Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 715 31 January Januarie 2025 No. 52029

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ISSN 1682-5845

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2984 OF 2025

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

A SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON CLEAR FLOAT GLASS OF A THICKNESS OF 2.5 MM OR MORE, BUT NOT EXCEEDING 6 MM, DIVIDED INTO 3 MM, 4 MM, 5 MM AND 6 MM THICKNESSES ORIGINATING IN OR IMPORTED FROM THE KINGDOM OF SAUDI ARABIA ("SAUDI ARABIA") AND THE UNITED ARAB EMIRATES ("THE EMIRATES" OR "UAE")

In accordance with the provisions of Regulation 53 of the Anti-Dumping Regulations and Article 11.3 of the World Trade Organisation Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, 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 duties would likely lead to the continuation or recurrence of dumping and injury.

On 07 June 2024, the International Trade Administration Commission of South Africa ("the Commission") notified interested parties through Notice No. 2550 of 2024 in Government Gazette No. 50772, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of clear float glass originating in or imported from Saudi Arabia and the United Arab Emirates ("the Emirates"/"UAE") would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on clear float glass originating in or imported from Saudi Arabia and the Emirates will expire on 06 February 2025.

THE APPLICANT

The application was lodged by PFG Building Glass Pty Ltd, a division of PG Group (Pty) Ltd ("the Applicant"), being the only producer of the subject product in the Southern African Customs Union ("SACU") thus the application can be regarded as "made by or on behalf" of the SACU Industry.

The Applicant alleges that the expiry of the anti-dumping duties would likely lead to the recurrence of dumping and the recurrence of material injury. 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 of the anti-dumping duties on clear float glass originating in or imported from originating in or imported from Saudi Arabia and the Emirates, should be initiated.

THE PRODUCT

The anti-dumping duties subject to this sunset review is applicable to on clear float glass originating in or imported from originating in or imported from Saudi Arabia and the Emirates, classifiable under tariff subheading 7005.29.17, 7005.29.23, 7005.29.25, 7005.29.35.

THE ALLEGATION OF THE LIKELIHOOD OF RECURRENCE OF DUMPING

The allegation of the likelihood of the recurrence of dumping is based on the comparison between the normal values and the export prices should the anti-dumping duties expire.

SAUDI ARABIA

Normal value

In calculating the normal value for Saudi Arabia, the Applicant submitted the domestic selling price that was recorded in the Commission's preliminary determination Report No. 599, of the original investigation. The historical ex-factory selling prices ending February 2018 for 3mm, 4mm, 5mm, and 6mm were then adjusted to account for inflation. Economic and market factors were also considered to calculate normal values for the subject product.

Export price

In calculating the export price, the Commission normally uses official South African Revenue Service ("SARS") statistics. However, due to the existing anti-dumping duties imposed on the subject products from Saudi Arabia, the SARS import statistics indicated that there were no imports of the subject products in the 3 mm, 4 mm, 5 mm and 6 mm categories for the years 2022, 2023, and 2024 investigation period. However, there was only one consignment of 6mm in February 2022.

To determine the export price, information on a subscription data service submitted by the Applicant was utilized to gather pricing information on Free on Board ("FOB") export prices for the subject product from Saudi Arabia to a third country for the year 2024 period. In obtaining the export data to a third country, it was ensured that the country selected has also a subject product industry that is similar to that of South Africa. Import data from the Saudi Arabia to the States of America ("USA") was therefore used to calculate an export price.

Adjustment

An adjustment for inland domestic freight cost of 5 percent was made to arrive at the ex-factory export price.

Dumping margins

The dumping margins for Saudi Arabia were determined as follows:

Product	Sub-tariff heading	Dumping margin percentage
3mm	7005.29.17	21.56%
4mm	7005.29.23	26.93%
5mm	7005.29.25	27.49%
6mm	7005.29.35	24.85%

The Emirates

Normal value

In calculating the normal value for the Emirates, the Applicant submitted the domestic selling price that was recorded in the Commission's preliminary determination Report No. 599, of the original investigation. The historical ex-factory selling prices ending February 2018 for 3mm, 4mm, 5mm, and 6mm were then adjusted to account for inflation. Economic and market factors were also considered to calculate normal values for the subject product.

Export price

In calculating the export price, the Commission normally uses official South African Revenue Service ("SARS") statistics. However, due to the existing anti-dumping duties imposed on the subject products from the Emirates, the SARS import statistics indicated that there were no imports of the subject products in the 3 mm, 4 mm, 5 mm and 6 mm categories for the years 2022, 2023, and 2024 investigation period.

To determine the export price, information on a subscription data service submitted by the Applicant was utilized to gather pricing information on Free on Board ("FOB") export prices for the subject product from the Emirates to a third country for the year 2024 period. In obtaining the export data to a third country, it was ensured that the country selected has also a subject product industry that is similar to that of South Africa. Import data from the Emirates to the States of America ("USA") was there used to calculate an export price.

Adjustment

An adjustment for inland domestic freight cost of 5 percent was made to arrive at the ex-factory export price.

Dumping margins

The dumping margins for the Emirates were determined as follows:

Product	Sub-tariff heading	Dumping margin percentage
3mm	7005.29.17	39.38%
4mm	7005.29.23	38.90%
5mm	7005.29.25	38.52%
6mm	7005.29.35	38.59%

On this basis, the Commission found that there was *prima facie* proof of the likelihood of recurrence of dumping.

THE ALLEGATION OF THE LIKELIHOOD OF RECURRENCE OF MATERIAL INJURY

The Applicant alleged and submitted sufficient evidence to show that the expiry of the anti-dumping duties on the subject products originating in or imported from Saudi Arabia and the Emirates would likely lead to the recurrence of material injury to the SACU industry.

On this basis, the Commission found that there was *prima facie* proof of the likelihood of the recurrence of material injury if the duties expire.

PERIOD OF INVESTIGATION

The investigation period for determination of the likelihood of the recurrence of dumping will be the period 01 July 2023 - 30 June 2024 in a forward-looking analysis, as the application is brought on the recurrence of dumping. The investigation period for determination of the likelihood of the recurrence of material injury is from 01 July 2021 to 30 June 2024, and estimates for 01 July 2024 to 30 June 2025 in the event the anti-dumping duties expire.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, 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, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 ("the Anti-Dumping Agreement") 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.

To obtain the information, it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representatives of the countries of origin have also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

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:

X where confidential information has been omitted and the nature of such information;

X reasons for such confidentiality;

X a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and

X 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 (and at the latest 14 days prior to the date on which that party's submission is due). 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

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address or on the emails below:

Physical address	**Postal address**
The Senior Manager: Trade Remedies I	The Senior Manager:
International Trade Administration Commission	Trade Remedies I
Block E – The DTI Campus	Private Bag X753
77 Meintjies Street	PRETORIA
SUNNYSIDE	0001
PRETORIA	SOUTH AFRICA
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 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

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 30-day period. Merely citing insufficient time is not an acceptable reason for an extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of foreign producers.

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. Specifically, it is planned to verify the information submitted by the foreign producers within three to five weeks subsequent to the submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to appointed representatives, will not be considered to be good cause.

Parties should also ensure when they engage representatives that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the ITA Act and the ADR. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit a non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting information in the format required, are urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in

accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing must provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information is 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 Dr Regina Peta at email address Rpeta@itac.org.za and Ms. Charity Mudzwiri at cramaposa@itac.org.za .

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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