



Australian Government

Trade Measures Review Officer

Customs Act 1901 - Part XVB

Aluminium Road Wheels exported to Australia from the Peoples Republic of China

Review by the Trade Measures Review Officer: Direction to re-investigate findings

Under section 269ZZL(2)

The Trade Measures Review Officer (TMRO) has completed his review of certain findings in Trade Measures Report No. 181 in respect of the dumping duty notice and countervailing duty notice published on 5 July 2012 in respect of certain hollow structural sections exported to Australia from the Peoples Republic of China.

The review applicants, Speedy Corporation Pty Ltd, Taleb Tyres & Wheels, GM Holden Limited, Samad Tyres Pty Ltd, Ford Motor Company of Australia Limited, YHI Manufacturing (Shanghai) Co Ltd and YHI (Australia) Pty Ltd, StarCorp Holdings Pty Ltd, CITIC Dicastal Wheel Manufacturing Co Ltd and Jiangsu Shenzhou Wheel Manufacturing Co Ltd raised a number of grounds in support of their applications for reinvestigation of those findings. Those grounds included challenges to the finding that there was a particular situation in the Chinese aluminium market such that sales in that market were not suitable for use in determining a normal value under s 269TAC(1) of the *Customs Act 1901*, the calculation of the benchmark used to construct a normal value for Chinese ARW producers under s 269TAC(2)(c) of the *Customs Act 1901*, the manner in which the export price was determined, the calculation of the dumping margin for residual exporters, the finding that dumping and subsidisation led to material injury to the Australian industry and the finding that there was a countervailable subsidy of the type described as Program 1.

The TMRO considered each of these grounds and was satisfied, on the particulars contained in the applications, that there were reasonable grounds to warrant a reinvestigation of certain of the findings. The TMRO has recommended that I direct the CEO of Customs to reinvestigate certain of the findings described below.

I, JASON CLARE, Minister for Home Affairs, have considered, and accepted, the recommendations provided by the TMRO and the reasons for these recommendations. In accordance with section 269ZZL(2) of the *Customs Act 1901*, I direct the CEO of the Australian Customs and Border Protection Service to reinvestigate the following findings:

in relation to the decision to publish a dumping duty notice:

- 1) the calculation of the dumping margin for 'selected non-cooperating exporters';

in relation to the decision to publish a countervailing duty notice:

- 2) the finding that YHI received a benefit under all countervailable subsidies identified by Customs; and
- 3) the finding that there is a countervailable subsidy of the type described as 'Program 1'.

In accordance with section 269ZZL(2)(a)(ii), I require the CEO of the Australian Customs and Border Protection Service to report the results of the further investigation to the Minister within 90 days from the date of this instrument.

Interested parties may seek a review of this decision by lodging an application with the Federal Court of Australia, in accordance with the requirements in the *Administrative Decisions (Judicial Review) Act 1977*, within 28 days of the publication of this notice.

A copy of the TMRO's report is available on the internet at www.tmro.gov.au.

Alternatively, the report is available on request from the Trade Measures Review Officer, by telephone +61 2 9581 7640 or facsimile +61 2 9581 7732.

Dated this 16th day of January 2013.



JASON CLARE
Minister for Home Affairs