



NOTICE OF AFFIRMATIVE PRELIMINARY DETERMINATION

KINGSTON, JAMAICA
December 15, 2003

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 determination for a provisional safeguard measure, pursuant to Section 17 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 brought the importers’ costs in line with the applicant’s ex-factory price. The costs used in this computation were 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 constitute a threat to the viability of the domestic industry.

Pursuant to Sections 17 and 20 of the Act, the Commission recommends to the Minister of Commerce Science and Technology that a provisional safeguard measure be imposed in the amount of 25.83% on all goods that are of the same description as those to which this Affirmative Preliminary Determination applies. Safeguard measures are applied in addition to the existing duty regime, in the instant case, 15%. The measure will take effect from December 16, 2003, and will terminate in two hundred days or on the date that the Commission accepts an undertaking, suspends or terminates the investigation, or makes a Final Determination.

At the Commission’s request Jamaica Customs will collect a provisional safeguard duty of 25.83% in addition to the existing duty of 15% on all goods imported into Jamaica that are of the same description as those to which this Affirmative Preliminary Determination applies, and which are released after December 16, 2003, regardless of the origin or the importer of said goods.



ANTIDUMPING & SUBSIDIES COMMISSION

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A Statement of Reasons explaining this Recommendation has been provided to persons directly interested in these proceedings. A copy of the Statement of Reasons may be obtained by contacting the Commission, or from the Commission's website at www.mct.gov.jm/Antidumping.htm. The Commission is statutorily mandated to complete the next stage of this investigation by **April 13, 2004**.

ADDITIONAL INFORMATION

Interested parties are invited to file written submissions presenting facts, arguments, and evidence, which they feel are relevant in support of or in opposition to the Commission's findings in this preliminary determination or relevant to a final determination in this matter. To be given consideration in this final phase of the investigation, all submissions should be received by the Commission by January 30, 2004. Any parties seeking to make submissions for the first time must contact the Commission for information relating to the procedures for filing submissions.

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 the procedures with respect to filing submissions.

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Beverley Morgan (Mrs)
CHAIRMAN

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Lloyd Goodleigh (Mr.)
COMMISSIONER

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Sandra Shirley (Miss)
COMMISSIONER

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Cecil Goodridge (Dr.)
COMMISSIONER

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Milton Samuda (Mr.)
COMMISSIONER