

LEGAL NOTICE NO. 77

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, 1992

AND

THE ANTI-DUMPING AND COUNTERVAILING DUTIES REGULATIONS, 1995

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 ENTERPRISE DEVELOPMENT, FOREIGN AFFAIRS AND TOURISM ARISING OUT OF THE INVESTIGATION INTO THE ALLEGATION OF DUMPING OF WOVEN POLYPROPYLENE BAGS ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

IN ACCORDANCE with the Anti-dumping and Countervailing Duties Act ^{No. 11 of 1992} (hereinafter referred to as “the Act”) and the Anti-dumping and ^{L. N. No. 25 of} Countervailing Duties Regulation, 1996 ¹⁹⁹⁶ (hereinafter referred to as “the Regulations”) the Minister of Enterprise Development, Foreign Affairs and Tourism, has made a preliminary determination that the goods, woven polypropylene bags originating in the People's Republic of China are goods in respect of which he may make an Order imposing duty.

CASE HISTORY

Preliminary Determination

A preliminary determination was made by the then Minister of Trade and Industry and Consumer Affairs on 29th March, 2000 and published as Legal Notice No. 86 dated 14th April, 2000. Pursuant to that preliminary determination by Legal Notice No. 128 dated 7th June, 2000 and published on 16th June, 2000, the Minister directed the Comptroller of Customs and Excise to secure payment of a provisional duty in the amount of 45 per cent *ad valorem* on woven polypropylene bags originating in the People's Republic of China.

REASONS FOR THE FINAL DETERMINATION

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

- (i) The country of origin of woven polypropylene bags is the People's Republic of China, while the country of export is Taiwan, Republic of China. The exporter was identified as Great Kancan Enterprises Inc.

On several occasions, the Authority transmitted the relevant documentation including questionnaires to the exporter directly and *via* the then Ministry of Foreign Affairs of Trinidad and Tobago and the Embassy of the People's Republic of China in Trinidad.

To date the exporter has not provided a completed foreign exporter questionnaire as requested by the Authority.

- (ii) The local importers, Superpet Foods (Trinidad) Limited, Malabar Farms Limited, Trinidad Feed Mills (1976) Limited, Mastermix of Trinidad Limited and Warnerville Grain Mills Limited did not submit completed questionnaires to the Authority. However, some importers and other interested parties expressed their views to the Authority.
- (iii) In the absence of questionnaires from both exporters and importers, the Authority had no alternative but to make a final determination on the basis of the facts available.
- (iv) Industrial Bags Limited, the other bag producer in Trinidad and Tobago, supported the complainant's claim by written submission to the Authority.

CALCULATION OF DUMPING MARGIN

- (i) *Normal Value*

Normal value was based on the average ex-factory price for woven polypropylene bags in the People's Republic of China. Evidence of normal value was provided in written quotations for producers in the People's Republic of China.

- (ii) *Export Price*

The Authority found that the Cost and Freight price (hereinafter referred to as the "C&F price") throughout the investigation varied. Therefore a weighted average export price was calculated based on a

sample of CARICOM invoices obtained during the investigation period. The C&F price was adjusted to the *ex-factory* export price by deducting freight and other costs (including inland haulage charges and transportation) associated with transporting the product from the factory to the Port of Exit.

In the absence of actual inland haulage charges and transportation costs, the unit applied a 2% value to the Free on Board price which is comparable to the complainant's inland haulage charges and transportation costs for the factory to the Port of Exit.

(iii) *Dumping Margin*

The weighted average dumping margin was calculated as a percentage of the Cost, Insurance and Freight price. The Authority concluded that there existed a weighted average dumping margin of 59%.

Conclusion

The Authority verified the information submitted by the complainant 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 products was found.

In light of the above findings, the Authority further concluded that the imports of woven polypropylene bags from the People's Republic of China are being dumped in Trinidad and Tobago at prices that have and continue to cause material injury to the woven polypropylene bag industry.

As a result the Minister of Enterprise Development, Foreign Affairs and Tourism in accordance with section 26 of the Act, gives notification that he has made a final determination that woven polypropylene bags originating in the People's Republic of China are goods in respect of which he may ultimately make an Order imposing duty at the rate of 59%.

Made this 1st day of May, 2001.

M. ASSAM
*Minister of Enterprise Development,
Foreign Affairs and Tourism*