

**INTERNATIONAL TRADE ADMINISTRATION
COMMISSION OF SOUTH AFRICA**

(ITAC)

**STAKEHOLDER COMMENTS
QUESTIONNAIRE**

**REVIEW OF THE TARIFF STRUCTURE FOR PAPER AND
PAPER PRODUCTS AND INVESTIGATION INTO THE
INTRODUCTION OF AN IMPORT SURVEILLANCE SYSTEM
(ISS) IN THE SOUTHERN AFRICAN CUSTOMS UNION
(SACU)**

PRODUCTS UNDER REVIEW

*HS Headings 48.01, 48.02, 48.03, 48.04, 48.05, 48.11, 48.18
and 48.23 of Part 1 of Schedule No. 1 to the Customs and
Excise Act, 1964*

MARK WITH AN X:

CONFIDENTIAL	
NON-CONFIDENTIAL	

CONFIDENTIAL INFORMATION, VERIFICATION AND DATA PROTECTION

All information submitted to the Commission will be dealt with in accordance with the International Trade Administration Act, 2002 (Act No. 71 of 2002), and the applicable Regulations (such as the Amended Tariff Investigations Regulations ("ATIR"), Safeguard Regulations ("SGR") and Anti-dumping regulations ("ADR")) governing this investigation. The Act and the applicable Regulations are available on ITAC's official website at www.itac.org.za.

Any party claiming confidentiality over information submitted to the Commission must clearly identify such information as confidential and provide a non-confidential version or a meaningful non-confidential summary thereof, as required by the applicable Regulations. Information accepted as confidential by the Commission will not be disclosed except where disclosure is required by law or authorised by the party submitting the information. The Commission may use the information submitted for the purposes of conducting this investigation and any related proceedings arising therefrom.

Respondents must retain all books, records, source documents and other supporting information relied upon in completing this questionnaire and make them available to the Commission upon request for purposes of verification.

The stakeholders are informed that information that may constitute 'Personal Information' as defined by the Protection of Personal Information Act 4 of 2013 ("POPIA") may be collected and stored by ITAC. Should it be necessary, including but not limited to, in circumstances wherein the application is dependent on a 'recommendation' by a select industry stakeholder or another state department or public entity, the respondents also acknowledge that such information may be shared with third parties. Please refer to our External Privacy Notice (located on ITAC's official website) for more information on how your information is collected, processed and shared.

GLOSSARY

COMMISSION	The International Trade Administration Commission of South Africa, established under section 7 of the International Trade Administration Act, 2002 (Act No. 71 of 2002).
CUSTOMS DUTY	Ordinary customs duties as contained in Part 1 of Schedule No. 1 to the Customs and Excise Act, 1964 (Act No. 91 of 1964).
SARS	South African Revenue Service.
SACU	The Southern African Customs Union.
SACU INDUSTRY	The domestic producers in SACU as a whole of the like or directly competitive products, or those of them whose collective output constitutes a major proportion of total SACU production of those products.
ISS	Import Surveillance System — a proposed administrative mechanism for monitoring import volumes, prices and/or origin of specified products to identify risks such as under-invoicing, misclassification, circumvention or substandard imports.
SAFEGUARD MEASURE	A trade remedy applied where a surge of imports causes or threatens to cause serious injury to the SACU industry, regardless of whether the imports are traded fairly.
ANTI-DUMPING DUTY	A trade remedy applied where imports are sold in SACU at a price below their normal value ("dumped") and this causes material injury to the SACU industry.

MARGIN OF DUMPING	The extent to which the normal value is higher than the export price, after adjustments have been made for comparative purposes.
MATERIAL INJURY	Unless the context indicates otherwise, actual material injury, a threat of material injury, or material retardation of the establishment of an industry.
PRODUCT	The product that is the subject of this review.

SECTION A: RESPONDENT / COMPANY DETAILS

1	State the full name of the company		
2	Company's registration number in terms of the Companies Act		
3	Importer's code		
4	BEE Status (Level No)		
5	State the postal and physical address		
6	State the web address if available		
7	Provide the contact details of the company	Contact person	
		Tel no	
		Cell no	
		Email	
8	State the nature of the business conducted by the company.	Please indicate all applicable activities: ☐ Forestry ☐ Pulp Manufacturing ☐ Paper Manufacturing ☐ Tissue Manufacturing ☐ Paper Converting ☐ Packaging Products ☐ Importer ☐ Exporter ☐ Distributor/Wholesaler ☐ Retailer ☐ Other (specify).....	
9	If applicable, provide the physical location of the factory(ies) and warehouse(s).		
10	It should be noted that in terms of section 26 (4) of the International Trade Administration Act, 2002, the Commission may, inter alia, require a stakeholder to provide additional information in respect to this submission.		

