

LEGAL NOTICE NO. 22

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, 1992

NOTICE

MADE BY THE MINISTER IN ACCORDANCE WITH SECTION 26(2) OF THE
ANTI-DUMPING AND COUNTERVAILING DUTIES ACT

NOTICE OF FINAL DETERMINATION MADE BY THE
MINISTER OF TRADE AND INDUSTRY ARISING OUT OF
THE INVESTIGATION INTO THE ALLEGATION OF THE
DUMPING OF LEAD ACID BATTERIES ORIGINATING IN
THAILAND

NOTICE is hereby given that, in accordance with section 26(2) of the Act No. 11
Anti-dumping and Countervailing Duties Act, 1992, (hereinafter called of 1992
“the Act”) the Minister of Trade and Industry has, for the reasons given
hereunder, made a final determination in respect of the alleged
dumping of Lead Acid Batteries originating in Thailand.

1. This Notice is deemed to come into effect on the 30th day of Commence-
December, 2003. ment

CASE HISTORY

A preliminary determination was made by the then Minister of Trade and Industry and Consumer Affairs on 19th October, 2000 and published as Legal Notice No. 272 dated 7th November, 2000.

In the events that followed the preliminary determination, the importer, A.M. Marketing Co. Ltd., sought a judicial review of the investigation and was granted in the Civil Court a stay of the imposition of provisional duty, which was in the amount of 90%. The Authority was ordered to suspend its investigation until the litigation was concluded.

In November, 2002, A.M. Marketing's court action was withdrawn in accordance with an agreement with the Anti-dumping Authority (hereinafter called “the Authority”) subsequent to the filing of affidavits in the case on behalf of the Minister of Trade and Industry. The Authority was then able to conclude the investigation and reach a final determination.

REASONS FOR THE FINAL DETERMINATION

For the purpose of this final determination the Authority concluded as follows:

- (i) The exporter of the Lead Acid Batteries from Thailand to Trinidad and Tobago was Yuasa Battery (Thailand) Public Company Ltd., situated at 2-3, Floor Manutham Mansion Building, 33 Sukhumvit 51 Road, Kwang Klongton Nua, Khet Watthana, Bangkok 10110, Thailand.
- (ii) The exporter submitted a completed questionnaire in both confidential and non-confidential form to the Authority in January, 2001. The Authority was able to compare the information in the exporter's questionnaire.
- (iii) A.M. Marketing Co. Ltd., imported approximately 11,850 units of lead acid batteries from Thailand for 1999. For 2000, approximately 20,225 units of lead acid batteries were imported from Thailand.
- (iv) The complainant, Automotive Components Limited, submitted documentation in support of a final determination on 9th January, 2003. This included information reflecting the company's position with respect to market share, profitability, sales and employment data for the period January, 1999 to December, 2002.

CALCULATION OF DUMPING

(i) *Normal Value*

In calculating the average ex-factory normal value the domestic wholesale price for the product in Thailand was used. This price was discounted by the percentage difference between the Free on Board (FOB) price and the ex-factory export price to arrive at an ex-factory normal value.

(ii) *Export Price*

The export prices in the questionnaire submitted by the exporter in this investigation corroborated the prices in the CARICOM invoices submitted by the complainant and the importer. The FOB prices in the invoices were adjusted downward to the ex-factory level to arrive at the ex-factory cost. An average ex-factory export price was calculated based on the number of shipments of the products received during the period January, 1999 to December, 2000.

(iii) *Dumping Margin*

The dumping margin was calculated by comparing the average ex-factory normal value to the average ex-factory export price as a percentage of the cost, insurance, freight (CIF) price of the said batteries. In view of the fact that there were 18 different models of lead acid batteries being investigated, a weighted average dumping margin was calculated at 17%.

CONCLUSION

The Authority examined all of the information that was submitted by the interested parties and determined that the complainant had begun to and continued to suffer loss of sales, market share and employment from the period of the importation of lead acid batteries from Thailand. A causal link between the injury suffered by the complainant and the dumped imports was therefore found.

In light of the above findings, the Authority further concluded that the imports of Lead Acid Batteries from Thailand are being dumped in Trinidad and Tobago at prices that have caused material injury to the Trinidad Lead Acid Batteries Industry.

As a result, the Minister of Trade and Industry in accordance with section 26 of the Act, gives notification that he has made a final determination that Lead Acid Batteries originating in Thailand are goods that are dumped at a margin of 17%.

However, the Minister of Trade and Industry has decided that, based on all the considerations before him, it would not be in the public interest to impose an anti-dumping duty in this case.

Made this 30th day of December, 2003.

K. VALLEY
Minister of Trade and Industry