

## 駐南非代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國111年6月27日

發文字號：南非經字第1113010084號

速別：普通件

密等及解密條件或保密期限：

附件：如文（南非經1113010084\_Attach1.pdf、南非經1113010084\_Attach2.pdf）

主旨：有關南非對我國聚氯乙烯產品(PVC Rigid)課徵反傾銷稅案，謹報請鑒察。

說明：

一、依據南非國際貿易管理委員會(ITAC)資深調查官Mrs. Carina Janse van Vuuren本(111)年6月15日致本組信函辦理。(相關文號：本組107年12月19日南非經字第10730103270號函)。

二、來函略以：

- (一)南非自107年12月14日起對我輸銷南部非洲關稅同盟(SACU)地區之PVC Rigid產品(稅則編號3920.49)續課為期5年、22.6%反傾銷稅，至明(112)年12月13日期滿。
- (二)ITAC表示因旨揭反傾銷措施將於明年底期滿，爰以南非政府第46550號公報第1087號公告通知SACU地區內業者應於本年7月27日前向ITAC申請落日複查，並於明年6月23日前提出基礎重要資料，否則將於期滿時宣布終止旨揭反傾銷措施。



三、斐方表示若接獲斐商申請並決定展開落日複查，將另案通知我方。檢陳V調查官信函、南非政府公告影本各1份如附件，併請鈞參。

正本：經濟部國際貿易局

副本：

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**GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS**


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**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION****NOTICE 1087 OF 2022****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

In accordance with the provisions in the Anti-Dumping Regulations (ADR) of the International Trade Administration Commission of South Africa (the Commission), any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of 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, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

The Commission hereby notifies all interested parties that, unless a duly substantiated request is made by or on behalf of the Southern African Customs Union (SACU) industry, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury, the following anti-dumping duties will expire during 2023:

PRODUCT	COUNTRY	RATE OF ANTI-DUMPING DUTY	DATE OF IMPOSITION OF THE DUTY	DATE OF EXPIRY OF DUTY	DATE OF SUBMISSION
Unframed glass mirrors	China	42%	21/12/2018	20/12/2023	20/06/2023
Glass Frit	Brazil	50%	15/06/2018	14/06/2023	14/12/2022
PVC Rigid	China Chinese Taipei	32,7% 22,6%	14/12/2018	13/12/2023	13/06/2023

<p>Drawn and Float Glass:</p> <p>Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding solar glass and optical glass)</p> <p>Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 3 mm but not exceeding 4 mm (excluding solar glass and optical glass) (excluding that manufactured by PT Muliaglass Industrino and PT Abdi Rakyat Bakti)</p> <p>Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a</p>	Indonesia	<p>45%</p> <p>10%</p> <p>12,51%</p>	2/02/2018	1/02/2023	1/08/2022
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thickness exceeding 4 mm but not exceeding 5 mm (excluding solar glass and optical glass) (excluding that manufactured by PT Muliaglass Industrino and PT Abdi Rakyat Bakti) Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5 mm but not exceeding 6 mm (excluding solar glass and optical glass)		30,5%			
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### **PROCEDURAL FRAMEWORK**

The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act and the ADR, with due regard to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). The ITA Act and the ADR are available from the Commission's website ([www.itac.org.za](http://www.itac.org.za)) or from the Trade Remedies section, on request.

Manufacturers of the subject products listed above in the SACU, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so within the time limit set out below. In the instances where no replies are received from the SACU manufacturers within these time limits, the Commission will recommend the termination of the duties on the date of expiry.

SACU manufacturers, who do submit a request within the time limit set out above, are requested to submit duly substantiated information indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury to the Commission, on the dates as specified below:

PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTY	DATE OF SUBMISSION
Unframed glass mirrors	China	21/12/2018	20/06/2023
Glass Frit	Brazil	15/06/2018	14/12/2022
PVC Rigid	China, Chinese Taipei	14/12/2018	13/06/2023
Drawn and Float Glass	Indonesia	2/02/2018	1/08/2022

The Commission will consider the information submitted in order to determine whether *prima facie* evidence exist to justify the initiation of a review. Should the Commission decide to initiate a review, notice will be given in the *Government Gazette* and other parties, being exporters and importers of the subject products, will be requested to comment and provide information.

### **CONFIDENTIAL INFORMATION**

Please note that if any information is considered to be confidential, 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, a sworn statement setting out the reasons why it is impossible to comply should be provided.

