICUS, whole bird and boneless cuts, originating in or imported from Brazil through Notice No. 404 of *Government Gazette* No. 34377 published on 24 June 2011.

The application was lodged by the South African Poultry Association (SAPA), on behalf of major producers of the subject products in SACU, which claimed that the allegedly dumped imports were causing it material injury.

The investigation was initiated after the Commission considered that there was *prima facie* evidence to indicate that the subject products were being imported at dumped prices, causing material injury to the SACU industry.

On initiation of the investigation, known foreign producers of the subject product in Brazil were sent questionnaires to complete. Importers of the subject product were also sent questionnaires to complete. Responses were received from the exporters and importers.

After considering all information submitted, the Commission made a preliminary determination that dumping of the subject products originating in or imported from Brazil was taking place, the SACU industry was suffering material injury and

that the material injury suffered by the SACU industry was causally linked to dumped imports of the subject products from Brazil.

Comments received from interested parties on the preliminary determination and essential facts letters, within the specified time periods, were taken into consideration by the Commission prior to making a final determination.

Based on the information considered, the Commission made a final determination that dumping of the subject products originating in or imported from Brazil was taking place, the SACU industry was suffering material injury and that the material injury suffered by the SACU industry was causally linked to dumped imports of the subject products from Brazil. The Commission, therefore, decided to recommend to the Minister of Trade and Industry that definitive anti-dumping duties against imports of the subject products, imported from Brazil, be imposed.

The Minister of Trade and Industry rejected the Commission's recommendation that definitive anti-dumping duties be imposed. The Minister considered:

- the matter and the polycentric issues involved;
- that there are increased imports of the subject products from several countries;
- that the domestic industry requires a comprehensive response to deal with the intensified competition; and that
- that as part of the comprehensive strategy, an investigation into the appropriate level of the most favoured nation (MFN) applied rate of duty on the subject products would be more appropriate to address the difficulties confronting the domestic industry in respect of imports from these countries, including Brazil.

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