



Republic of **Mauritius**

TRADE REMEDIES INVESTIGATING AUTHORITY

REPUBLIC OF MAURITIUS

A GUIDE TO THE COMPLETION OF AN

ANTI-DUMPING APPLICATION

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1. GENERAL INFORMATION:

This Guide has been designed to assist Mauritian producers in preparing a properly documented application that can be acted upon by the Investigating Authority (IA). It is designed to illustrate what information is needed by the IA for initiating a formal investigation against allegedly dumped imports that are causing injury to a Mauritian industry. It should be used in conjunction with the Application Questionnaire.

Aspiring applicants are advised to liaise with the IA **throughout the process of compiling the application**. This may assist in a proper understanding of the information required by the IA and assist the IA in understanding the industry and the product.

Parties should obtain an electronic version of the Application Questionnaire to ensure that information is presented in the format requested (Word). It will also assist the industry, as some of the tables in the questionnaire are in Excel and will self-calculate many of the required fields if only the indicated data are inserted. These formats can be found in the following link: <https://www.mauritiustrade.mu/en/trading-with-mauritius/trade-remedies>

2. THE LEGISLATION:

Anti-dumping proceedings are conducted in terms of the Trade (Anti-Dumping, Countervailing and Safeguard Measures) Act 2022 (the Act). This document can be found in the website of the Ministry of Foreign Affairs, Regional Integration and International Trade at <https://www.mauritiustrade.mu/en/trading-with-mauritius/trade-remedies>

Any action taken under the specific provision of the legislation can become an international trade issue as the action represents an accusation that a trading partner is trading unfairly. To the extent possible, effort must be undertaken to demonstrate that any action undertaken is being completed according to the WTO requirements.

In addition, as a Member of the WTO, Mauritius is bound by the provisions of the WTO Agreement, including the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the AD Agreement). Accordingly, investigations must be conducted in line with the requirements under the AD Agreement as interpreted by panels and the Appellate Body. This Agreement, as well as other WTO Agreements, can be found at http://www.wto.org/english/docs_e/legal_e/legal_e.htm

3. DEFINITIONS

Section 2 of the Act contains definitions of some of the most important concepts. You are kindly requested to read those definitions. Succinctly, the main terms are defined below:

Dumping: means the difference between the export price to Mauritius and the normal value;

Export price: means the price at which the subject product is sold for export to Mauritius;

Interested parties: means –

- (a) the exporter or foreign producer of the investigated product;
- (b) the importer of the investigated product;
- (c) a trade or business association, a majority of the members of which are

- producers, exporters or importers of the investigated product;
- (d) the government of the exporting country;
- (e) a producer of the domestic like product in Mauritius;
- (f) a trade and business association, a majority of the members of which produce the domestic like product in Mauritius;
- (g) a labour union or other organisation representing the interests of workers in the domestic industry;
- (h) a consumer association;
- (i) an industrial user of the investigated product;
- (j) any other natural or legal person who has indicated an interest in participating in the investigation and any other person whom the Investigating Authority determines to have sufficient interest in the outcome of the investigation;

Investigation period for dumping: means a period of one year preceding the date of submission of the application for which data are available;

Investigation period for injury: means a period of (normally) three years as recent as possible prior to the date of submission of the application;

Investigated Product: means the product subject to an anti-dumping investigation as described in the notice of initiation of the investigation;

Investigation Authority: means the government body that is entrusted with all the functions and powers listed in section 8 of the Act, including initiating trade remedy investigations and conducting them. This body is chaired by the Director of the International Trade Division of the Ministry of Foreign Affairs, Regional Integration and International Trade;

Like product: means a product which is identical or alike in all respects to the investigated product, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the investigated product;

Margin of dumping: means the difference between the adjusted normal value and the adjusted export price, divided by the CIF export price;

Material injury: means actual injury suffered by the Mauritian industry as demonstrated through the examination of various economic factors identified in the Application Questionnaire;

Mauritian industry: means all of the producers of the like product in Mauritius or those representing a major proportion thereof. "Major proportion" is determined on the basis of output or production data in units (not value) for the like product during a representative period of time (not less than one year) as recent as possible prior to the submission of the application;

Minister: means the Minister responsible for the subject of international trade, currently the Minister of Foreign Affairs, Regional Integration and International Trade;

Normal value: normally means the price at which the like product is sold when destined for consumption in the exporting country, but can also be the export price from that country to a third country or a constructed normal value if no information is available on selling prices in the exporting country;

Price depression: takes place where the Mauritian industry's ex-factory selling price decreases during the investigation period;

Price disadvantage: is the extent to which the price of the imported product is lower than the unsuppressed selling price (see below) of the like product produced by the Mauritian industry, as measured at the appropriate point of comparison;

Price suppression: takes place where the cost-to-price-ratio of the Mauritian industry increases, or where the Mauritian industry sells at a loss during the investigation period or part thereof;

Price undercutting: represents the extent to which the price of the imported product is lower than the price of the like product produced by the Mauritian industry, as

measured at the appropriate point of comparison;

Related parties: in an anti-dumping investigation, shall be deemed to be related to exporters or importers, where –

- (a) one of them directly or indirectly controls the other;
- (b) both of them are directly or indirectly controlled by a third person; or
- (c) together they directly or indirectly control a third person,

provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers, and one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

Unsuppressed selling price: the price at which the Mauritian industry would have been able to sell its product in the absence of dumping, normally by adding the pre-dumping profit margin to the industry's current costs.

