



Australian Government
Anti-Dumping Commission

Application for a
review of
anti-dumping measures

APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901*, I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- normal value
 export price
 non injurious price
 subsidy

The variable factors review is in relation to:

- a particular exporter (*if so provide name and country details*)
 exporters generally

or

2. **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- the dumping duty notice
 the countervailing duty notice
 the undertaking

The revocation review is in relation to:

- a particular exporter (*if so provide name and country details*)
 exporters generally

NOTE

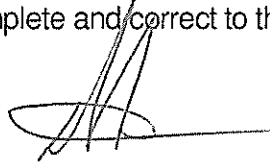
Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:



Name:

DAVID L MCILRAITH

Position:

MANAGING DIRECTOR

Company:

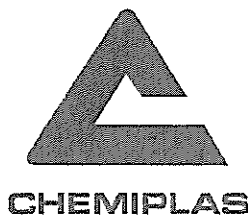
CHEMPLAS AUSTRALIA PTY LTD

ABN:

29 003 056 808

Date:

14 OCTOBER 2015.



Creating Solutions

The National Manager Operations ,

Anti Dumping Commission

Customs House ,

1010 La Trobe Street

Docklands , 3008

16 October 2015

Dear Sir / Madam,

ANTI-DUMPING MEASURES –

POLYVINYL CHLORIDE HOMOPOLYMER RESIN (PVC) EXPORTED FROM JAPAN , SOUTH KOREA AND UNITED STATES of AMERICA and IMPORTED INTO AUSTRALIA UNDER TARIFF CODE 3904.10.00

Chemiplas Australia , Pty Ltd is a privately owned , importer & distributor of raw materials to the Australian marketplace , having it's registered office at Level 1 , 128 Jolimont Road , East Melbourne.

Chemiplas Australia is seeking a revocation review of the above on the grounds that the measures currently applying to Polyvinyl chloride (PVC) exported from Japan , Korea and the USA will no longer be warranted .

Chemiplas Australia requests that the Minister revoke the Dumping Duty notices on the basis that the sole Australian producer being Australian Vinyls Corporation Pty Ltd , announced in September that it will cease production in early 2016 of Polyvinyl chloride (PVC) at it's plant in Laverton , Victoria.

With the closure of the Laverton plant this will mean that there will no longer be an Australian manufacturer of Polyvinyl chloride (PVC) and as such the current anti dumping measures will no longer be required.

Chemiplas Australia Pty Ltd

ABN 29 003 056 808
Incorporated in NSW



ISO 9001

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SA 5092 Australia

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Chemiplas Australia Pty Ltd wishes to provide as non- confidential evidence the following ;

- A statement from Australian Vinyls website announcing the closure of the Laverton plant , dated September 2015. (Attachment 1)
- A copy of an email from Australian Vinyls to customers dated 30 September 2015. (Attachment 2)

Chemiplas requests an expedited revocation so as to enable exporters , importers and end users sufficient time to establish new supply lines , storage and logistic arrangements to cope with the impending closure of the Australian Vinyl facility.

It is imperative that end users and importers have sufficient time to ensure that forecast requirements are assessed and orders placed with overseas suppliers well in advance of the closure date so as to ensure that the local industry suffers no costly disruption or delays.

It should be noted that lead times for product shipped from Japan and USA are regularly in the realm of eight (8) weeks hence the necessity for an early revocation.

We wish to thank for your consideration of the above submission and we remain at your disposal for any further questions .

Yours sincerely

David Mollraith

A handwritten signature in black ink, appearing to read 'David Mollraith', written over a horizontal line.

Managing Director

Chemiplas Australia Pty Ltd.

ATTACHMENT : 2

From: AV.Communications@av.com.au

Date: 30 September 2015 13:04:35 AEST

Subject: Closure of Australian Vinyls PVC resin manufacturing plant

Hello,

Earlier today, Australian Vinyls (AV) announced a decision to cease manufacturing polyvinyl chloride (PVC) resin at its plant in Laverton, Victoria.

The decision comes following a strategic review of the financial performance of, and outlook for, AV's PVC business in increasingly difficult conditions.

A global oversupply of PVC resin leading to depressed local pricing, increasing imported raw material and local costs, and a shrinking Australian market have all contributed to recent operating losses.

Despite a lower Australian dollar, forecast increases in pricing for vinyl chloride monomer (VCM – the key raw material required to make PVC resin) and depressed PVC pricing mean that AV would continue to operate at a loss for the foreseeable future, a situation which is clearly not sustainable.

