



THE ANTI-DUMPING AND SUBSIDIES COMMISSION
JAMPRO Trade & Invest (JTI) Bldg. ~ 18 Trafalgar Road ~ Kingston 10 ~ JAMAICA
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NOTICE OF AFFIRMATIVE PRELIMINARY DETERMINATION

KINGSTON, JAMAICA

Date: September 9, 2010

REF. NO. AD-01-2010

IN THE MATTER OF the Initiation of a case by the Anti-Dumping and Subsidies Commission (“the Commission”), pursuant to Sections 22 and 23 of *the Customs Duties (Dumping and Subsidies) Act, 1999*, (“the Act”) on behalf of the Jamaican cement industry;

AND IN THE MATTER OF the Preliminary Determination by the Anti-Dumping and Subsidies Commission pursuant to Section 27 of the Act;

IN RESPECT OF the dumping in Jamaica of Ordinary Portland (Grey) Cement originating in or exported from the Dominican Republic, usually classified under Harmonized Tariff Code 2523.291.

On April 30, 2010, pursuant to Section 22 of the Customs Duties (Dumping and Subsidies) Act 1999, the Anti-Dumping and Subsidies Commission, hereinafter called “the Commission”, initiated an investigation in respect of the alleged injurious dumping into Jamaica of the aforementioned goods, originating in or exported from the Dominican Republic.

The Commission has made an affirmative Preliminary Determination pursuant to section 27 of the Act, in respect of the dumping in Jamaica of Ordinary Portland Grey Cement originating in, or exported from the Dominican Republic. The Commission finds that the goods under consideration have been dumped at an estimated margin of dumping of 84.69 % and, that the Domestic Industry has experienced some injury from the presence of the dumped imports on the Jamaican market. However, the Commission’s majority determination is inconclusive as to whether the injury is “material”. This will be explored further in the final stage of the investigation. The Commission, by majority, finds that the dumping is likely to cause material injury, i.e. the continued and increased importation of the goods under consideration at dumped prices poses a threat of material injury to the Domestic Industry that is imminent and clearly foreseen.

The Commission may impose provisional measures pursuant to Section 15 of the Customs Duties (Dumping and Subsidies) Act. The Commission is not persuaded that the imposition of provisional measures is necessary to prevent material injury being caused to the Domestic Industry during the investigation, and therefore declines to impose a provisional duty on the goods under consideration.

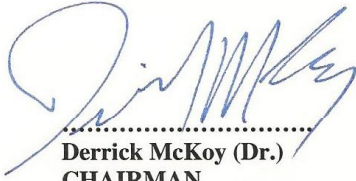
The Commission has determined that the importer in Jamaica of the goods that are the subject of this investigation is Buying House Cement Limited, of 6 Wellington Place, Wellington Glades, Kingston 6, and the Exporter is DOMICEM of Av. Abraham Lincoln 295 casi esquina Av. José Contreras Edf. Caribalico 2do. piso, Santo Domingo, República Dominicana.

NOTICE OF AFFIRMATIVE PRELIMINARY DETERMINATION CONTINUED

Copies of the Statement of Reasons explaining this decision have been provided to persons directly interested in these proceedings. A copy may also be obtained by contacting the Commission, or from the Commission's website at www.jadsc.gov.jm. The Commission is statutorily mandated to complete this investigation and make a Final Determination in the matter within ninety (90) days from the date of the Preliminary Determination.

INFORMATION

Interested parties are invited to file written submissions presenting facts, arguments, and evidence relevant to this investigation. Written submissions should be forwarded to the Commission at the address indicated above. In order to be given consideration in this phase of the investigation, all information should be received by the Commission from interested parties within thirty (30) days of the date of Preliminary Determination. Any information submitted to the Commission by interested parties concerning this investigation is deemed to be **public information** unless clearly marked "Confidential." Interested persons should contact the Commission for information on procedures to file submissions.



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Derrick McKoy (Dr.)
CHAIRMAN
(dissenting as to inconclusive finding of material injury,
no finding of material injury)
(dissenting as to threat of material injury)



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Leslie Campbell (Mr.)
COMMISSIONER



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Sandra Shirley (Miss)
COMMISSIONER



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Velma Brown-Hamilton (Dr.)
COMMISSIONER