SECTION B: PRODUCT COVERAGE

Please indicate, for each HS heading listed below, the applicable 6- to 8-digit tariff subheading(s) for your operations and indicate whether the product is manufactured, imported, exported, or otherwise falls within your operations (please specify under "Other", where applicable).

Table 1: Products Manufactured, Imported, Exported, or Otherwise Handled by the Respondent.

HS Heading	Product Category	6 to 8-digit subheading(s)	Product Description	Manufactured (X)	Imported (X)	Exported (X)	Other (Specify)
48.01	Newsprint, in rolls or sheets						
48.02	Uncoated paper/paperboard for writing, printing or other graphic purposes						
48.03	Toilet/facial tissue, towel or napkin stock; cellulose wadding and webs						
48.04	Uncoated kraft paper and paperboard, in rolls or sheets						
48.05	Other uncoated paper and paperboard (fluting, testliner, wrapping, filter/felt, etc.)						
48.11	Paper/paperboard, coated, impregnated, covered, surface-coloured or printed						
48.18	Toilet paper, tissues, towels, tablecloths, serviettes and similar articles						
48.23	Other paper/paperboard cut to size or shape; other articles of paper pulp or paper						

Note: If additional space is required to list all relevant 6-8-digit tariff subheadings and product descriptions, please attach a separate schedule in the same format as the table below.

SECTION C: DOMESTIC PRODUCERS, DOWNSTREAM MANUFACTURERS AND CONVERTERS OF PAPER AND PAPER PRODUCTS

1. Describe your company's production, sales, profitability, employment and investment over the past three years, including the reasons for these trends.
2. Identify the main challenges currently affecting your competitiveness (e.g. energy costs, logistics, labour, raw material costs, exchange rates, imports, market demand, etc.) and explain their impact on your business.
3. Provide a list of the main input products used in the manufacture of your end-products and indicate whether each input is sourced domestically or imported. For each imported input, provide the reasons for sourcing it internationally rather than domestically.
4. Identify the main imported products that compete with your domestically manufactured products, and provide the relevant tariff subheadings, countries of origin and suppliers.
5. Explain the extent to which these imports have affected your business over the past three years, including their effects on sales volumes, market share, prices, production, capacity utilisation, profitability, employment and/or input costs.
6. Indicate whether imports of the competing products increased over the past three year, either in absolute terms or relative to SACU production or consumption. Identify the relevant products, tariff subheadings, countries of origin, suppliers and period involved, and indicate whether the increase was recent, sudden, sharp and significant.

7. Indicate the unforeseen developments that led to the increased imports of the product concerned. The unforeseen development must be a development or event that could not have been foreseen at the time of the conclusion of negotiations in 1994.
8. Do you have reason to believe that, as a result of such unforeseen developments, there has been a surge in imports? **Yes/No**. If yes, please complete the relevant safeguard questionnaire accessible via the link <https://itac.org.za/trade-remedies/application-forms/>.
9. Explain the extent to which any adverse effects identified above can be attributed to increased imports over the past three years and distinguish the effects of imports from other factors affecting your business or the industry, including changes in demand, input costs, energy and logistics costs, exchange rates, technology, productivity, domestic competition and consumer preferences.
10. Where you consider that imported products may be dumped, provide any information available to support this view, including the exporting country, exporter, importer, product type, relevant tariff subheading, export price and, where known, comparable prices in the exporting country or cost of production. Please also provide any available evidence of price undercutting, price suppression or price depression.
11. Do you have reason to believe that the subject product is being dumped in the SACU market? **Yes/No**. If yes, please complete the relevant anti-dumping questionnaire accessible via the <https://itac.org.za/trade-remedies/application-forms/>.
12. Where you consider that increased imports have caused or threaten to cause serious injury to domestic producers of like or directly competitive products, describe the nature and extent of the injury or threat, including the effects on sales, market share, production, capacity utilisation, profitability, cash flow, inventories, employment, investment and the ability to raise capital.
13. Please provide market, trade and financial data in relation to the subject products as per the applicable Excel template: **Annexure 'A'** for domestic producers and **Annexure 'B'** for downstream manufacturers and converters.

