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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2417 OF 2024

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

SUNSET REVIEW OF THE ANITI-DUMPING DUTIES ON FROZEN BONE-IN PORTIONS OF FOWLS OF THE SPECIES *GALLUS DOMESTICUS* ("SUBJECT PRODUCT") ORIGINATING IN OR IMPORTED FROM THE UNITED STATES OF AMERICA ("USA"): FINAL DETERMINATION

In accordance with Regulation 53.1 of the International Trade Administration Commission's Anti-Dumping Regulations ("ADR"), any definitive Anti-Dumping duty shall be terminated on a date not later than five years from its imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duty would likely lead to the continuation or recurrence of dumping and material injury to the Southern African Customs Union ("SACU") Industry.

On 25 June 2021, the International Trade Administration Commission ("the Commission" or "ITAC") notified interested parties through Notice No. 387 of 2021 in *Government Gazette* No. 44761, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of the subject product originating in or imported from the USA would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on the subject product originating in or imported from the USA would expire on 23 November 2022.

A detailed response to the Commission's sunset review questionnaire was received from the South African Poultry Association ("SAPA" or "the Applicant"), on behalf of the SACU industry on 04 July 2022. After all deficiencies were identified and addressed, an updated final application was received on 21 September 2022.

The application was lodged by SAPA, and the data in the application was provided by the following producers:

 County Fair, a division of Astral Operations Limited (“Astral County Fair”);
 Festive, a division of Astral Operations Limited (“Astral Festive”);
 Goldi, a division of Astral Operations Limited ("Astral Goldi");
 Afgri Poultry (Proprietary) Limited, t/a Daybreak Farms ("Daybreak");
 Grain Field Chickens Proprietary Limited (“Grain Field”);
 RCL Foods Consumer Proprietary Limited (“RCL Foods”);
 Crown Chickens Proprietary Limited t/a Sovereign Foods, which is a subsidiary of Sovereign Food Investments Proprietary Limited ("Sovereign"); and
 Supreme Poultry Proprietary Limited ("Supreme").

The information on record indicated that the participating producers account for 68% of the SACU industry production by volume.

The Applicant alleged that the expiry of the anti-dumping duties on the subject product originating or imported from the USA would likely lead to the continuation or recurrence of dumping and material injury to the SACU industry.

The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation be initiated.

On 11 December 2022, the investigation was initiated through Notice no. 1392 of 2022, which was published in *Government Gazette* No. 47480.

Subsequent to the initiation of the investigation, all known interested parties were informed, provided with the non-confidential application and requested to respond to the relevant questionnaires.
No responses to the Commission’s questionnaires from producers and/or exporters of the subject product were received. Response to the Commission’s importer questionnaire was received from Merlog Foods (Pty) Ltd (“Merlog Foods”), an importer of the product subject

to this investigation. The information submitted by Merlog Foods was accepted as properly documented for purposes of the Commission's final determination.

Comments on the initiation of the investigation were received from the following interested parties; USA Poultry & Egg Export Council ("USAPEEC"), The Association of Meat Importers and Exporters ("AMIE") and Merlog Foods.

Essential facts letters were issued to interested parties to allow comments on the Commission's consideration prior to it making its final determination. Comments to the essential facts letter were received from; USAPEEC, AMIE, the Applicant and Merlog Foods.

After considering the parties' comments and oral representations, the Commission made a final determination that the expiry of the anti-dumping duties on frozen bone-in portions of fowls of the species *gallus domesticus* originating in or imported from the United States of America would likely lead to the continuation and/or recurrence of dumping and the recurrence of material injury.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that the current anti-dumping duties on frozen bone-in portions of the species *gallus domesticus* originating in or imported from the USA, be maintained as follows:

Tariff Sub-heading	**Description**	**Imported from or Originating in**	**Rate of duty Anti – dumping duty**
0207	Meat and edible offal, of the poultry heading 01.05, fresh, chilled or frozen		
0207.1	Of fowls of the species GALLUS DOMESTICUS		
0207.14	Cuts and offal, frozen:		
0207.14.9	Other		
0207.14.91	Whole bird cut in half	USA	940c/kg
0207.14.93	Leg quarters	USA	940c/kg

0207.14.95	Wings	USA	940c/kg
0207.14.96	Breasts	USA	940c/kg
0207.14.97	Thighs	USA	940c/kg
0207.14.98	Drumsticks	USA	940c/kg
0207.14.99	Other	USA	940c/kg

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its final determination are set out in Report No. 716.

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.

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