

NOTICE 1051 OF 2014**INTERNATIONAL TRADE ADMINISTRATION COMMISSION****EXCLUSION OF GLASS MIRRORS MADE FROM GLASS COLOURED THROUGHOUT THE MASS (TINTED GLASS) FROM THE EXISTING ANTI-DUMPING DUTIES APPLICABLE ON UNFRAMED GLASS MIRRORS ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)**

An investigation into the alleged dumping of unframed glass mirrors was conducted in 2013 and definitive anti-dumping duties were imposed on the subject product originating in or imported from the People's Republic of China (PRC) on 26 July 2013 with retrospective effect from 8 March 2013.

The current anti-dumping duties on unframed glass mirrors were published through Notice No. R.516 of 2013 in Government Gazette No. 36684 and are as follows:

Country	Product	Rate of Anti-Dumping Duties	Date of imposition of duties
PRC	Unframed glass mirrors	40.22%	26/07/2013

THE APPLICANT

A request was received from Nelson Glass and Mirrors, an importer of unframed glass mirrors, to exclude mirrors made from tinted glass, from the anti-dumping duty applicable on unframed glass mirrors originating in or imported from the PRC. The Applicant stated that tinted glass cannot be manufactured locally from start to finish, but that the tinted glass is imported and the silver backing is applied to produce tinted mirrors.

THE PRODUCT

The unframed glass mirrors are classifiable under tariff subheading 7009.91.

PROCEDURAL FRAMEWORK

The Commission has begun an 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) 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.

All interested parties are invited to submit comments on the application for the exclusion of glass mirrors made from tinted glass from the existing anti-dumping duties.

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.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith. Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is

otherwise confidential and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*
- (f) individual sales prices;*
- (g) information, the release of which could have serious consequences for the person that provided such information; and*
- (h) information that would be of significant competitive advantage to a competitor;*

Provided that a party submitting such information indicates it to be confidential."

ADDRESS

Comments must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies I
International Trade Administration Commission
Block E –Uzaji Building
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

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

PROCEDURES AND TIME LIMITS

The Senior Manager: Trade Remedies I, should receive all responses, including non-confidential copies of the responses, not later than 14 days from the date hereof.

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 14 days on good cause shown (properly motivated and

substantiated), if received prior to the expiry of the original 14-day period. Merely citing insufficient time is not an acceptable reason for extension.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration. The Commission 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 Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification.

It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause. Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. A failure to submit adequate non-confidential versions that comply with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

If comments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

Should you have any queries, please do not hesitate to contact investigating officers, Ms Selma Takács at telephone number +27 12 394 3596 or Ms. Mosa Sebe at telephone number +27 12 394 1850 or at fax number +27 12 394 0518.