

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION
NOTICE 24 OF 2021

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

**CALL FOR PUBLIC INTEREST SUBMISSIONS INTO THE INVESTIGATION FOR
REMEDIAL ACTION IN THE FORM OF A SAFEGUARD MEASURE AGAINST THE
INCREASED IMPORTS OF BOLTS WITH HEXAGON HEADS OF IRON OR STEEL**

On 15 May 2020, the International Trade Administration Commission of South Africa (the Commission) initiated an investigation for a remedial action in the form of a safeguard against increased imports of bolts with hexagon heads of iron or steel through Notice Number 272 which was published in the Government Gazette Number 43316.

Upon initiation of the investigation, interested parties were invited to submit comments on the initiation of the investigation.

On the basis of the information at the Commission's disposal, it made a preliminary determination that events cited by the applicant can be regarded as unforeseen developments that led to increased volumes of imports; the SACU industry is suffering serious injury; there is a causal link between the serious injury suffered by the SACU industry and the surge of imports; and there are critical circumstances where a delay would cause damage that would be difficult to repair. The Commission further determined to impose provisional payments of 31.8% *ad valorem* on imports of bolts with hexagon heads of iron or steel for a maximum of 200 days, pending the finalisation of the investigation.

The basis and reasons for the Commission's findings are set out in its Preliminary Report Number 636.

PROCEDURAL FRAMEWORK

This investigation is conducted in accordance with the International Trade Administration Act, 2002 (ITA Act) and the International Trade Administration Commission Amended Safeguard Regulations (SGR), read with the World Trade Organization Agreement on Safeguards (the Safeguard Agreement).

Interested parties were invited to comment in writing to the Commission's preliminary determination, and the 14 day deadline for comments was on 27 November 2020.

Interested parties are invited to submit comments on whether it will be in the public interest to impose definitive safeguard measures on the subject product, in accordance with Section 20.2 of the SGR, which stipulates that "In determining whether a safeguard measure would be in the public interest the need to take note of the trade distorting effect of the surge in imports and the need to restore effective competition shall be given special consideration".

Interested parties should make their submissions on public interest in writing and indicate interest to attend and make oral presentations to Commission on public interest to the Senior Manager: Trade Remedies II not later than 14 days from the date of this publication. Interested parties wishing to make oral presentations should submit a detailed version, including a non-confidential version of the information to be discussed at the public hearing. A party that did not timeously submit a non-confidential version of the information to be discussed at the public hearing will not be allowed to make an oral presentation.

An online public hearing is scheduled for 16 February 2021 at 10h00, with further details to be communicated. Parties requesting to attend the public hearing should note that this will be an open hearing with all parties present and only non-confidential information should be presented during the public hearing.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then 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
- 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.

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.

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.