4. DOCUMENTATION:

An application must be thoroughly documented and applicants must provide the best information available to them and, wherever possible, give supporting documentary evidence from commercial or publicly available sources.

All calculations should be explicitly shown as well as the sources of all the data used especially noting the period to which the data refer. In preparing an application the applicant should always ensure that it maintains the original calculation sheets for verification by the IA. The applicant should be in a position to indicate how any information was derived, including any costs allocations that may have been made.

Other than the section on dumping, **all** value figures must be stated in Mauritian Rupees (MUR).

5. CONFIDENTIALITY:

According to section 56(1) of the Act, the IA will treat in confidence all information for which such treatment is requested. Access to confidential information will be restricted to the officers in charge of the investigation.¹ The IA has set up means to ensure that only authorised personnel can have access to all documentation submitted as confidential.

However, the IA is required by law to ensure that all interested parties to an anti-dumping investigation are given reasonable opportunity to have access to all **non-confidential information** relevant to the presentation of their case and that is used by the IA. For instance, the IA has the obligation to provide a copy of the non-confidential application to the governments of the exporting countries investigated and to the exporter(s) identified in the application.

Any information which is **by nature confidential** (e.g. business or trade secrets concerning the nature of a product, production processes, operations, production equipment, or machinery; information concerning the financial condition of a company which is not publicly available; information concerning the costs, identification of customers, sales, inventories, shipments, or amount or source of any income, profit, loss or expenditure related to the manufacture and sale of a product), or which if

¹ If any party appeals a determination of the Investigating Authority, according to relevant Mauritian legislation, Courts may need to review portions of the confidential register. By submitting information to the IA, parties expressly accept that confidential information submitted by them may have to be disclosed to Courts under appropriate procedures.

disclosed would be of **significant competitive advantage** to a competitor, or which if disclosed could have a **significant adverse effect** upon a person supplying the information or upon a person from whom the supplier acquired the information, or which is **provided on a confidential basis** by parties to an investigation will, **upon good cause being shown**, be treated as confidential by the IA.

Parties requesting that information be treated as confidential shall:

- (a) **clearly** identify the information for which confidential treatment is requested;
- (b) provide **justification** for the request for confidential treatment; and
- (c) provide a **non-confidential version or non-confidential summary of the information for which confidential treatment is requested**, or if it is claimed that the information is not susceptible to such a summary, a statement of the reasons why such a summary is not possible. A non-confidential version should reproduce the original but have information considered to be confidential either omitted or summarised. Non-confidential versions should contain sufficient details to allow other interested parties a reasonable understanding of the information submitted on confidential basis. Annexure I to this questionnaire provides guidelines on how to prepare a non-confidential summary of the confidential information.

Please Note:** If the IA finds that the request for confidentiality is not warranted and the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it **may disregard** such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

****** Information for which confidential treatment is **not** requested at the time it is submitted will be treated as non-confidential and **will be included in the public file** of the investigation. The public file is available for perusal or copying by any interested party or member of the public.

You are required to indicate clearly in any submission, including this application, what information you consider to be confidential.

It should be noted that if any further submissions are made, non-confidential versions are also required.

6. ISSUES THAT A DUMPING COMPLAINT SHOULD COVER:

An anti-dumping application should provide the IA with information on the applicant, the product and all interested parties. In addition, the application must clearly set out data establishing a *prima facie* case of dumping, injury and a causal link between the dumping and the injury. The more detailed the application is, the easier it will be for the IA to determine whether the application is properly documented and whether it contains *prima facie* proof of injurious dumping. The following indicates information required by the IA under the specific headings in the Application Questionnaire.

6.1 General information

The following comments are relevant to the questions in **Section A** of the Application Questionnaire

In this section information is required on the applicant. Where the applicant is a chamber or an association applying on behalf of its members, some of the questions might not be relevant. In such instances, the applicant should only respond to those questions that are applicable.

The IA must know who the contact person at the applicant is. The contact person should be somebody that has been involved with the completion of the Application Questionnaire and that would be in a position to answer questions the IA might raise. It is therefore not normally appropriate for the Managing Director of the domestic producer or the Secretary General of the Mauritius Chamber of Commerce and Industry to be the contact person, even if the ultimate responsibility for the application rests with such person.

If the applicant decides to appoint a legal representative to represent it in the anti-dumping investigation, you **must attach a power of attorney**. Without this form the IA cannot engage in any contact with the representative. This is to protect both the applicant and IA and to prevent the unauthorised release of any information that might be regarded as confidential. Without a power of attorney the IA will only liaise with the contact person at the applicant.

As regards corporate information, where the applicant is a chamber or an association, the information under question A-4 should be completed, insofar as is possible, for each of its members individually. This can be done in the form of annexures attached to the application.

Copies of recent financial statements of the applicant (or of the companies on behalf of which the application is made where the applicant is a chamber or an association) must be submitted, as all injury information needs to be reconciled to such statements. The financial statements will enable the IA to conduct a desk top verification of the information submitted in section E of the questionnaire, as is required by section 71(2) of the Act.

