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

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In accordance with section 269ZA of the *Customs Act 1901*(the Act), 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 (*name and country details on page 2*)
- ☐ 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.

## EXPORTER

Name: Shengzhou Chunyi Electrical Appliances Co., Ltd

Country: China

Local Agent:

## 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: Robert van der Riet

Position: Managing Director

Company: Milena Australia Pty Ltd

ABN: 48604156738

Date: 21 April 2016

## REQUIRED INFORMATION

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.
  - Name: Milena Australia Pty Ltd
  - Post: PO Box 457, Coolum, QLD 4573 Australia
  - Street: 4 Katie Close, Coolum, QLD 4573 Australia
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
  - Contact: Robert van der Riet (Managing Director)
  - Email: [robert@milena.com.au](mailto:robert@milena.com.au) | Tel: (07) 5351 1305 | Fax: (07) 5351 1306
3. Name other parties supporting this application.
  - N/A
4. Describe your interest as an affected party.
  - Milena is an importer of the goods and uses them in its own manufacturing process of free standing laundry units and laundry tubs.
5. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
  - a. tariff classification
    - 7324.10.00 (statistical code 52)
  - b. the countries or companies
    - People's Republic of China
  - c. specified date of publication of the measure
    - 26 March 2015 (ANTI-DUMPING NOTICE NO. 2015/41)
6. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter.
  - Tasman Sinkware Pty Ltd (original applicant);
  - The importers the Commission visited during the original investigation; and
  - The exporters the Commission visited during the original investigation.

21 April 2016

The Commissioner of the Anti-Dumping Commission

Post: GPO Box 1632 MELBOURNE VIC 3001

Email: [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)



**APPLICATION FOR REVIEW OF MEASURES – MILENA – DEEP DRAW STAINLESS STEEL SINKS - CHINA**

Dear Sir/ Madam

Milena Australia Pty Ltd (Milena) is seeking a Review of Measures in regards Deep Drawn Stainless Steel Sinks it imports from China.

The Chinese Exporter - SHENGZHOU CHUNYI ELECTRICAL APPLIANCES CO., LTD and their local agent [REDACTED] have committed to respond to all requests for information in this regard. Letters affirming this are attached.

Milena notes that currently its exporter is categorized as Uncooperative & Other. This is not due to any investigation that found them guilty of dumping but rather due to the exporter not being aware of the original investigation and thus having not responded. We now seek to remedy this situation.

Milena further notes that it has applied for Duty Assessments on all shipments that occurred in Periods 1, 2 and 3 so full details and proof of these shipments have already been supplied.

In the opinion of Milena the following factors are established in the documents that are attached:

- normal values, export prices & subsidy
  - The letter from the Exporter as well as the Details of the Shipments show that the Export Prices charged to Milena have been above the Normal Value of the goods.
  - The letter from the Exporter states they have received no subsidy.
  - The MEPS Spreadsheet shows that the Asian price was no longer the cheapest by the end of 2015 (the US was the cheapest for the last 3 months of the year).
    - This proves that the original conclusion of the ADC that the Asian prices appear to be being subsidized was incorrect.
    - It is far more likely that pricing in each of the areas has been the result of market forces and not subsidies.
    - This means an assumption of subsidy in the constructed Normal Values is incorrect.

Milena also makes note of the Exchange rates affecting trade between Australia and China and its apparent lack of consideration in Normal Values and Export Prices.

Please contact Robert van der Riet (details below) if you have any questions.

Yours sincerely

ROBERT VAN DER RIET

Managing Director

| E: [robert@milena.com.au](mailto:robert@milena.com.au) | M: 04-1305-1305

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**Milena Australia Pty Ltd**

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ABN 48604156738 | [www.milena.com.au](http://www.milena.com.au)

# APPLICATION FOR DUTY ASSESSMENT – MILENA – DEEP DRAW STAINLESS STEEL SINKS - CHINA

## SUPPORTING DOCUMENTS

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1. Letter from SHENGZHOU CHUNYI ELECTRICAL APPLIANCES CO LTD

Factory Address: Xiashitou Sanjie Town, Shengzhou City, Zhejiang, China

PEIFANG QI  
Peifang Qi  
Director

2. Letter from [REDACTED]



3. Overview of Shipments (Periods 1, 2 and 3)

Invoice	Import Declaration No	Arrival Date	Prepared Date	Value (US\$)	Exchange Rate	Value (AU\$)	Dumping Duties (AU\$)	Countervail Duties (AU\$)	TOTAL DUTIES (AU\$)	SUB-TOTAL (AU\$)
26 November 2014 - 25 March 2015										
26 March 2015 - 25 September 2015										
26 September 2015 - 25 March 2016										

4. Details of Shipments – Period 1 (26 November 2014 - 25 March 2015)

<div>Invoice</div>	Import Declaration No	Arrival Date	Prepared Date	Value (US\$)	Exchange Rate	Value (AU\$)	Dumping Duties (AU\$)	Countervail Duties (AU\$)	TOTAL DUTIES (AU\$)	SUB-TOTAL (AU\$)

*This details the items in each shipment and links the Invoice value to the Customs Declaration Value*

						<div>Inv AV061-1</div>	<div>Inv AV077-2</div>
Item	Description	Price Paid (US\$)	QTY	Value (US\$)	QTY	Value (US\$)	

*This compares "Normal Value" (see Exporter Letter) to Price Paid*

					<div>Inv AV061-1</div>			<div>Inv AV077-2</div>		
Item	Normal Value (US\$)	Price Paid (US\$)	Variation (US\$)	QTY	Normal Value	Price Paid	QTY	Normal Value	Price Paid	



