

LEGAL NOTICE NO. 5

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, 1992

AND

THE ANTI-DUMPING AND COUNTERVAILING DUTIES REGULATIONS, 1996

*Made by the Minister in accordance with section 26 of the Anti-dumping  
and Countervailing Duties Act*

NOTICE

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FINAL DETERMINATION BY THE HONOURABLE MINISTER OF  
TRADE AND INDUSTRY ARISING OUT OF THE  
INVESTIGATION INTO THE ALLEGATION OF THE DUMPING  
OF PORTLAND GREY CEMENT ORIGINATING IN INDONESIA

IN ACCORDANCE with the Anti-dumping and Countervailing Duties Act, No. 11 of 1992 as amended by Act No. 23 of 1995 (hereinafter referred to as “the Act”) and the Anti-dumping and Countervailing Duties Regulations, 1996 (hereinafter referred to as “the Regulations”), the Minister of Trade and Industry has made a final determination that the good, Portland Grey Cement originating in Indonesia is a good in respect of which he may make an order imposing duty.

CASE HISTORY

PRELIMINARY DETERMINATION

A preliminary determination was made by the Minister of Trade and Industry on 12th April, 2002 and published as Legal Notice No. 71 dated 24th July, 2002. Pursuant to that preliminary determination, the Minister directed the Comptroller of Customs and Excise as provided by Legal Notice No. 94 dated 19th August, 2002 to secure payment of a provisional duty in the amount of forty-eight per cent (48%) *ad valorem* on imports of Portland Grey Cement originating in Indonesia.

#### REASONS FOR THE FINAL DETERMINATION

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

- (i) The exporters of the Portland Grey Cement to Trinidad and Tobago was Pt. Semen Cibinong TBK located on Gedung Bidakara Lt 9-10-11, Jl. Jenderal Gatot Subroto Kav. 71-73 Pancoran, Jakarta 12870, Indonesia.
- (ii) The exporter was informed by letter dated August 20, 2002 of the preliminary determination and was advised to contact the Anti-dumping Unit for further information. Subsequently, a letter dated October 25, 2002 was forwarded to the exporter informing of the imposition of provisional duties in respect of Portland Grey Cement originating in Indonesia.

It was highlighted in the preliminary determination under the heading "Export Price" that the complainant challenged the freight charges stated on the Caricom Invoice. Also that the exporter would have been in a position to comment on freight prices.

The exporter was originally given, at the initiation of the investigation, in accordance with domestic legislation, 34 days to respond to the questionnaire that was forwarded to it. An extension was requested and was granted. At the time of the preparation of this final determination the exporter did not submit a completed questionnaire nor did it express any objections to the findings in the Preliminary Determination. In particular, with regard to the export price, it did not provide evidence to support the freight charges on the Caricom Invoices.

- (iii) The local importer, Harricrete Ltd., raised no written objections to the preliminary determination and provided no new information to substantiate the freight charges on the shipment of Portland Grey Cement from Indonesia.
- (iv) The complainant, Trinidad Cement Ltd., submitted documentation in support of a final determination on November 22, 2002. This included charts reflecting the company's position with respect to market share, profitability and pricing for the period September 1999 to October 2002.

#### CALCULATION OF DUMPING

- (i) *Normal Value*

The retail price of Portland Grey Cement on the Indonesia market was adjusted downward by deducting

transportation, unloading charges and the cost of sacks to arrive at individual ex-factory normal values for bags and bulk Portland Grey Cement.

(ii) *Export Price*

Neither the exporter nor the importer provided new information or evidence in support of the freight charges identified on the Caricom Invoices.

The export price at the Free on Board (FOB) level was calculated based on the allegation that the freight on the Caricom Invoices were understated.

The F.O.B. price was adjusted downward by deducting costs of slings, loading, inland transport, sacking and brokerage to arrive at individual ex-factory export prices for bags and bulk Portland Grey Cement.

(iii) *Dumping Margin*

A weighted average dumping margin was calculated based on the individual dumping margins relative to bag and bulk cement. When the ex-factory export price was compared with an ex-factory normal value, the Authority arrived at a dumping margin of 48%.

CONCLUSION

The Authority verified all of the information that was submitted to it in response to its requests and concluded that it was evident that they had suffered loss of production, sales and market share. A direct link between the injury suffered by the complainant and the unfairly priced product was found.

In light of the above findings, the Authority further concluded that the imports of Portland Grey Cement from Indonesia are being dumped in Trinidad and Tobago at prices that have caused material injury to the Trinidad Cement 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 Portland Grey Cement originating in Indonesia are goods in respect of which he may ultimately make an Order imposing duty at the rate of 48%.

Made this 11th day of October, 2002.

K. VALLEY

*Minister of Trade and Industry*