6.2 Product

The following comments are relevant to the questions in **Section B** of the Application Questionnaire

The product under consideration must be defined in detail. Note that it is the imported product that has to be defined and **not** the product manufactured by the Mauritian industry. The scope of the investigation is determined by the imported product, which is referred to in the Application Questionnaire as the “allegedly dumped product” or “subject product”. Without a proper description of the allegedly dumped product the IA will not be in a position to initiate an investigation as the Mauritius Revenue Agency (MRA) would not be able to implement any final determination.

The subject product should be described in terms of all the criteria used by the IA to determine likeness of the Mauritian product. These factors are listed in question B-1.1. Please supply as much information on the subject product as possible, including

samples, photographs and/or brochures.

It is important that detailed information be provided regarding any differences between the subject product and the like product produced by the Mauritian industry (section B-2.4). These differences may affect a proper comparison and therefore affect the injury determination. Likewise, any differences between the subject product and the like product sold on the domestic market of the exporting country must also be reported because they may affect the margin of dumping (section B-3.1).

6.3 Interested parties

The following comments are relevant to the questions in **Section C** of the Application Questionnaire

The IA is obliged to inform all interested parties of the initiation of an investigation. If it is subsequently shown that there are interested parties, e.g. exporters that have not been properly informed of the investigation, this may lead to a significant retardation in the finalisation of any investigation. It is thus important not only to provide the names of exporters and importers, but also their contact details. It is advisable that you specifically conduct an internet search for producers/exporters of the allegedly dumped product in each exporting country and for importers in Mauritius. You should include in the application documentary proof indicating how their identities were established, e.g. printouts from internet web pages.

It is also very important to submit details on the identity and contact details of all Mauritian producers of the like product. There are very specific rules in section 5 of the Act that define industry standing in investigations which cannot be met without this information. In this regard, it must be shown that the applicant and other producers that support the application account for at least 25% of the total production volume of the like product. Accordingly, the IA will require not only contact details of the producers, but will also investigate the actual production volumes. In addition, the application must be supported by at least 50% of those producers, by volume of production, that express and opinion on the investigation.

6.4 Dumping

The following comments are relevant to the questions in **Section D** of the Application Questionnaire

The applicant is required to submit information on three matters, namely export price, normal value, and adjustments. Finally, the applicant will have to calculate the margin of dumping as per the rules set forth in Part III of the Act.

6.4.1 Export price (*Section D-1 of the Application questionnaire*)

The export price is the price paid or payable for the subject product when exported to Mauritius. If it is alleged that the product is dumped from more than one country, an export price will have to be determined in respect of each country. As indicated in the Application Questionnaire, there are different ways to determine the export price. Since the export price has to be determined at the ex-factory level, the ideal is to obtain a price as close to this level as possible, as this not only makes it easier to calculate the ex-factory export price, but is also more accurate. In cases where the subject product may be divided in different types or models with different costs and prices, you should strive to obtain export prices for at least those types or models that

represent a major proportion of the total volume of the subject product to Mauritius.

For products separately classifiable under the latest Mauritian Customs Tariff Schedule (Integrated Tariffs),² import statistics from the STATISTICS MAURITIUS (SM) can be used as a source of export price data. These statistics are at CIF level, which means that prices include ocean freight and insurance from the exporting country to Mauritius as well as harbour costs and inland freight in the exporting country. These costs need to be deducted from the CIF export price to obtain the ex-factory export price. The following example illustrates the calculation to be made:

Table 6.4.1.1

CIF price	125
Less: Ocean freight	10
Less: Insurance	1
FOB price	114
Less: Harbour costs	5
Less: Inland freight	4
Ex-factory export price	105

If the exporters have agents in Mauritius to which they pay commissions, these commissions should also be deducted from the CIF export price. Similarly, if payment terms for exports are not cash or at sight, a deduction for credit costs must also be made.

In some instances, STATISTICS MAURITIUS (SM) statistics may not be usable. This may be the case for instance where products other than the allegedly dumped product are classifiable under the same tariff subheading. In this case, imports of the allegedly dumped product should first be separated out from imports of other products. As a second step, the average import price of the allegedly dumped product would need to be computed. Another situation where export prices may not be directly usable is where different units of measurement are used. Thus, for instance if import data for the allegedly dumped product is reported in some cases in kilograms, in some other cases in litres and finally in other cases in units it will not be possible to determine the per unit export price unless for instance imports declared in litres and units are converted to imports in kilograms. Once a common measurement unit is determined and data adjusted accordingly, the per kg export price for the allegedly dumped product can be determined.

Another possibility for determining the export price is by approaching an exporter and requesting a quotation for export of the allegedly dumped product to Mauritius. Depending on the level of trade at which such a quotation is made, the same adjustments as indicated in the table above may need to be made.

As a last resort, the export price may be determined on the basis of the reselling price by a Mauritian importer (section D-1.2 of the Application Questionnaire).³ In this case, additional to the adjustments indicated above, deductions will have to be made for the profit realised by the importer as well as the importer's selling, general and administrative costs, including transport from the harbour, customs clearance costs (duties, landing costs, etc.) and for insurance. The following calculation shows how

² This document can be accessed at <http://www.gov.mu/portal/sites/mra/index.htm>, click "Customs" and then on "Tariff information".