A sworn statement is defined as a written sworn statement of fact voluntarily made by an affiant or deponent under an oath or affirmation administered by a person authorized to do so by law. Such statement is witnessed as to the authenticity of the affiant's signature by a taker of oaths, such as a Commissioner of Oaths or Notary Public. An affidavit is a type of verified statement or showing, or in other words, it contains verification, meaning it is under oath or penalty of perjury and this serves as evidence to its veracity and is required for court proceedings.

Please note that the Commission will not accept a sworn statement signed by a representative, as defined in the ADR, of the interested party concerned.

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 requests by manufacturers in the SACU of the subject products, and the duly substantiated information indicating what the effect of the expiry of the duties will be, must be submitted in writing to the following address or on the emails below:

<b>Physical address</b>	<b>Postal address</b>
The Senior Manager: Trade Remedies I	The Senior Manager: Trade Remedies I
International Trade Administration	Private Bag X753
Commission	Pretoria
<b>Block E – Uuzaji Building</b>	0001
The DTI Campus	SOUTH AFRICA
77 Meintjies Street	
SUNNYSIDE	
PRETORIA	
SOUTH AFRICA	

These responses can also be sent via e-mailed to the following addresses: [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za) and [zntsancani@itac.org.za](mailto:zntsancani@itac.org.za).



### **PROCEDURES AND TIME LIMITS**

Manufacturers in the SACU of the subject products listed above, who wish to submit a request for the duty to be reviewed prior to the expiry thereof, are requested to do so not later than close of business on **27 July 2022**.

SACU manufacturers who do submit a request before **27 July 2022**, should submit duly substantiated information, indicating that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury, to the Commission.

It should be noted that the investigation process is complex and the Commission is subject to strict time limits within which to complete the investigation. Late submissions will therefore 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 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 will subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to 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 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. 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 rules of 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 above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting in the format required, are therefore 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 submission 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.

**Enquiries may be directed to the Senior Manager: Trade Remedies I, Ms Carina Janse van Vuuren, at [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za).**

15 June 2022

Director: Ms Laura Liang  
Taipei Liaison Office (Taiwan Embassy)  
1147 Francis Baard St  
Hatfield  
0028  
Email: [southafricatlo@gmail.com](mailto:southafricatlo@gmail.com)

Dear Ms Laura Liang

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON PVC RIGID ORIGINATING IN OR IMPORTED CHINESE TAIPEI**

In accordance with the provisions in the Anti-Dumping Regulations (ADR), any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of 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, that the expiry of the duty would likely lead to the continuation and/or recurrence of dumping and/or subsidized exports and injury.

On **15 June 2022**, the International Trade Administration Commission of South Africa (ITAC) notified all interested parties, through **Notice No. 1087 of 2022** in **Government Gazette No. 46550**, that unless a duly substantiated request is made by or on behalf of the SACU industry, indicating that the expiry of the duty would likely lead to the continuation and/or recurrence of dumping and injury, the following anti-dumping duties will expire during 2023:

PRODUCT	COUNTRY	RATE OF ANTI-DUMPING DUTY	DATE OF IMPOSITION OF THE DUTY	DATE OF EXPIRY OF DUTY
PVC Rigid	Chinese Taipei	22,6%	14/12/2018	13/12/2023

The Government of Chinese Taipei is hereby notified of the above. Enclosed is a copy of the public notice in this regard. Please note that the sections on procedural framework, confidential information, procedures and time limits are strictly applicable to all parties involved in the investigation, and should be regarded as incorporated herein.

ITAC is currently in the process of notifying all known manufacturers in the SACU of the subject products that a duly substantiated request must be made by or on behalf of the SACU industry, indicating that the expiry of the duty would likely lead to the continuation and/ or recurrence of dumping and injury, on or before **27 July 2022**. In the instances where no replies are received from the SACU manufacturers within these time limits, the Commission will recommend the termination of the duties on the respective dates of expiry of the duties.

SACU manufacturers, who do submit a request timeously, are requested to subsequently submit duly substantiated information, indicating that the expiry of the duty would likely lead to the continuation and/or recurrence of dumping and injury, to the Commission, on or before the dates as specified below:

PRODUCT	COUNTRY	DATE OF IMPOSITION OF THE DUTIES	DATE OF SUBMISSION
PVC Rigid	China	14/12/2018	13/06/2023

ITAC will consider the information submitted in order to determine whether *prima facie* evidence exist to justify the initiation of a sunset review. Should the Commission decide to initiate a review, notice will be given in the *Government Gazette* and other parties, being the Government involved, exporters and importers of the subject products, will be requested to comment and provide information.

Should you have any queries please contact Ms. Carina Janse van Vuuren at [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za).

Yours sincerely

*Carina J van Vuuren*

**SENIOR MANAGER: TRADE REMEDIES I**