



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/14

Certain aluminium road wheels (ARWs)

Exported from the People's Republic of China

Initiation of a Reinvestigation of Certain Findings

Customs Act 1901 – Part XV B

The Minister for Home Affairs (the Minister) has accepted recommendations made by the Trade Measures Review Officer (TMRO) and has requested the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) to reinvestigate certain findings relating to Customs and Border Protection's investigation into the alleged dumping and subsidisation of certain aluminium road wheels (the goods) exported to Australia from the People's Republic of China (China) as detailed in International Trade Remedies Report No. 181.

TMRO Recommendations and Ministerial Decision

The TMRO's recommendations arose from a review conducted by the TMRO of the Minister's decision to publish a notice under subsections 269TG(1), 269TG(2), 269TJ(1) and 269TJ(2) of the *Customs Act 1901* (the Act) in respect of the goods exported from China. The applicants for review were Speedy Corporation Pty Limited, Taleb Tyres & Wheels, GM Holden Limited, Samad Tyres Pty Ltd t/as Motorsport Wheels and Tyres, Ford Motor Company of Australia Limited, YHI Manufacturing (Shanghai) Co Ltd (YHI) and YHI (Australia), StarCorp Holdings Pty Ltd, CITIC Dicastal Wheel manufacturing Co Limited and Jiangsu Shenzhou. Notice of the TMRO review was published on 23 January 2013.

As a result of the TMRO's recommendations, the Minister has directed the CEO to reinvestigate findings in the following areas:

1. The calculation of the dumping margin for 'selected non-cooperating exporters';
2. That YHI received a benefit under all countervailable subsidies identified by Customs and Border Protection; and
3. That there is a countervailable subsidy of the type described as 'Program 1'.

The CEO must conduct an investigation in accordance with the Minister's requirements and give the Minister a report by 16 April 2013.

In the report the CEO must, in accordance with subsection 269ZZL(4) of the Act:

- (a) if the CEO is of the view that the finding or any of the findings the subject of reinvestigation should be affirmed—affirm the finding or findings; and
- (b) set out any new finding or findings that the CEO made as a result of the reinvestigation;
- (c) set out the evidence or other material on which the new finding or findings are based; and
- (d) set out the reasons for the CEO's decision.

Reinvestigation Procedures

The officers conducting the reinvestigation will not be those who undertook the original investigation.

As noted above, the CEO is required to conduct the reinvestigation in accordance with the Minister's requirements and, as such, must only have regard to the information and conclusions to which the TMRO was permitted to have regard.

No new information or conclusions may be considered in a reinvestigation. All relevant information is available to interested parties through the public record of the original investigation maintained by Customs and Border Protection and the public record of the review maintained by the TMRO. Therefore, interested parties wishing to lodge submissions in response to the findings the subject of this reinvestigation, should, in making their comments on the information contained on the public record, not reproduce that information, but rather refer to it by its public record folio reference.

There is no legislative requirement to publish a Statement of Essential Facts (SEF), in a reinvestigation. As such, Customs and Border Protection will not be publishing a SEF prior to reporting the results of the reinvestigation to the Minister.

Customs and Border Protection Contact

Administrative enquiries about this notice may be directed to the reinvestigation team by telephone on +61 2 6245 5434. Interested parties wishing to provide submissions in relation to the reinvestigation must do so by 18 February 2013. Where a submission contains confidential information, interested parties must also provide a non-confidential version. Further information regarding the preparation of non-confidential submissions is in Australian Customs Dumping Notice 2012/42 - Provision of Information for the Public Record available on the Customs and Border Protection website at www.customs.gov.au.

Submissions may be lodged by facsimile on +61 2 6275 6990, or by e-mail to itrops1@customs.gov.au.

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5 February 2013