³ This manner of computing export price may also be used where the exporter and the importer are related as the export price may not reflect trade in the ordinary course of trade (i.e. the price may be affected by the relationship).

the calculation can be made:

Table 6.4.1.2

Cost item	USD/kg.	Calculation
Retail price	999.00	
Less: VAT @ 15%	130.30	999/1.15
Net price	868.70	
Less: Profit @ 5% on selling price	41.37	868.7/1.05
Total cost	827.33	
Less: Selling, general and administrative (SGA) costs 8%	61.28	827.33/1.08
In-store cost	766.05	
Less: Domestic freight (30 MUR/unit)	30.00	
Landed cost	736.05	
Less: Landing and clearing costs (duty 25%, landing cost 1%)	151.88	736.05/1.26
CIF price	584.16	
Less: Insurance (1% on FOB)	5.51	584.16/1.06
Less: Ocean freight (5% on FOB)	27.55	
FOB cost	551.10	
Less: Harbour costs (5% on Ex-factory)	25.51	551.1/1.08
Less: Inland freight in exporting country (3% on Ex-factory)	15.31	
Ex-factory export price	510.28	

The applicant **shall substantiate each and every adjustment made**. Thus, freight forwarders could provide the total cost of moving the product from the exporter's factory to a port in Mauritius, thus covering all costs up to the importer's in-store cost. Some form of proof must be submitted in respect of the SGA costs and profit margin for the importer. This can be done *inter alia* through reference to the costs incurred and profit realised by other sellers, including domestic producers, in the market.

6.4.2 Normal value (section D-2 of the Application Questionnaire)

The normal value is the value to which the export price is compared to determine whether dumping is taking place. If the export price is less than the normal value, there is dumping (section 15 of the Act).

The normal value can be determined in one of three ways. The **first methodology** requires obtaining the price for the like product sold on the market in the exporting country. This methodology takes pre-eminence over the other two methodologies.⁴ As for the export price, this price should preferably be at the ex-factory level. However, if the price can only be obtained at the wholesale or retail level, the necessary adjustments should be made to arrive at the ex-factory price. Similar adjustments will be made to those made to the export price. If the price was obtained at retail level and the producer sells directly to retailers, the following adjustments could be made:

⁴ Where normal value cannot be determined on the basis of this methodology, the applicant should clearly indicate in the application what attempts were made to obtain such prices, including submitting proof of correspondence with agents requested to obtain prices.

Table 6.4.2.1

Cost item	[Currency of exporting country]	Calculation
Retail price	999.00	
Less: VAT @ 15%	130.30	999/1.15
Net price	868.70	
Less: Profit @ 5% on selling price	41.37	868.7/1.05
Total cost	827.33	
Less: Selling, general and administrative (SGA) costs 8% on selling price	61.28	827.33/1.08
Ex-factory domestic price (normal value)	766.05	

Information used as a basis for determining domestic prices must be representative in comparison to export price data, both in terms of the periods covered as well as the volumes involved.

With respect to time representativeness, if information on export price submitted by the applicant covers imports that occurred for instance from January to October 2019, domestic price data should cover a similar period. Thus, it would normally not suffice to submit normal value data for a single day within that period of time, unless prices remained constant throughout the period.

As far as volume representativeness is concerned, if imports in Mauritius are of several tonnes each shipment, domestic price data should also be for similar quantities. In this case, it would not be acceptable for instance to determine normal value based on the sales price of a single sack of 50 kilograms unless the applicant adjusts the domestic price downward for differences in quantities with the price of the exported product.⁵

Price lists may also be used, as can international publication or prices indicated in prestigious journals, magazines or newspapers. Prices can also be obtained from the Internet. It is important that the source of the price information be indicated and that a copy of the relevant document be included in the application submitted to the IA.

Where the currency of the exporting country is not the same as the export currency, the export price will need to be converted into the exporting country's domestic currency. To do that, official exchange rates applicable at the time when the export price data were obtained must be used. Normally, official rates found in the webpage of the Central Bank of the exporting country should be used. If they cannot be found, you may use the exchange rates reported in <http://www.oanda.com>

Where the applicant cannot find the requisite information to calculate normal value as per the first methodology, it can determine the normal value with reference to either the export price from the exporting country to an appropriate third country (second methodology) or the constructed normal value of the product (third methodology) (section D-2.2 of the Application Questionnaire).

As far as the **second methodology** is concerned, several countries publish their import statistics on the Internet and these data can be used to determine normal values in some instances. For instance, information on imports into the European Union⁶ and

⁵ The reason for this is that prices vary depending on volumes purchased. Hence, the price for a sack of 50 kilograms cannot be compared to the price of a shipment of several tonnes.

⁶ They can be accessed at http://epp.eurostat.ec.europa.eu/portal/page/portal/external_trade/introduction

the United States⁷ are available free of charge. The IA can be approached for more information in this regard. Care should be taken that information is provided on the same basis as for imports into Mauritius, i.e. that imports are not recorded by weight when the product is priced per unit. In addition, where several products are classified under the same tariff heading, this approach cannot be used (on the basis of import statistics). However, it may still be possible to obtain quotes for export of the product from the exporting country to a third country. In such instances, these quotes may be used. Care should be taken in each instance that the necessary adjustments are made to derive the ex-factory export price.