As a result, AV will cease manufacturing PVC resin following the conversion of its final VCM shipment which is expected to arrive later this year.

With this in mind, we would expect continuous production to cease in early 2016, and then be followed by a few months of plant decommissioning and associated works.

While it's clear that local PVC resin manufacturing is no longer economically viable, we are continuing our assessment as to whether we can sustainably continue as an importer of PVC resin. A decision regarding this is expected in the next month.

Whatever the outcome might be, we will be working with you on a transition away from locally-manufactured PVC as we move towards the end of local PVC resin manufacturing.

In the meantime, our commitment to safety, reliability and customer service remains as important as ever as we continue to manufacture through to closure of the plant next year, and we will continue to supply you in the usual way.

Your account manager will be in touch shortly, and we will keep you up-to-date as the process progresses.

As always, our thanks for your ongoing support.

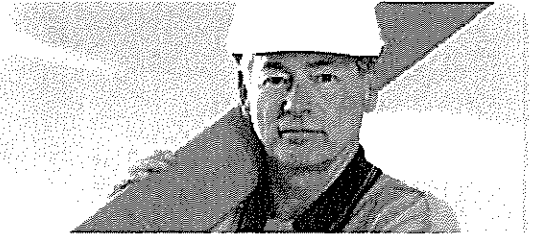
Yours sincerely,

David Cooper

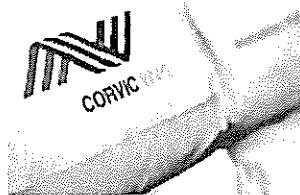
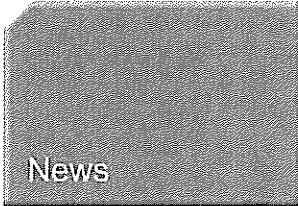
General Manager, Australian Vinyls



Australian Vinyls



home > news > september 2015



September 2015

Australian Vinyls to close PVC resin manufacturing plant

Australian Vinyls (AV) will cease manufacturing polyvinyl chloride (PVC) resin at its plant in Laverton, Victoria.

The decision comes following a strategic review of the financial performance of, and outlook for, AV's PVC business in increasingly difficult conditions.

A global oversupply of PVC resin leading to depressed local pricing, increasing imported raw material and local costs, and a shrinking Australian market have all contributed to recent operating losses.

Despite a lower Australian dollar, forecast increases in pricing for vinyl chloride monomer (VCM – the key raw material required to make PVC resin) and depressed PVC pricing mean that AV would continue to operate at a loss for the foreseeable future, a situation which is clearly not sustainable.

As a result, AV will cease manufacturing following the conversion of its final VCM shipment, which is expected to arrive later this year.

With this in mind, we would expect continuous production to cease in early 2016. This is then expected to be followed by several months of plant decommissioning and associated works.

While it's clear that local PVC resin manufacturing is no longer economically viable, AV is working with customers to assess whether it could sustainably continue as an importer of PVC resin, and we expect to have reached a decision on this in the next month.

Whatever the outcome might be of the import option, AV will be working with customers on a transition away from locally-manufactured PVC as it moves towards the end of local PVC resin manufacturing.

AV's commitment to safety, reliability and customer service remains as important as ever as it continues to manufacture through to closure.

We will be consulting with our employees, and continuing to keep our customers, contractors and suppliers up-to-date throughout the coming months.

DUMPING COMMODITY REGISTER

⇒R. 7

3904.10.00(1)

**POLYVINYL CHLORIDE HOMOPOLYMER RESIN (PVC)
EXPORTED FROM JAPAN, THE REPUBLIC OF KOREA
AND THE UNITED STATES OF AMERICA**

Measures

Anti-dumping measures in the form of anti-dumping duty (DMP) have been imposed on Polyvinyl Chloride Homopolymer Resin (PVC) exported from Japan and the United States of America (USA).

⇒Anti-dumping measures in the form of interim dumping duty (IDD), expressed as an ad valorem rate, have been imposed on PVC exported from the Republic of Korea (Korea).

Description of the goods

The goods subject to the measures are Polyvinyl chloride homopolymer resin (PVC). PVC is a white powder produced by the polymerisation of vinyl chloride monomer ("VCM"). PVC can be manufactured through a suspension process or a mass process, and the final goods are considered to be similar and interchangeable.

