

Jamaica's Anti-Dumping and Subsidies Commission (ADSC) has ruled [by a majority] that cement imported from the Dominican Republic is being dumped in Jamaica, and that there was evidence of some injury to the domestic industry as a result, scoring a Round One victory to Caribbean Cement Company Limited.

But in its preliminary findings released Thursday, the commission also said that the majority determination was inconclusive as whether the injury was 'material'.

That is to be determined in the next phase of the investigation.

The ADSC also said the commissioners decided that the continued and increased importation of the dumped cement was "likely to cause material injury".

Chairman of the commission, Derrick McKoy, dissented on the finding of material injury and threat of injury, while the other three commissioners, Sandra Shirley, Leslie Campbell and Velma Brown-Hamilton, voted the other way.

The ADSC ruled that the Ordinary Portland cement originating from the Dominican Republic and distributed in Jamaica by importer Buying House Cement Limited (BHC) is being dumped at a margin of 84.69 per cent.

The exporter of the cement is Domicem of Santo Domingo.

The commission did not, as it has done in the past, impose provisional duties on the Domicem cement.

Caribbean Cement, which has had to shutter its manufacturing operation temporarily as sales wane, said it was concerned by what seems to be developing into a "worrying trend".

CCCL manager of legal and corporate services and company secretary, Shaun Lawson, said no provisional duties were imposed in the Tank Weld-Vulcan case either.

Lawson said it should be clear to the ADSC that the company, which has been having problems meeting its costs, was facing financial pressures.

She said Caribbean Cement would continue to push its case in new submissions during the second phase of the investigation, and that the company was hopeful the case would be resolved in the cement-maker's favour.

Attorney Fernanne Kirkham-Yee, representing Buying House and Domicem, said the commission's ruling that there was a threat of material injury was a disappointment, but was "heartened by the chairman's dissent", and "happy" that no provisional duties were imposed.

"Both BHC and Domicem submitted data for the past three years which evidenced a consistent volume of imports for the years 2007-09 and a 12 per cent decline in 2009-10 due to the recession," said Kirkham-Yee.

"It is, therefore, a paradox how the commission arrived at a threat finding in the face of this uncontroverted data of declining subject imports. We will, however, continue to cooperate fully with the commission and trust that by the final determination the evidence will sway the majority to the chairman's position."

The parties have 30 days in which to submit comments to the ADSC.

In previous cases where the dumping margins have been high, the final determination has tended to favour Caribbean Cement. However, the last case that involved Tank-Weld and Vulcan Cement was decided in the importer's favour despite a finding of a near 59.8 per cent margin of dumping.

*Source: Gleaner, Friday, 10 September 2010.*