Finally, under the **third methodology** applicants may elect to construct a normal value. This involves determining the cost of manufacturing and selling the like product in the exporting country and adding a reasonable profit to the cost. The cost of manufacturing should include all direct and indirect production costs, including raw materials, labour costs, depreciation. While the use of factors of production may be determined based on information from the Mauritian industry, i.e. the units of labour, raw materials, energy, etc., these items have to be priced in the exporting country. This means that the applicant will have to find proof of the cost of each raw material in the exporting country, as well as the cost of gas/electricity, labour, etc. This may be more difficult than to obtain a domestic selling price under the first methodology. It must be remembered that the cost build-up is not for the allegedly dumped product, but for the like product sold on the domestic market of the exporter.

The following example shows how a constructed normal value can be determined:

Table 6.4.2.2

	Use of the factor to produce 1 tonne of the like product	Per unit cost	Cost for producing 1 tonne of the like product
	A	B	C = A * B
<u>Model 1</u>			
Manufacturing cost:			
<i>1. Raw materials</i>			
1.1 raw material 1:	800 kgs	300 USD/tonne	240
1.2 raw material 2:	197 kgs	450 USD/tonne	88.65
1.3 raw material 3:	3 kgs	1300 USD/tonne	3.9
<i>2. Labour</i>			
2.1 Skilled	3 hours	USD12/h	36
2.2 Non-skilled	9 hours	USD5/h	45
<i>3. Energy:</i>	200 kWh	0.05/kWh	10
<i>4. Other (specify):</i>			
Depreciation; repairs & rent of equipment			9
Total manufacturing cost:			432.55
Selling, General & Administrative :			
15% of manufacturing cost			64.88
Total cost (manufacturing cost + SGA):			497.43
Profit:			
5% of total cost			24.87
Constructed Normal Value for model 1 (USD/tonne):			522.30

⁷ They can be accessed at <http://dataweb.usitc.gov/>

6.4.3 Fair comparison

A fair comparison needs to be made between the normal value and the export price to ensure that like is compared to like. Thus, if there is a consumption tax (e.g. VAT) in the exporting country that is not levied on the product exported to Mauritius, this has to be deducted from the domestic selling price in that country. The same applies for all other differences that affect prices at the time such domestic or export prices were set.

Typical examples of adjustments that may need to be made include the following:

- Payment terms (payment terms are often different on domestic and export markets);
- Packaging, if packaging is different in the domestic and export markets);
- Differences in products, e.g. for size or strength (e.g. 5 kg versus 7 kg laundry drying machines);
- Rebates and discounts;
- Commissions; and
- Transport and insurance costs (already addressed above).

The applicant is required to submit such data as are reasonably available to it to indicate the adjustments that need to be made to normal value and export price.

In sections 6.4.1 and 6.4.2 above, examples of how these adjustments can be done to export price and normal value, respectively, are provided.

6.4.4 Margin of dumping (section D-3 of the Application questionnaire)

The margin of dumping is the difference between the normal value and the export price after all adjustments have been made. The total margin of dumping is then divided by the total CIF export price to determine the weighted average margin of dumping percentage. If the product is divided into several different models, then the calculation must be done separately for each model. Once this is done, a weighted average dumping of margin for the allegedly dumped product must be calculated. An example is provided of such a calculation, the overall margin for the investigated product being 4.80%:

Table 6.4.2.3

Model	Volume of exports	CIF export price (USD/unit)	Adjusted normal value (USD/unit)	Adjusted export price (USD/unit)	Margin of dumping/unit	Total margin of dumping	Total CIF value
	A	B	C	D	$E=(C-D)/B$	$F=E*A$	$G=B*A$
1	5,000	103.5	100	90	10.00	50,000.00	517,500.00
2	1,000	118.45	105	103	2.00	2,000.00	118,450.00
3	80	149.5	110	130	- 20.00	- 1,600.00	11,960.00
4	2,567	115	98	100	- 2.00	- 5,134.00	295,205.00
Total:	8,647					45,266.00	943,115.00
Margin of dumping							4.80%

This margin must be more than 2%, failing which the IA may not initiate an anti-dumping investigation.

6.5 Material injury

The following comments are relevant to the questions in **Section E** of the Application Questionnaire

The applicant must establish a *prima facie* case that the Mauritian industry is experiencing material injury. Mauritian industry is understood to mean all Mauritian producers of the like product or those which represent a major proportion of the total production of the like product in Mauritius. The applicant must note that if the investigation is initiated, all or a major proportion of the Mauritian producers of the like product must participate in the investigation by providing a reply to the injury questionnaire that the IA will send them. Failure to do so, will result in **the termination of the investigation**, in compliance with the Act and WTO Agreements to which Mauritius is signatory.

In terms of its national and international obligations, the IA must consider the evolution of the volume of dumped imports into Mauritius. For this reason the STATISTICS MAURITIUS (SM) statistics must be submitted. Please indicate if the tariff heading(s) under which the allegedly dumped product is classified covers other products. If so, please estimate the volume of imports of the allegedly dumped product. You will need to justify the estimation.

