

LEGAL NOTICE NO. 287

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, 1992

AND

THE ANTI-DUMPING AND COUNTERVAILING DUTIES REGULATIONS, 1996

*Issued in accordance with section 29B(1) and 18(3) of the Anti-dumping
and Countervailing Duties Act*

NOTICE

INITIATION OF A NEWCOMER INVESTIGATION

TAKE NOTICE that in accordance with sections 29B(1) and 18(1) of the ^{No. 11} Anti-dumping and Countervailing Duties Act, No. 11 of 1992, as ^{of 1992} amended (hereinafter referred to as “the Act”) and Regulation 4(1) of ^{Legal Notice} ^{No. 25} the Anti-dumping and Countervailing Duties Regulations, 1996 ^{of 1996} (hereafter referred to as “the Regulations”), the Trinidad and Tobago Anti-dumping Authority (hereafter referred to as “the Authority”) hereby informs all exporters, importers, manufacturers, distributors and the Government of the People’s Republic of China that it has initiated a newcomer investigation in relation to air-condition equipment originating in the People’s Republic of China.

CASE HISTORY

On June 21, 2002, the Authority received a complaint from Peake’s Industries Ltd. pursuant to section 18(1) of the Act, alleging that imports of air-condition equipment originating in the People’s Republic of China were being dumped in Trinidad and Tobago.

The Authority conducted an investigation and a Final Determination and Order imposing duties were made by the Minister of Trade and Industry on October 4, 2004 by Legal Notices Nos. 285 and 284 respectively and both published on October 4, 2004.

EXISTING MEASURES

The Anti-dumping duties on imports of air-condition equipment originating in the People’s Republic of China currently in force, are being applied pursuant to Legal Notice No. 284 dated 4th October, 2004 and published on the same day.

REQUEST FOR NEWCOMER INVESTIGATION

On November 9, 2005 Zhuhai Meike Refrigeratory Co. Ltd. of Hong Qi Pian, Lian Gang Industrial Area, Jin Wan District, Zhuhai City Guangdong, China, a branch company of Nexus Group Limited and formerly a branch of Chigair International Development Limited (hereinafter referred to as “the Exporter”) submitted information to the Authority in accordance with section 29B(1) of the Act requesting a newcomer investigation of the final anti-dumping duties imposed by the Government of Trinidad and Tobago on air-condition equipment originating in the People’s Republic of China.

PRODUCTS UNDER INVESTIGATION

The products under investigation are classified within the following HS Codes and descriptions:

8415.10.00 “window or wall types, self contained or ‘split systems”.

8415.81.00 “incorporating a refrigerating unit and a valve for the reversal of the cooling/heat cycle”. Heat pumps fall within this tariff heading number.

8415.82.00 “other, incorporating a refrigerating unit”. Chilled water systems, evaporating and fan coil units, air handling units and package systems fall within this tariff heading number.

8415.83.00 “not incorporating a refrigerating unit”. De-humidifiers and Air-purifiers fall within this tariff heading number.

8415.90.00 “parts,”.

8418.99.00 “other,”. This category includes condensing units, air cooled condensers, evaporators and condenser coils.

Mini-split systems comprise fan coils or evaporators and a condensing unit whether imported together as a split system or separately as fan coils or evaporators and condensing units. They fall under the following descriptions and Customs Tariff Headings:

..... “split systems”	...	...	...	8415.10.00
“other, incorporating a refrigerating unit”	...	...	...	8415.82.00
“not incorporating refrigerating unit”	...	...	...	8415.83.00
“other”	...	...	...	8418.99.00

PROCEDURE FOR NEWCOMER INVESTIGATION

Section 29B(1) of the Act requires that a person requesting a newcomer review must satisfy the Authority that—

- (a) it did not export the product to Trinidad and Tobago during the investigation period used for the purposes of determining the facts on the basis of which the Order was made;
- (b) it is not an associate of any person whose products are subject to the Order upon importation into Trinidad and Tobago; and
- (c) it has exported the product to Trinidad and Tobago after the investigation period.

Having received satisfactory information from the exporter of the matters outlined at (a) to (c) above, the Authority is now authorized, pursuant to sections 29B(1) and 18(1) of the Act, to initiate an investigation. In accordance with section 29B(2) of the Act, the investigation will be conducted in accordance with the provisions of the Act, but shall be limited to verifying the matters outlined at (a) to (c) above and to determining the dumping margin of the Exporter.

QUESTIONNAIRES

In order to obtain the information that it deems necessary for its investigation, the Authority will send questionnaire(s) to the Exporter and to the Importer, Accel Fin. Group Ltd. of 4, Eastern Main Road, La Resource, d'Abadie, Trinidad.

All exporters, importers, Government representatives and other parties who have an interest in this investigation, are invited to contact the Authority forthwith. The authorities of the exporting country, the People's Republic of China, will be notified of the Exporter named in this Notice. All interested parties not named in this Notice, but who may be affected by the Notice are also subject to the time limit set out in this Notice and should therefore request that they be provided with a copy of the questionnaire as soon as possible. Any request for a questionnaire, must be made in writing to the address stated below and should indicate the name, address, telephone number, facsimile number and e-mail address of the party making the request.

COLLECTION OF INFORMATION AND HOLDING OF HEARINGS

All interested parties who can show that they are likely to be affected by the results of this investigation are hereby invited to submit their comments to the Authority together with supporting evidence.

Further, the Authority may hear any other interested parties, though not mentioned above, provided that they make a request in writing and show that there are particular reasons why they should be heard.

TIME LIMIT

In order that their comments are taken into account during the investigation, interested parties must identify themselves to the Authority and tender their submissions in writing together with all relevant information to the said Authority within thirty-seven (37) days from the date of transmission of this Notice. Interested parties may also apply to be heard by the Authority within the same time frame. The transmission of this Notice to the authorities of the exporting country shall be deemed to have taken place on the third day following its publication. This time limit also applies to all other interested parties and it is consequently in the interest of these parties to contact the Authority without delay.

In cases where any interested party refuses access to, or otherwise fails to provide the necessary information within the time limit, or significantly impedes the investigation; provisional or final findings, whether affirmative or negative, may be made in accordance with Regulation 11 of the Regulations, on the basis of the facts that are available.

Upon completion of the investigation, the Minister of Trade and Industry may, if necessary, impose the appropriate duty on imports of air-condition equipment exported by Zhuhai Meike Refrigeratory Co. Ltd. and originating in the People's Republic of China, in accordance with section 29B(3) of the Act by issuing a Notice to that effect.

Dated this 20th day of December, 2005.

E. LEACOCK
The Anti-dumping Authority