Identifying the goods subject to measures

Paste (or emulsion), compound grades and recycled PVC are excluded from the measures.

Goods subject to the measures should be classified using the tariff sub-heading and associated statistical code contained in Table 1.

Table 1 - The tariff subheadings and statistical codes subject to measures

Tariff subheading	Statistical codes
3904.10.00	18

Exempt exporters

There are no exporters exempt from the anti-dumping measures.

All exporters from Japan and the USA are subject to DMP as advised in Table 2.

⇒All exporters from Korea are subject to IDD as advised in Table 2.

Dates of Effect

⇒The measures on the USA were initially imposed on 23 January 1992 and were continued for a further 5 years in 1997, 2002, 2007 and 2012. The measures were revised on 9 November 2005 and 19 October 2012. Australian Customs Dumping Notice (ACDN) 2012/51, published on 19 October 2012, provides further information to assist importers and Customs brokers.

⇒The measures on Japan were initially imposed on 22 October 1992 and were continued for a further 5 years in 1997, 2002, 2007 and 2012. ACDN 2012/52, published on 19 October 2012, provides further information to assist importers and Customs brokers. The measures were revised on 19 October 2012. ACDN 2012/52, published on 19 October 2012, provides further information to assist importers and Customs brokers.

⇒The measures on Korea were imposed on 19 October 2012. ACDN 2012/50, published on 19 October 2012, provides further information to assist importers and Customs brokers.

⇒Conversion of Securities

Dumping securities were initially imposed on 28 June 2012 following the publication of a Preliminary Affirmative Determination on 18 June 2012 – ACDN 2012/32 and ACDN 2012/41.

On 19 October 2012, The Minister for Home Affairs (Minister) published a notice under section 269TG(1) of the *Customs Act 1901* declaring that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* applies to goods exported on or after 28 June 2012.

On 19 October 2012, the Minister also published a notice under section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* declaring that IDD applied to the goods entered for home consumption on or after 28 June 2012.

⇒Change 19/10/2012

DUMPING COMMODITY REGISTER

3904.10.00(2)

POLYVINYL CHLORIDE HOMOPOLYMER RESIN (PVC) EXPORTED FROM JAPAN, THE REPUBLIC OF KOREA THE UNITED STATES OF AMERICA

⇒Conversion of Securities (continued)

Dumping securities taken in respect of goods exported before 28 June 2012 but entered for home consumption after 28 June 2012 are to be cancelled.

Dumping securities taken in respect of goods exported and entered for home consumption in the period between 28 June 2012 and 18 October 2012 inclusive are to be converted to IDD.

Customs and Border Protection will contact each importer/broker and provide conversion/cancellation instructions as appropriate for each consignment subject to DSA.

⇒Goods in Transit Provisions

Goods in transit provisions apply to PVC exported from Japan, Korea and the USA exported before and entered for home consumption on or after 19 October 2012. The date of export for goods subject to in transit provisions is the declared date of valuation for the relevant Import Declaration. Good in transit are to be entered using the relevant DSN shown in Table 2.

Direction for collection of DMP

Goods subject to the measures must be entered using the relevant dumping specification number (DSN) for the nominated exporter/supplier as shown in Table 2.

DMP is only payable where the dumping export price (DXP) is less than both the normal value and the non-injurious free on board (NIFOB) price.

If anti-dumping duty is payable, it is the amount by which the DXP is less than the lower of either the normal value or the NIFOB price.

In determining whether dumping duty is payable, the DXP, normal value and NIFOB must be compared in the same currency and in the same credit payment terms (eg, Cash, 30 days, 60 days etc) shown in Table 3.

⇒Direction for collection of IDD

Goods subject to the measures must be entered using the relevant dumping specification number (DSN) for the nominated exporter/supplier as shown in Table 2 and the export price terms shown in Table 3.

The amount of IDD payable shall be:

- the DXP or the ascertained export price (AEP), whichever is the greatest, multiplied by the IDD ad valorem rate; plus
- the amount, if any, by which the DXP is lower than the AEP.

Release of details of measures

As applicable, the normal value, NIFOB, security rates and/or the AEP for each DSN are considered Confidential and will not be published, subject to the following.

Bona fide importers of the goods may be provided with the confidential values relevant to a nominated exporter/supplier. Unless an importer is able to demonstrate a trading history with the nominated exporter/supplier, no confidential values for that exporter/supplier will be provided.