Secondly, you must provide information on the effect of the imports of the allegedly dumped product on the prices of the like product manufactured and sold by the domestic industry in Mauritius. This information should allow the IA to analyse if imports caused a decrease of the prices, or impeded the increase of the prices, of the domestic industry or if prices of imports are below the prices of the domestic industry (i.e. if prices of imports undercut prices of the Mauritian industry).

In addition, the IA must evaluate the impact of the imports on the performance of the domestic industry. To this end, the IA must examine the impact on fifteen variables. While it is not required that the applicant submit definitive information on all these factors prior to initiation, the more information provided in this regard, the greater the transparency of the proceeding and the more informed a decision the IA will be able to take in deciding whether a *prima facie* case of material injury has been established. Where the domestic industry only produces a single product, this information should be readily available from its financial statements and production books. If the domestic industry produces various products, the information for the like product will have to be separated from that of other products manufactured and sold by the domestic industry in Mauritius. If you have questions on how to do so, please contact the IA for assistance.

Please reply to all questions in the Application Questionnaire, submitting evidence that support your allegations. In addition, you will have to fill out the Excel tables. Note that the tables already contain pre-set formulas. **Do not modify or change them.** If you have questions concerning them, please contact the IA.

If the applicant considers that it is not yet suffering actual injury, but that a threat of material injury does exist, then the applicant is requested to contact the IA as soon as possible. Certain additional information may be requested to be submitted.

6.6 Causality

The following comments are relevant to the questions in **Section F** of the Application Questionnaire

The applicant must submit evidence to show *prima facie* that the injury experienced by the domestic industry is caused by the dumping and not by other factors. It is therefore important to draw links between the presence of the increased subject product into the Mauritian market and the injury claimed to be experienced by the applicant. Normally, a clear link is visible where imports of the subject product increase and there is an equal decrease in domestic industry sales, especially where the landed price of the allegedly dumped product, i.e. the price after importation and after customs duties have been paid, is lower than the price of the domestic industry, indicating that price undercutting is taking place. A decrease in the profits for the like product, or any losses incurred in the sales thereof, following the appearance of the subject imports, is also a strong causality indicator.

The applicant is, however, also required to indicate which other factors contributed to the industry's injury. This might include natural disasters, strikes, changes in consumer demand, technological advances, decreased export volumes, etc.

7. INVESTIGATION PROCESS

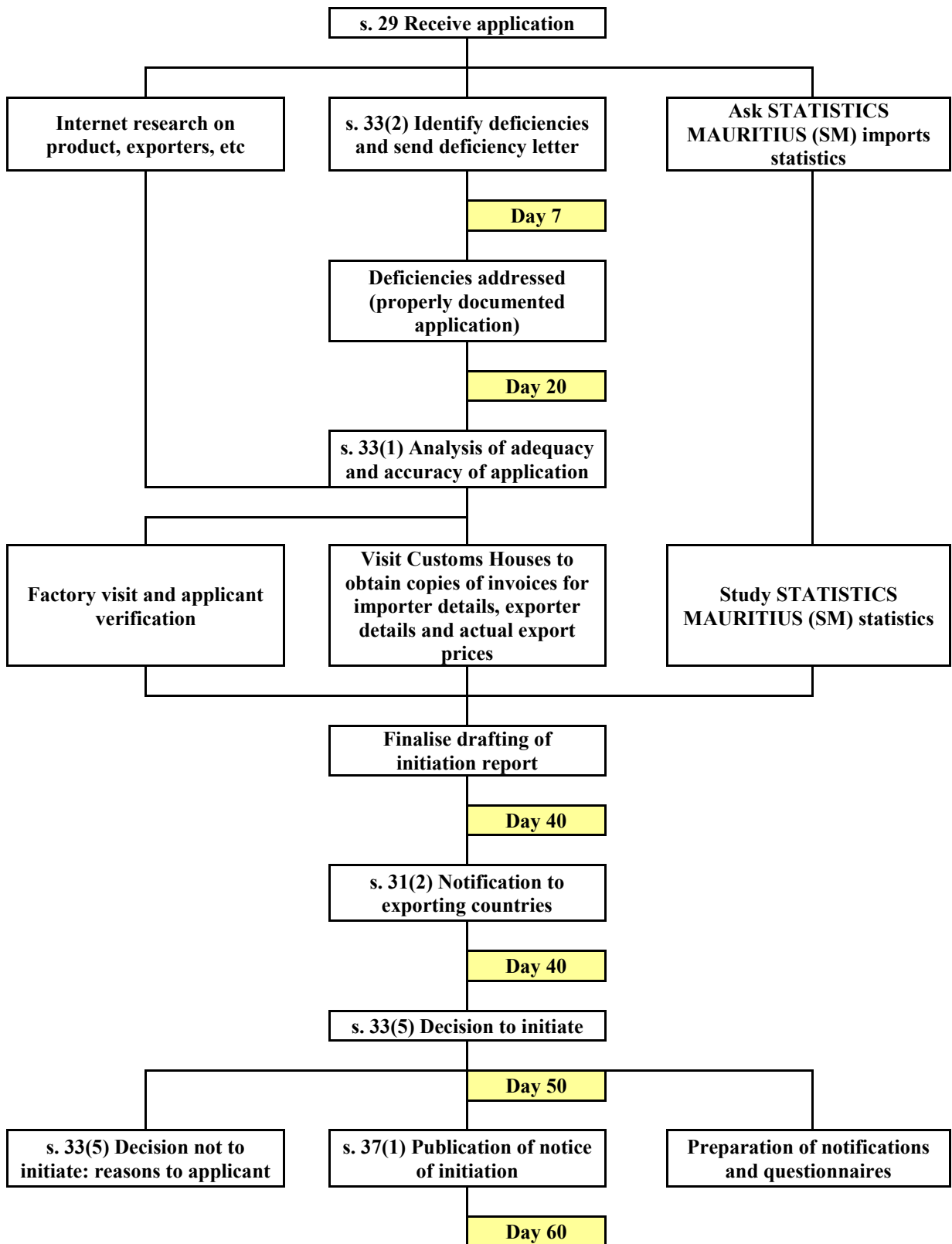
Once received, the application will go through a number of processes prior to initiation. First, the IA will have to determine whether the application is properly documented. During this process the IA will scrutinise all information supplied in the Application Questionnaire and specifically investigate whether the necessary substantiating documentation has been appended to the application. It will therefore save considerable time if you ensure that you have submitted copies of all supporting documentation on which you relied in completing the application.