SECTION D: IMPORTERS, RETAILERS AND WHOLESALERS

1. Specify the products forming part of the review, together with their respective tariff subheadings, that you import, and explain the reasons for importing these products.
2. Explain how the introduction or amendment of any trade policy measure for the products forming part of the review, including changes in customs duties, trade remedies, import controls or ISS measures, would affect your business.
3. For retailers and wholesalers of finished consumer paper products (e.g. tissue and toilet paper), explain how the introduction or amendment of any trade policy measure for the products forming part of the review would affect retail prices.
4. Please complete the market, trade and financial data relating to the subject products you import in the EXCEL template attached as **Annexure 'C'**

SECTION E: RECOVERED/WASTEPAPER COLLECTORS AND MERCHANTS

1. What factors have influenced the volumes of recovered/wastepaper collected or purchased over the past three years, including any changes in collection rates, availability of recovered paper, demand conditions.
2. Please describe how your recovered/wastepaper volumes are allocated between domestic and export markets, where applicable, and explain the factors influencing the decision to sell in each market.
3. If you export recovered paper or wastepaper, provide a list of the countries exported to and how the export price compares to what local mills are willing to pay?

4. What would be the impact on your business if local mills were given a first right of refusal to purchase recovered paper at a preferential price before it could be exported (a "Price Preference System," as currently applied to steel scrap)?
5. Please complete market, trade and financial data relating to the recovered/wastepaper you collected or purchased in the EXCEL template attached as **Annexure 'D'**

SECTION F – GENERAL QUESTIONS (ALL INTERESTED PARTIES)

1. What is your view on the appropriate rate of customs duty, up to the applicable WTO bound rate, for the products listed in **Table A**? Please motivate per product.
2. Is there a case for raw and intermediate material input support measures (e.g. on virgin or recycled fibre, energy, chemicals) to improve the cost competitiveness of domestic producers, and if so, on which inputs should this focus?
3. Do you support the introduction of import controls (a permit requirement) for the any of the products forming part of this review and on what grounds? If you support the introduction of import controls (permit requirements), please provide:
 - the tariff lines and products that should be controlled, with reasons; and
 - the public-policy objective that the controls would address.
4. Do you support the introduction of an import surveillance system? If so, please identify the proposed product coverage and provide any available evidence to support your proposal, including the nature of the risks affected products, countries, trade patterns and associated commercial or enforcement impact.
5. Do you support the introduction of export controls on any critical inputs falling under the tariff headings within the scope of this review?

If yes, please provide:

- the critical input(s) and tariff line(s) concerned, and why they are critical to domestic production;
 - evidence of shortages; and
 - the export control measure proposed and why it is necessary.
6. What has been the impact of recent (geo-political) developments in world trade including United States trade policy measures and the conflict in the Middle East (including Red Sea/Suez shipping disruption) on global paper/pulp trade flows, freight costs and import patterns into South Africa/SACU?
 7. Are there any other factors not addressed above that the Commission should take into account in determining the most appropriate trade policy response for this sector?
 8. Please indicate whether any of the products under review are regulated products. If yes, please specify the applicable regulatory requirements, including any relevant South African National Standards (SANS) and/or compulsory specifications, and provide details of the specific standards or specifications that apply.

If you are involved at any stage of the supply chain for the subject product, including but not limited to processing, distribution, or retail, please provide the relevant market, trade, and financial data relating to the products under investigation by completing the Annexure that most closely corresponds to your business activities. Please complete all annexures that are relevant to your

activities for example, a vertically integrated group that both manufactures and imports the subject product should complete both **Annexure A** and **Annexure C**.

Please take note that your comments and information submitted to the Commission in relation to the scope of the investigation need not be limited to the extent of the questionnaire. Should you wish to submit further information, you are at liberty to include it in your response.

NB: Please complete and submit sworn affidavit below.

Submit the following Affidavit by the Chief Executive Officer of the company concerned on the company's letterhead:

I,.....(Full name)
with identity number,.....in my capacity
as.....of.....
hereby declare that the information furnished in this questionnaire is to the best of my knowledge true and correct.

SIGNATURE:.....DATE:.....

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

SIGNED and SWORN to before me at on this Day
of Year.....

.....

COMMISSIONER OF OATHS