Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 731 8 May Mei 2026 No. 54643

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ISSN 1682-5845

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 3922 OF 2026

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITITATION OF A NEW SHIPPER REVIEW OF THE ANTI-DUMPING MEASURES ON 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 ("PRC") AND MANUFACTURED BY SHANDONG CHANGLU HONG TIRE CO., LTD ("CHT")

ELIGIBILITY

According to Regulation 48.1 of International Trade Administration Commission's ("the Commission") Anti-Dumping Regulations ("ADR"), the Commission shall consider a new shipper review after definitive anti-dumping duties have been imposed, upon a request by an exporter that did not export to SACU during the original investigation period for dumping. Additionally, such an exporter shall provide sufficient information to prove that it is not and was not related to any exporter/producer to which the anti-dumping duty was applied.

NEW SHIPPER REVIEW PROCEDURE IN TERMS OF ADR51

According to ADR51.1, a new shipper review shall consist of a single investigation phase. In this case, this review shall be conducted in one investigation phase, i.e., a final stage.

BACKGROUND

The Minister of Trade, Industry and Commission ("the Minister") approved the Commission's recommendations, and the recommendations were implemented by South African Revenue Service ("SARS") on 28 July 2023. The Commission published its final determination and recommendation in its final Report No. 714.

Following the implementation of Report No. 714, the Commission received an application for new shipper review of the anti-dumping duty on new pneumatic tires of rubber of a kind used on motor cars and on buses or lorries originating in or imported from the PRC.

THE APPLICANT

The application was received from Shandong Changlu Hong Tire Co., Ltd, a manufacturer and exporter of the subject product from the PRC, alleging that it did not export the subject product to the Southern African Customs Union ("SACU") during the period of investigation for dumping in the original investigation and it has no relationship with any of the exporters of the subject product from the PRC to which the anti-dumping duty was applied. The Applicant submitted evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a new shipper review investigation should be initiated.

THE PRODUCT

The subject product is new shipper review of the anti-dumping measures on 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 PRC.

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PERIOD OF INVESTIGATION

The investigation period for dumping is from 01 August 2023 to 31 July 2024.

LEGAL 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. The Commission will conduct its investigation in accordance with the relevant sections of the International Trade Administration Act ("ITA Act"), the Commission's Anti-Dumping Regulations ("ADR") and will give due regards 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.

In accordance with ADR 50, the Commission recommended to the Minister that Shandong Changlu Hong Tire Co., Ltd be exempted from the payment of the anti-dumping duty on the subject product originating in or imported from the PRC. The Minister, on approval of the Commission's recommendation, requested the Minister of Finance to withdraw the anti-dumping duty on the subject product originating in or imported from the PRC and manufactured by Shandong Changlu Hong Tire Co., Ltd and impose provisional payments at the same level as the applicable anti-dumping duty.

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RESPONSE PROCEDURE AND TIME FRAMES

In order to obtain the information it deems necessary for its investigation, the Commission, on publication of this notice, will inform the SACU Tyre manufacturers. SACU Tyre associations and the trade representatives of the PRC. Representations by interested parties must be made within the time limit set out below. Interested parties are also invited to contact the Commission as soon as possible in order to be furnished with the relevant documentation.

The Senior Manager: Trade Remedies II, 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 notice 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-days period. Merely citing insufficient time is not an acceptable reason for an 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.

Parties should also ensure that when they engage consultants, the consultants 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

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the Commission is provided with all the information required to make a determination in accordance with the requirements of the ITA Act and the ADR (and giving due regard to the WTO Anti-Dumping Agreement. 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 an adequate non-confidential version of the response that complies with the rules set out under the heading **CONFIDENTIAL INFORMATION** will be regarded as deficient submission.

Any interested party may request an oral hearing 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 shall 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 and arguments 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.

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

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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.

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;

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

ADDRESS

Any information regarding this matter must be submitted in writing 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 Pfananani Muumba at rmuumba@itac.org.za and Ms Phindile Mabona at pmabona@itac.org.za

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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