



## **NOTICE OF AFFIRMATIVE FINAL DETERMINATION**

**KINGSTON, JAMAICA  
July 16, 2004**

**REF. NO. SG-01-2003**

**IN THE MATTER OF An Application, Pursuant To Section 6 of The Safeguard Act, 2001, submitted by Caribbean Cement Company Limited to the Anti-Dumping and Subsidies Commission.**

On October 16, 2003 the Anti-dumping and Subsidies Commission (“the Commission”) commenced an investigation pursuant to Sections 6 and 8 of the Safeguard Act of 2001 (hereinafter “the Act”) in respect of the above-identified product. The investigation was initiated in response to a complaint filed on September 01, 2003 by Caribbean Cement Company Limited, of Kingston, Jamaica (“CCCL”).

The Commission has made an affirmative final determination for a definitive safeguard measure, pursuant to Section 22 of the Act, in respect of an increase in imports of Ordinary Portland Grey Cement into Jamaica. The level of a safeguard measure should be applied only to the extent necessary to remedy or prevent serious injury and to facilitate the adjustment of the domestic industry to achieve international competitiveness. In considering the appropriate provisional measure, the Commission determined a rate of duty that brings the importers’ costs in line with the applicant’s ex-factory price. The costs used in this computation are related to the highest F.O.B price on record for imported cement. The Commission was mindful of the need to recommend a safeguard measure that would preserve competition and would not translate into higher prices to the consumer. In the public interest, the effect of this measure is to lower the substantial margins which accrue to the importers, but do not necessarily benefit the consumer.

The Commission finds that the investigated product has been imported into Jamaica in such increased volumes as to cause injury and threat of serious injury to the domestic industry, and thus constitutes a threat to the viability of the domestic industry.

Pursuant to Section 23 of the Act, the Commission recommends to the Minister of Commerce, Science and Technology that a definitive safeguard measure be imposed in the amount of 25.83 percent for four (4) years on all goods that are of the same description as those to which this Affirmative Final Determination applies. The Commission reserves the right to recommend that the safeguard measure be liberalised no earlier than the end of the second year of application. In such an event, the percentage by which the measure would be liberalised would be no more than two percent (2%) at the end of the second, three percent (3%) at the end of the third, and four percent (4%) at the end of the fourth year. This amount may be increased in the event that the domestic industry raises its price in U.S. dollar terms during the twelve-month period immediately preceding the period in which further liberalisation is due to take effect. The rate of Safeguard measures are applied in addition to the pre-existing duty regime of 15%.





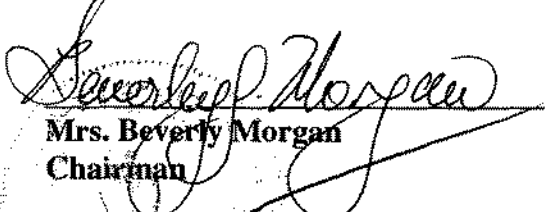
**ANTIDUMPING & SUBSIDIES COMMISSION**  
**NOTICE OF AFFIRMATIVE FINAL DETERMINATION CONTINUED**

**INFORMATION**

Notice of Final Determination and Statement of Reasons for Final Determination in this investigation are provided to parties directly interested in these proceedings and posted to the Commission's website at [www.jadsc.gov.jm](http://www.jadsc.gov.jm). For further information, you may contact the Commission as follows:

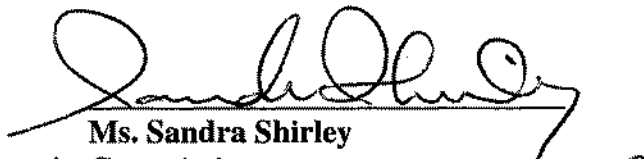
**The Anti-Dumping and Subsidies Commission**  
**24 Trafalgar Road,**  
**Kingston 10**  
**Jamaica**  
**Attention: The General Manager**  
**Telephone: (876) 920 7006 or (876) 968 7970**  
**Email: [antidump@cwjamaica.com](mailto:antidump@cwjamaica.com)**

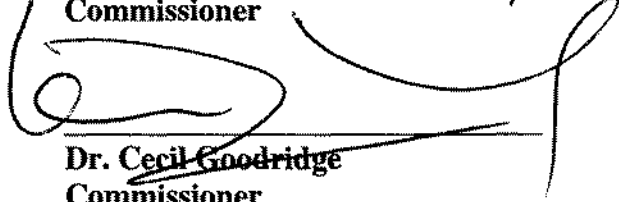
**COMMISSIONERS SITTING:**

  
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**Mrs. Beverly Morgan**  
**Chairman**

  
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**Mr. Lloyd Goodleigh**  
**Commissioner**

  
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**Mr. Milton Samuda**  
**Commissioner**

  
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**Ms. Sandra Shirley**  
**Commissioner**

  
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**Dr. Cecil Goodridge**  
**Commissioner**

**(DISSENTING ON THREAT OF SERIOUS  
INJURY)**

**Date: July 16, 2004**