Once the IA is satisfied that it has received a properly documented application, it may arrange for verification of the information contained in the application to confirm the veracity of the information. It is therefore important that you maintain copies of all working documents and files used in the preparation of the Application Questionnaire response. The IA will also of its own conduct further research, as it is required to do in terms of section 40 (1) of the Act, to confirm whether the normal value and export price information, the adjustments made and the margin of dumping determined appear accurate and whether all interested parties have been identified.

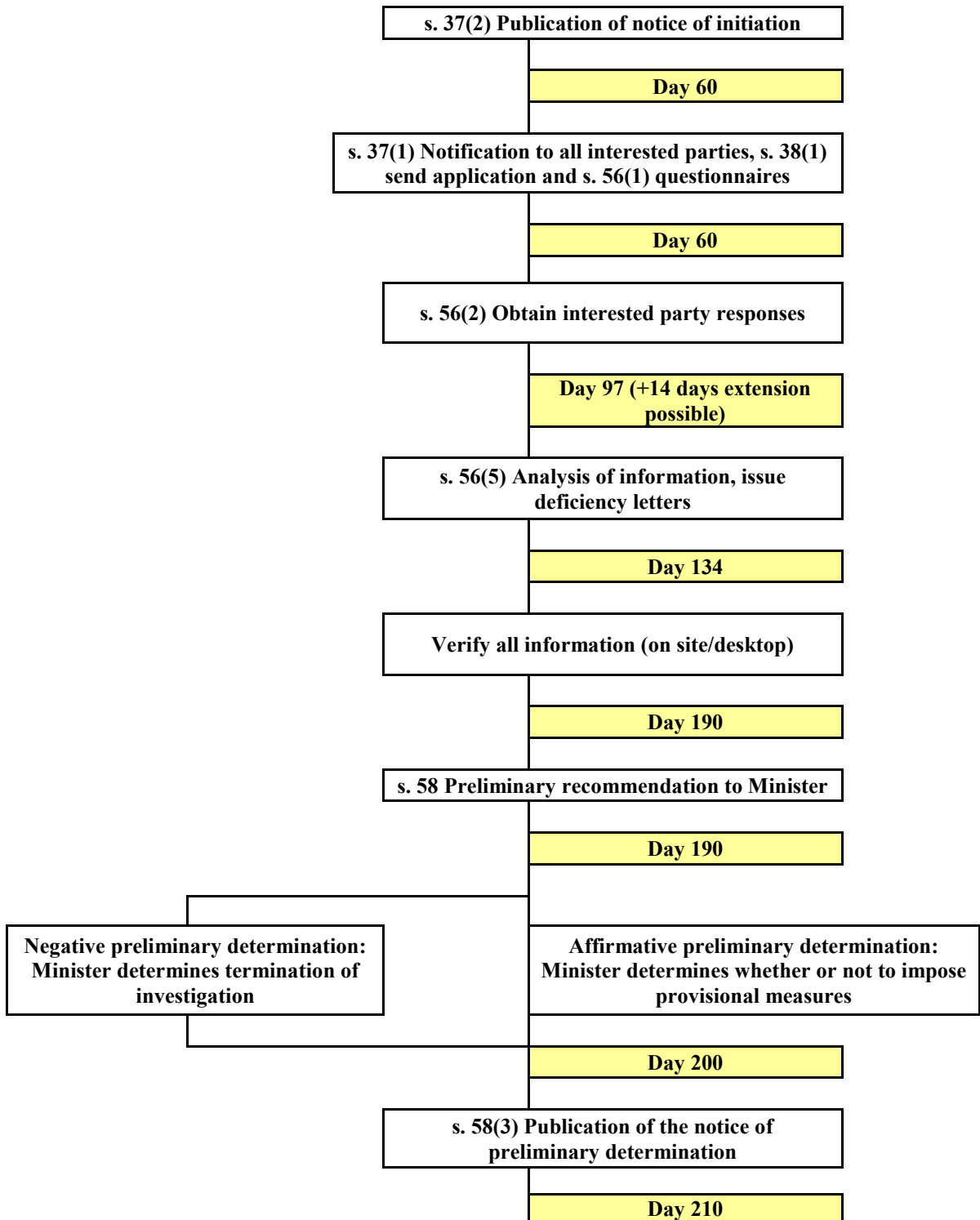
Once the IA is satisfied that all requirements have been met and that the application establishes a *prima facie* case of injurious dumping, it will initiate an anti-dumping investigation. All known interested parties will be informed of the investigation and asked to participate. Domestic producers of the like product will be sent an injury questionnaire to elicit information that had not been submitted prior to initiation and to update the information contained in the application. Again, the more complete your application, the less pressure will be placed on you to supply the information within a reasonably short period, normally 37 days, after initiation of an investigation. After receipt of all parties' comments, you will have the opportunity to access the public file kept by the IA to study the non-confidential responses of all interested parties. The IA may proceed to a preliminary finding, which could result in the imposition of preliminary duties before proceeding to a final determination.

