

The Arab Republic of Egypt
Ministry of Trade and Industry
Trade Remedies Sector
Notice No. (9) of the year 2020
Concerning the Initiation of an Anti-Dumping Investigation
Against the Dumped Imports of Edam and Gouda Cheese
Originating in or Exported from the Netherlands

Pursuant to the provisions of Law No. 161 of the year 1998 concerning the Protection of the National Economy from the Injurious Effects of Unfair Practices in International Trade and its Executive Regulation, issued by virtue of Ministerial Decree No. 549 of the year 1998 and the amendments thereof (hereinafter referred to as the “Regulation”),

On 23/12/2020, the Minister of Trade and Industry agreed on the recommendations of the Advisory Committee to initiate an investigation and publish a notice of initiation in the Egyptian *Official Gazette* in accordance with the provisions of Article (10) of the Regulation, and in light of the conclusions reached by the Trade Remedies Sector, hereinafter referred to as the “Investigating Authority” (IA).

1. Procedures

On 6/12/2020, the IA received a properly documented application submitted by Port Said Company for Food Industries (Riyada) (hereinafter referred to as the "Domestic Industry") alleging that the imports of Edam and Gouda Cheese originating in or exported from the Netherlands were imported into Egypt at dumped prices and thereby causing material injury to the domestic industry.

The IA examined the accuracy and adequacy of the data contained in the application. On 22/12/2020, the IA notified the embassy of Netherlands that the application was accepted.

On 22/12/2020, the IA submitted a report to the Advisory Committee, which in turn, submitted its recommendations to the Minister of Trade and Industry concerning the initiation of the investigation and the publication of the notice of initiation in the Egyptian *Official Gazette*.

2. Domestic Industry

The domestic industry producing the like product is Port Said Company for Food Industries (Riyada) whose production constitutes 59% of the total domestic industry, in accordance with the provisions of Article (19) of the Regulation.

3. Product under Investigation

The product under investigation is Edam and Gouda Cheese

The product under investigation is classified under the following HS tariff code:

04 06 90 90

4. Investigation Period

The dumping investigation period is from 1/7/2019 to 30/6/2020

The injury analysis period is from 1/1/2017 to 30/6/2020

5. Allegation of Dumping

The domestic industry has based its allegation of the existence of dumping on a comparison between the export prices of the product under investigation imported from the Netherlands to Egypt with the selling prices of the product under investigation in the domestic market of this country at the same level of trade. This comparison resulted in the existence of a non-*de minimis* dumping margin exceeding 2% of the export price.

6. Allegation of Injury

The domestic industry has alleged that the imports from the country under investigation, which increased in absolute and relative terms, were imported at dumped prices causing material injury to the domestic industry. This material injury was represented in the following:

- A Price undercutting by the domestic product as compared with the imported product;
- An increase in cost as a percentage of the selling price i.e. price suppression;
- A decline in production and rate of capacity utilization
- A decline in the market share of the domestic industry;
- An increase in inventory;
- A decline in the rate of growth and inability to raise capital;
- Losses incurrence.

7. Questionnaires and Collecting Information

In order to obtain information necessary for the investigation, the IA will send questionnaires to known foreign producers and exporters (and to unknown foreign producers and exporters through their Embassies in Cairo).

Questionnaires will also be sent to the domestic industry and to the known importers of the product under investigation.

Unknown foreign producers, exporters and importers of the product under investigation shall make themselves known to the IA in order to receive a copy of the questionnaire within 30 days from the date of publication of this notice in the Egyptian *Official Gazette* in order to submit their respective responses within the time limits.

All parties shall submit their responses to questionnaires to the IA within 37 days from the date of their receipt.

8. Sampling Techniques

Pursuant to Article (24) of the Regulation, the IA may resort to apply sampling technique in case of the existence of significant number of interested parties or the products under investigation.

a) Sampling for Foreign Producers/Exporters

To enable the IA to determine whether it is necessary to resort to the sampling technique, all foreign producers/exporters, or legal representatives acting on their behalf, are requested to contact the IA, and to provide the following information of their company or companies within 30 days from the date of publication of such notice in the Egyptian *Official Gazette*:

- Names, addresses, e-mail addresses, telephones, fax and contact person;
- Volume and value of sales of the product under investigation sold for export into Egypt during the period from 1/7/2019 to 30/6/2020.
- Volume and value of sales of the product under investigation sold in the domestic market of the above-mentioned country by the concerned company during the period from 1/7/2019 to 30/6/2020.
- The precise activities of the company with regard to the production and sale of the product concerned;
- Names and precise activities of all related companies involved in the production and/or selling (export and/or domestic market) of the product concerned;
- Any other relevant information that would assist the IA in the selection of the sample.

