



ANTIDUMPING & SUBSIDIES COMMISSION
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NOTICE OF AFFIRMATIVE FINAL DETERMINATION

KINGSTON, JAMAICA
TUESDAY, JULY 2, 2002

REF. NO. AD-01-2002

In Respect of the Dumping in Jamaica of Ordinary Portland Grey Cement Origination in or Exported from Indonesia

On January 3, 2002, the Commission initiated an investigation pursuant to Section 22 of the Customs Duties (Dumping and Subsidies) Act, 1999 (hereinafter known as the "the Act") into the alleged injurious dumping into Jamaica of Ordinary Portland Grey Cement originating in or exported from Indonesia. The investigation was initiated in response to a complaint filed by Caribbean Cement Company Limited, of Kingston, Jamaica.

On April 3, 2002, the Commission made an Affirmative Preliminary Determination that the aforementioned goods had been dumped and that the dumping was likely to cause material injury to the domestic industry, and imposed a provisional duty in the amount of 56.21%, which became effective on the same day. Dumping occurs where goods are sold to an Importer in Jamaica at an export price that is below the foreign home market price of similar goods at a price that is below the cost of production plus a reasonable profit margin. An antidumping duty is imposed to offset the injury to the domestic industry that the dumped goods have caused.

The investigation continued subsequent to the Preliminary Determination, and the evidence has revealed and the Commission is satisfied that the good under consideration have been dumped, that the margin of dumping is not *de minimise*, that the volume of dumped goods is not negligible and that the dumping goods under consideration is likely to cause material injury to the domestic industry. Accordingly, the Commission has made an Affirmative Final Determination in accordance with section 30 of the Act and has decided to impose a definitive anti-dumping duty, in the amount of 9.98 per cent on goods which are of the same description as those to which the Final Determination applies, effective July 2, 2002. Furthermore, the Commission found that the facts of the case do not support an Affirmative Final Determination in relation to the imposition of retroactive anti-dumping duties on goods that entered Jamaica between the dates of Initiation and Preliminary Determination.

NOTICE OF AFFIRMATIVE FINAL DETERMINATION Continued)

The Commission has determined that the Importer in Jamaica of the goods that are the subject of this investigation is Mainland International Limited, of 8 March Pen Road, Spanish Town, St. Catherine, and the Exporter is PT Semen Cibinong TBK, of Bida Kara Building, 10th Floor, Jalan Jendral Gatort Soebroto, Kav 71-73, Jakarata 1280, Indonesia.

In this investigation, four Commissioners heard and decided on the matter at hand. All four Commissioner decided that the imported goods had been dumped. There decided affirmatively that the dumping was likely to cause material injury to the domestic industry and that a definitive anti-dumping duty should be imposed; and one Commissioner decided negatively in relation to the likelihood that the dumping would cause material injury to the domestic industry. Of the three who decided that definitive anti-dumping duties should be imposed, two Commissioners determined that the quantum of the duty to be imposed should be 9.98 per cent. Thus the amount of the definitive anti-dumping duty was determined by simple majority, in accordance with section 8 (4) of the Schedule to the Customs Duties Dumping and Subsidies Act.

At the Commissioner's request Jamaica Customs will collect a final duty on all goods imported into Jamaica that are of the same description as those to which this Affirmative Final Determination applies, regardless of the importer of the said goods. A copy of *Statement of Reasons* explaining this decision has been provided to persons interested I these proceedings. A copy may be obtained by this decisions has been provided to persons interested in these proceedings. A copy may be obtained by contacting the Commission, or from the Commission's website at www.mct.gov.jm/Antidumping.htm.

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Mrs. Beverley Morgan
CHAIRMAN
Partial Dissent in relation to the Dumping Margin
and therefore, the amount of the Definitive
Anti-Dumping Duty

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Mr. Lloyd Goodleigh
COMMISSIONER

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Dr. Cecil Goodridge
COMMISSIONER
Partial Dissent in relation to Threat of Material Injury
and, therefore, the imposition of a Definitive
Anti-Dumping Duty

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Mrs. Sandra Shirely
COMMISSIONER