The full investigation process is as outlined below (timelines are indicative only):

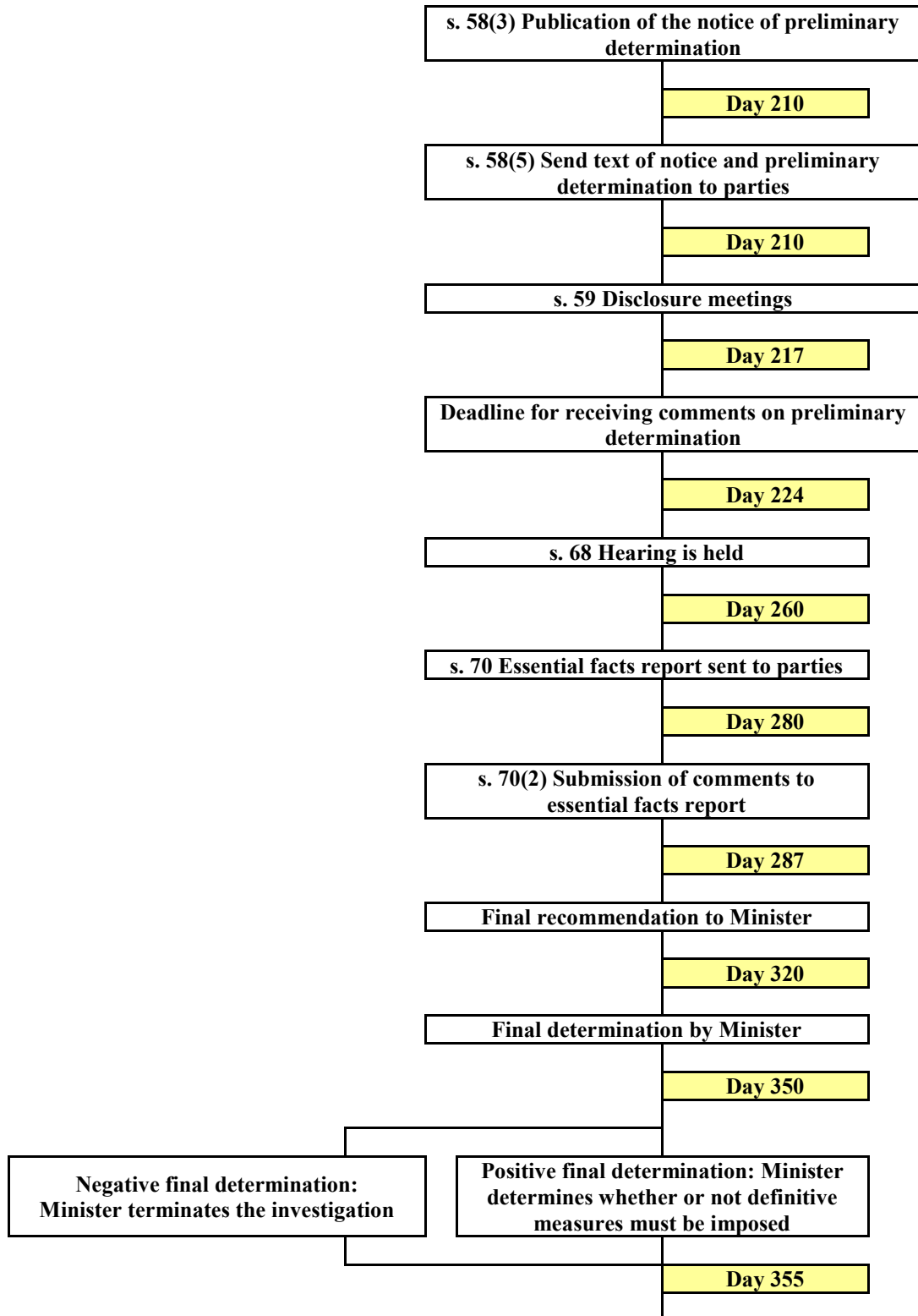
PRE-INITIATION PROCEDURE



PRELIMINARY INVESTIGATION PROCEDURE



FINAL INVESTIGATION PROCEDURE



s. 71(4)&(5) Publication of the notice of final determination & final report

Day 360

Send text of notice to parties

Day 361