5. Details of Shipments – Period 2 (26 March 2015 - 25 September 2015)

Invoice	Import Dec. No	Arrival Date	Prepared Date	Value (US\$)	Exchange Rate	Value (AU\$)	Dumping Duties (AU\$)	Countervail Duties (AU\$)	TOTAL DUTIES (AU\$)	SUB-TOTAL (AU\$)

*This details the items in each shipment and links the Invoice value to the Customs Declaration Value*

This details the items in each shipment and links the Invoice value to the Customs Declaration Value			[redacted] Inv AM0098-1		[redacted] Inv AM001101B	
Item	Description	Price Paid (US\$)	QTY	Value (US\$)	QTY	Value (US\$)

*This compares "Normal Value" (see Exporter Letter) to Price Paid*

				Inv AM0098-1			Inv AM001101B		
Item	Normal Value (US\$)	Price Paid (US\$)	Variation (US\$)	QTY	Normal Value	Price Paid	QTY	Normal Value	Price Paid

6. Details of Shipment – Period 3 (26 September 2015 - 25 March 2016)

<div>Invoice</div>	Import Declaration No	Arrival Date	Prepared Date	Value (US\$)	Exchange Rate	Value (AU\$)	Dumping Duties (AU\$)	Countervail Duties (AU\$)	TOTAL DUTIES (AU\$)	SUB-TOTAL (AU\$)

*This details the items in each shipment and links the Invoice value to the Customs Declaration Value*

					<div>Inv AM001103B</div>
Item	Description	Price Paid (US\$)	Quantity	Value (US\$)	

*This compares “Normal Value” (see Exporter Letter) to Price Paid*

				<div>Inv AM001103B</div>		
Item	Normal Value (US\$)	Price Paid (US\$)	Variation (US\$)	QTY 1	Normal Value	Price Paid

## 7. MEPS – Price of Stainless Steel (304 Cold Rolled Coil) - Spreadsheet

Source of data:



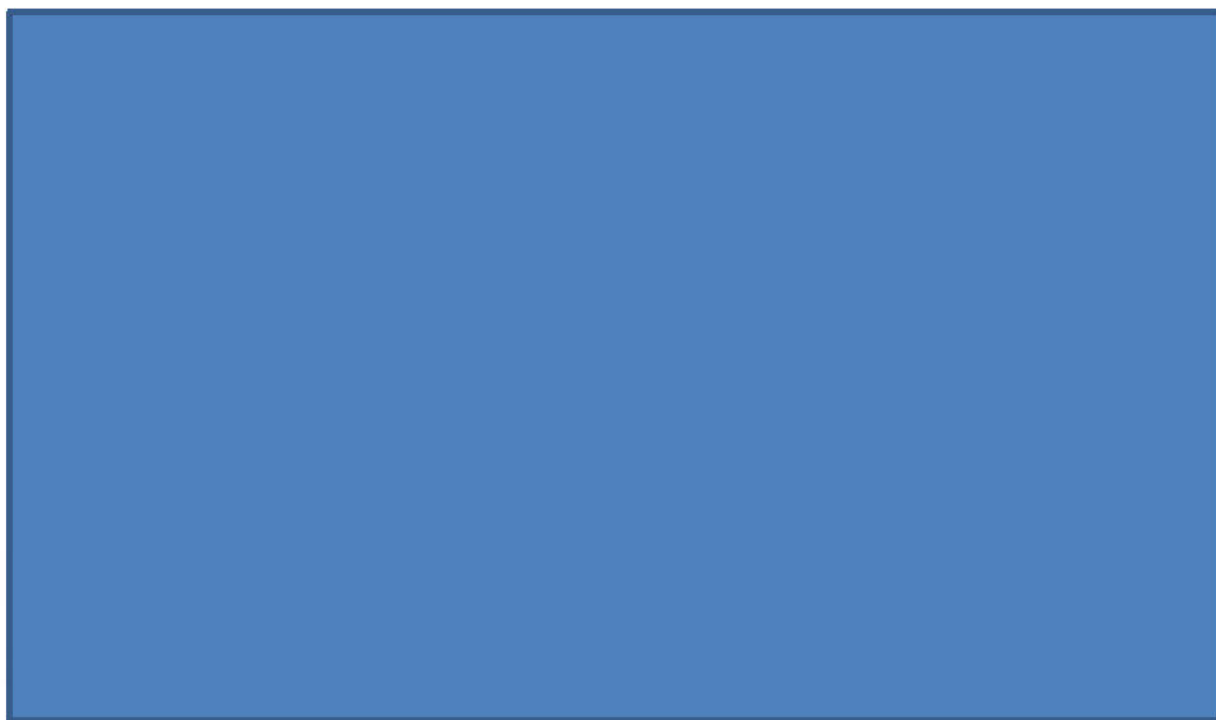
Notes:

- The price shown on MEPS for the EU is given in Euro – an average exchange rate of 1.1 has been used to reflect it in US\$.
- The Colours in the Spreadsheet reflect the price position per month:
  - Red = Highest Price
  - Yellow = Mid Price
  - Green = Lowest Price

MEPS - Cold Rolled Coil (304) - Price per Tonne						
Month		EU (Euro)		EU (US\$-1.1)	US (US\$)	ASIA (US\$)
Jan-15						
Feb-15						
Mar-15						
Apr-15						
May-15						
Jun-15						
Jul-15						
Aug-15						
Sep-15						
Oct-15						
Nov-15						
Dec-15						

8. Exchange Rate – AUD vs USD - Graph

Source of graph:



9. Exchange Rate – CNY vs USD - Graph

Source of graph:

