

Ministry of Commerce of the People's Republic of China

Notice No.46 (2016)

On 27 July 2016, the Ministry of Commerce received an application for a safeguard measures investigation from the domestic sugar industry, represented by Guangxi Sugar Association. In accordance with the provisions of the Safeguards Regulation of the People's Republic of China, the Ministry of Commerce made an investigation to the applicant qualification, the investigated product, the domestic same kind of product and competition situation, the growth of the investigated product, the impact to the domestic industry of the investigated product.

According to the evidence provided by the petitioner and the Mofcom's preliminary investigation, the petitioner requested the application based on its members' decision and authorisation, and the collective output of the petitioner constituted a major proportion of total domestic production of the investigated product in 2011, 2012, 2013, 2014, 2015, and the first quarter of 2016, which meets the requirement of Article 3 and 10 of the Safeguards Regulation of the People's Republic of China.

The application indicates, the amount of import of the product entered China market grew dramatically from 2011 to 2016, in the first quarter of 2016 it increased by 663.15% compared to same period of 2011. The growth of import of the product was significantly higher than the growth of domestic demand; the share in Chinese market of the product in application was respectively 21.23% in 2011, 26.69% in 2012, 30.42% in 2013, 23.16% in 2014, 32.09% in 2015, 15.23% in first quarter of 2016. The petitioner made a analysis on the reasons of growth including the unforeseen development of the product. At the same time, the petitioner claimed, the dramatic increase of import attacked the domestic industry. The indexes of operating rate, sales volume, market share, sales income, pre-tax profit of domestic product deteriorated. The domestic industry was injured seriously, and there is a causal link between the injury and import of the product. The investigation authority holds that the petitioner's application and the evidence provided meet the requirement of an initiation of a safeguards investigation.

In compliance with provisions of Article 3 of Safeguards Regulation of the People's Republic of China, The Ministry of Commerce decided to carry out an investigation on safeguards measures of imports of sugar since 22 September 2016.

The relevant details are hereby made public as follows:

1 Initiation and investigation period

From the date of this notice is published, the Ministry of Commerce will take an investigation on safeguards measures of imports of sugar. The investigation period is from 1 January 2011 to 31 March 2016.

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2. Product under investigation

The product: Sugar

The tariff codes for the product in the Import-Export Customs Tariffs of the People's Republic of China are: 17011200、17011300、17011400、17019100、17019910、17019920、17019990 (among them, 17011300 and 17011400 were listed under 17011100 in the 2011 version of the Import-Export Customs Tariffs of the People's Republic of China)

3 Registration to intervene in the case

Any interested parties or interested country (region) may, within 20 days of the publication of this Notice, apply to the Bureau of Trade Remedy and Investigation of MOFCOM to intervene in the case; Interested parties should provide information according to the reference of registration form. The reference registration form can be downloaded at relevant webpage.

4 Access to Public Information

The interested parties can download from relevant website or go to the Trade Remedy Public Information Office (phone number: 0086-10-65197878) to search, read and copy non-confidential documents of the case.

5 Comments to the case initiation

The interested parties can submit their comments to MOFCOM in written form within 20 days since the notice is published if they have different opinions on the product scope of the investigation, the standing of the petitioners, the alleged countries and regions and other relevant issues.

6 Investigation Approaches

According to Article 12 of the Safeguards Regulation of the People's Republic of China, the investigation authority can investigate by means of questionnaires, sampling, public hearing, on-the-spot verification etc.

In order to obtain the required information, MOFCOM will normally issue investigation questionnaire within 10 business days since the expiration of the above-mentioned responding time period. The responding interested parties can download the questionnaire from the relevant website.

Interested parties can request to Mofcom for hearings, and related information of hearings can be found from the relevant website.

7 Submission and processing of Confidential Information

For confidential information, interested parties can submit request and reason to MOFCOM for confidential processing of the information. If MOFCOM agrees the request, the interested

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party should submit the non-confidential outline summary of the confidential information. The outline should include sufficient meaningful information of its rationality. If the interested party cannot provide the outline, it should clarify the reasons. If the interested party does not indicate confidential requests when submit information, MOFCOM will conduct the information as non-confidential.

8 Result of Non-cooperation

The interested parties shall provide authentic information and relevant documentation to the Ministry of Commerce in the process of the investigation. In the event that any interested party does not provide authentic information and relevant documentation, or does not provide necessary information within a reasonable time limit, or significantly impedes the investigation in other ways, the Ministry of Commerce may make determinations on the basis of the facts already known and the best information available.

9 Investigation period

The investigation starts from 22 September 2016 and shall normally end within 6 months (before 22 March 2017), in exceptional cases it could be extend another 2 months.

12 Contact of MOFCOM

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Ministry of Commerce
22 September 2016

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