By submitting all the above-mentioned information, the company concerned agrees to its inclusion in the sample, and if the company is selected as part of the sample, this implies replying to questionnaires and accepting a possible on-the-spot verification visit. If the

company concerned is unwilling to be included in the sample, it will be deemed non-cooperating with the IA.

For the purpose of collecting the information deemed to be necessary for the selection of the sample for foreign producers/exporters, the IA may contact any known associations of foreign producers/exporters in countries under investigation.

(b) Sampling for Importers

To enable the IA to determine whether it is necessary to resort to sampling, all importers, or legal representatives acting on their behalf, are requested to contact the IA and to provide the following information concerning their company or companies within 30 days from the date of publication of this notice in the Egyptian *Official Gazette*:

- Names, addresses, e-mail addresses, telephones, fax numbers and contact person;
- The total volume and value of company's sales of the product concerned in the Egyptian market during the period from 1/7/2019 to 30/6/2020.
- Total number of employees during the period from 1/7/2019 to 30/6/2020.
- Activities of the company with regard to the product concerned;
- Volume and value of imports in L.E, that the company imported for the purpose of resale inside the Egyptian market during the period from 1/7/2019 to 30/6/2020.
- Names and precise activities of all related companies involved in the production and/or selling of the product concerned;
- Any other relevant information that would assist the IA in the selection of the sample.

By submitting all the above-mentioned information, the company concerned agrees to its inclusion in the sample. If the company is selected as a part of the sample, this implies replying to questionnaires and accepting a possible on-the-spot verification visit. If the company concerned is unwilling to be included in the sample, it will be deemed non-cooperating with the IA.

For the purpose of collecting the information deemed to be necessary for the selection of the sample of importers, the IA may also contact any known associations of importers.

c) Final Selection of Samples

All interested parties willing to submit any relevant information regarding the selection of the samples shall do so within the specified time limits.

The IA shall make the final selection of the samples after conducting consultations with the interested parties who have expressed willingness thereof to be included in the sample.

Companies included in the samples shall respond to the questionnaire within the time limits specified in this notice and shall cooperate with the IA.

In case of insufficient cooperation, the Investigating Authority may resort to the best information available to conclude results.

9. Public Hearings

Pursuant to Article (25) of the Regulation, hearings may be held at the premises of the IA for all interested parties and other parties concerned to present their views and arguments, provided that they submit a written request to the IA that includes specific reasons as to why they should be heard. Interested parties and other parties concerned must express their wish to hold a hearing within a 21-day period from the date of publication of this notice in the Egyptian *Official Gazette*.

10. On-the-Spot Verification Visits

In accordance with the provisions of Article (26) of the Regulation, the IA may conduct on-the-spot verification visits at the premises of the interested parties in order to verify the accuracy of the provided information and to obtain any other additional information that may be required for the investigation.

11. Time Limits

For the purpose of obtaining information on the time limit specified to submit the information to the IA, sampling technique and hearings, please refer to items (7, 8 and 9) of this notice.

12. Non-Cooperation

In cases in which any interested party declines to provide the necessary information or does not provide necessary information within the specified time limits, impedes the course of the investigation or provides inaccurate or misleading information, the IA will establish its preliminary or final determinations based on the best information available in accordance with the provisions of Articles (27) and (35) of the Regulation of the Regulation.

13. Public File

The IA shall, in the course of the investigation, make available all the relevant non-confidential information submitted by the interested parties through the public file. This

information shall be available for all interested parties and parties concerned at the premises of the IA in Cairo pending the final determination.

14. Provisional Measures

The IA may resort to the imposition of provisional measures in accordance with the provisions of Article (44) of the Regulation.

Address of Correspondence:

Ministry of Trade and Industry
Trade Remedies Sector
Ministry of Finance Towers, Tower 6, Floor 9
Ramsis Extension St., Nasr City, Cairo, Egypt.
Att.: “Mr. Ibrahim Elseginy”
Head of Trade Remedies Sector
Tel: 00202 - 23422479
Fax: 00202 - 23420784
E-mail: ITPD@tas.gov.eg