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## **ANTI-DUMPING NOTICE NO. 2015/128**

### **Polyvinyl Chloride Homopolymer Resin Exported from Japan, the Republic of Korea and the United States of America**

#### **Initiation of a Revocation Review**

##### ***Customs Act 1901 – Part XVB***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (Commissioner) have initiated a review of the anti-dumping measures applying to polyvinyl chloride homopolymer resin (PVC) exported to Australia from Japan, the Republic of Korea (Korea) and the United States of America (USA). This follows an application by Chemiplas Australia Pty Ltd (Chemiplas).

Chemiplas' application is on the basis that the anti-dumping measures are no longer warranted because the sole Australian manufacturer of PVC, Australian Vinyls Corporation Pty Ltd (Australian Vinyls), has announced that it will soon cease manufacturing PVC in Australia.

#### **The Goods**

The goods subject to anti-dumping measures (the goods), in the form of a dumping duty notice, 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.*

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

The goods are currently classified to the tariff subheading 3904.10.00 (statistical code 18) of Schedule 3 to the *Customs Tariff Act 1995* and are subject to 5 per cent Customs duty.

This review will examine whether the current anti-dumping measures are no longer warranted.

#### **Background to the measures**

Anti-dumping measures currently apply to all exporters of PVC from Korea, Japan and the USA. The history of these measures is detailed below.

## **Korea**

Measures applying to all exporters of PVC from Korea were initially imposed in 2000 and were continued for a further five years in 2005. These measures expired in March 2010.

A subsequent application from Australian Vinyls resulted in the initiation of a new investigation in relation to exports of PVC from Korea on 23 April 2012. Measures were subsequently imposed on all exporters of PVC from Korea on 19 October 2012. The measures are due to expire on 18 October 2017.

## **Japan**

Measures applying to all exporters of PVC from Japan were initially imposed on 22 October 1992 and were continued for a further 5 years in 1997, 2002, 2007 and 2012. The measures were revised on 19 October 2012 as part of a review of the anti-dumping measures. The measures are due to expire on 21 October 2017.

## **USA**

Measures applying to all exporters of PVC from 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 last revised on 19 October 2012 as part of a review of the anti-dumping measures. The measures are due to expire on 22 January 2017.

## **The current revocation review**

Chemiplas has made an application under subsection 269ZA(1)(ii) of the *Customs Act 1901* (the Act) for a review of the anti-dumping measures in respect of the goods exported to Australia from Japan, Korea and the USA.

A notice indicating that I am proposing to review the measures was published in *The Australian* on **6 November 2015**. The review will examine whether the anti-dumping measures are no longer warranted.

After concluding the review, I will recommend to the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary) that the current dumping duty notice:

- i. remain unaltered; or
- ii. be revoked in its application to a particular exporter or to a particular kind of goods or revoked generally.

## **Public Record**

A public record will be maintained for the review containing, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Anti-Dumping Commission's (Commission's) office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

## **Lodgment of submissions**

## PUBLIC RECORD

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **16 December 2015**, addressed to:

Director Operations 3  
Anti-Dumping Commission  
Level 35, 55 Collins Street  
Melbourne VIC 3000

or by email at [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au)

Interested parties wishing to participate in the review must ensure that submissions are lodged by the due date. Interested parties should note that under subsection 269ZD(3) of the Act, I am not obliged to have regard to a submission received after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

### **Statement of Essential Facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by **24 February 2016**, or by such later date as the Parliamentary Secretary may allow, in accordance with subsection 269ZHI(3) of the Act.

The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

Given the applicant's claims that the Australian industry will soon cease manufacturing the goods domestically, I may seek to publish the statement of essential facts at the earliest opportunity prior to 24 February 2016, having regard to the relevant statutory requirements of the Act.

**Report to the Parliamentary Secretary**

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before **11 April 2016** (or such later date as the Parliamentary Secretary will allow).

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or, if the Parliamentary Secretary considers that there are special circumstances that prevent the declaration being made within that period, such longer period as the Parliamentary Secretary considers appropriate.

**Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2447 (outside Australia) or email at [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

6 November 2015