Where no prior pattern of imports exists, evidence of an offer, quotation or acceptance of an order from a nominated exporter/supplier is considered the minimum requirement before confidential values relevant to that exporter/supplier may be disclosed.

Customs and Border Protection will conduct monitoring of imports consistent with its published policy.

DUMPING COMMODITY REGISTER

⇒R. 3

3904.10.00(1)

**POLYVINYL CHLORIDE HOMOPOLYMER RESIN (PVC)
EXPORTED FROM JAPAN, THE REPUBLIC OF KOREA THE UNITED STATES OF AMERICA**

Table 2 – Exporters and DSN

Exporter	Supplied by	CCID	Packaging	Measure	DSN
Japan - Exporters covered by anti-dumping duty					
⇒All exporters			All types	DMP	23
Korea - Exporters covered by anti-dumping duty					
⇒All exporters			All types	IDD	24
The USA - Exporters covered by anti-dumping duty					
⇒All exporters			All types	DMP	25

Table 3 – Export Price Currency and Terms

DSN	Normal Value Currency	Normal Value Terms	NIFOB Currency	NIFOB Terms	AEP Currency	Export Price Terms
⇒23	AUD	FOB, cash	AUD	FOB, cash	N/A	N/A
⇒24	N/A	N/A	N/A	N/A	AUD	FOB, cash
⇒25	AUD	FOB, cash	AUD	FOB, cash	N/A	N/A

⇒Change 19/10/2012



ITR185

Review of measures ITR 185 - Polyvinyl chloride homopolymer resin exported from Japan and the USA

Goods subject to measures

PVC is a white free flowing powder that is used in combination with other chemicals to produce a variety of products. PVC is sold to a range of processors who extrude, inject, mould or blow mould the PVC to make a variety of goods. The major end-use of PVC based products is in the building and construction sector (e.g. pipe and fittings, cables, house cladding, gutters, down pipes, flooring and window frames). PVC based products are also used in packaging, upholstery and domestic appliances.

For clarification, the goods subject to the measures do not include PVC compounds, pastes or emulsion grade

Case information

Case type	Review of measures (normal values and non-injurious free on board prices (NIFOBs))
Initiation date	24 February 2012
Applicant	Chemiplas Australia Pty Ltd
Tariff classification	3904.10.00 (statistical code 18)

Public record documents

The public record for REP 185 includes non-confidential versions of documents such as the application, submissions, questionnaire responses, ITRB visit reports and letters when available.

Key dates

Event	Date	Status
Initial submissions due	4 April 2012	Closed
Statement of essential facts (SEF) no later than	13 August 2012	Published
Submissions to SEF due	3 September 2012	Closed

Final recommendation to the Minister no later than 25 September 2012

Minister's decision 19 October 2012 Published

Australian Customs Dumping Notices (ACDN)

Subject	Date	No. and link
Initiation of review	24 February 2012	2012/08 (PDF 69KB)
Extension of time to issue SEF	6 June 2012	2012/23 (PDF 54KB)
Final Report	19 October 2012	2012/51 (PDF 66KB)

Key documents

Type	Date	No. and link
Initiation report	24 February 2012	CON 185 (PDF 309KB)
SEF report	13 August 2012	SEF 185 (PDF 427KB)
Final report	19 October 2012	REP 185 (PDF 149KB)

Since 1991, exports from 27 countries have been the subject of anti-dumping investigations on PVC. Measures were imposed on 13 countries. Currently, anti-dumping measures apply to exports from Japan and the USA.

Previous reports on this commodity

Type	Date	Exporting countries	No. and link
Initial investigation	December 1991	USA	ADA Report No. 52
Initial investigation	September 1992	Japan	ADA Report No. 82
Review of measures	September 1993	USA	ACS Finding 93/4
Review of measures	May 1994	Japan and USA	ACS Finding 94/01
Review of measures	January 1996	Japan	ACS Report 96/01

Continuation inquiry	November 1996	USA	ADA Report No.160
Continuation inquiry	August 1997	Japan	ADA Report No. 176
Review of measures	June 2000	Japan and USA	<u>ITR REP 15</u>
Continuation inquiry	July 2002	Japan	<u>ITR REP 57 (PDF 231KB)</u>
Review of measures	September 2005	Japan and USA	<u>ITR REP 100 (PDF 206KB)</u>
Continuation inquiry	July 2007	Japan	<u>IRT REP 123</u>
Continuation inquiry	January 2012	USA	<u>ITR REP 174</u>

Contacts for this investigation

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