



Australian Government
Australian Customs and
Border Protection Service

PUBLIC FILE
FOLIO No. <u>20</u>

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/08

Polyvinyl Chloride Homopolymer Resin (PVC)

Exported from the United States of America and Japan

Initiation of a review of normal values and non-injurious free on board prices

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) will undertake a review of the normal values and non-injurious free on board prices (NIFOBs) applying to polyvinyl chloride homopolymer resin (PVC), exported from the United States of America (USA) and Japan.

The review will commence on 24 February 2012. Customs and Border Protection will not be examining revocation of the measures during this review.

The goods subject to anti-dumping measures, in the form of dumping duty notices, are PVC. The measures apply to all exporters from the USA and Japan. The goods subject to the measures do not include PVC compounds, pastes or emulsion grades.

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 either extrude, inject, mould or blow mould the PVC to make a wide variety of goods. The major end-use of PVC based products is in the building and construction sector (e.g. pipes and fittings, cables, house cladding, gutters, down pipes, flooring and window frames). PVC based products are also used in packaging, upholstery and domestic appliances.

PVC is classified under sub-heading 3904.10.00, statistical code 18, in Schedule 3 to the *Customs Tariff Act 1995*. The rate of duty from Japan is 5% whilst the rate from the USA is free.

Background to the measures

Anti-dumping measures were imposed on PVC from the USA and Japan in 1992 and have been the subject of continuation inquiries every five years since then. The measures on imports from the USA were recently continued for another five years; International Trade Remedies Report No 174 (REP 174) refers, and will apply to 23 January 2017 unless revoked earlier. The measures on imports from Japan are due to expire on 22 October 2012, subject to any continuation inquiry or revocation.

The measures applying to the USA and Japan were last reviewed in 2005 when different normal values and NIFOBs were fixed for all exporters generally.

The measures are in the form of anti-dumping duties that apply where the export price of the goods exported is lower than both the ascertained normal value and the NIFOB.

The current review

On 2 February 2012, Chemiplas Australia Pty Ltd, an importer of PVC, lodged an application requesting a review of the variable factors of the anti-dumping measures applying to PVC exported to Australia from the USA and Japan. The variable factors are the normal values and NIFOBs.

Following consideration of the application the CEO decided not to reject the application. A notice indicating that it is proposed to conduct a review was published in *The Australian* on 24 February 2012.

Measures imposed before 1 January 1993 ('old measures') are reviewed using the provisions of section 269TAD of the *Customs Act 1901* (the Act) which were repealed in 1992 but remain in force under transitional arrangements.

There are no legislative timeframes for the completion of reviews under section 269TAD of the Act however the practice is to follow the same manner and time frame as reviews of the post 1 January 1993 measures.

Lodgement of submissions

Interested parties are invited to lodge written submissions concerning the review of normal values and NIFOBs not later than **4 April 2012** with:

The Director
Operations 1, International Trade Remedies Branch
Australian Customs and Border Protection Service
5 Constitution Avenue
Canberra ACT 2601

or by email tmops1@customs.gov.au, or fax number 02 6275 6990.

Confidential submissions must be clearly marked "In-Confidence" and be accompanied by two non-confidential versions suitable for placement on the public record. All non-confidential submissions will be placed on the public record for this review together with a copy of all relevant correspondence between Customs and Border Protection and other persons.

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:

- 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
- satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Statement of essential facts and final report

A statement of the essential facts on which the CEO proposes to base a recommendation to the Minister for Home Affairs (the Minister) will be placed on the public record by 13 June 2012, or such longer period as the Minister allows.

Interested parties are invited to lodge submissions in response to the statement of essential facts within 20 days of that statement being placed on the public record. These submissions should also be lodged with Customs and Border Protection at the above mail, fax or email addresses. A report and recommendation to the Minister will be made on or before 30 July 2012 (or such longer period as the Minister allows).

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Particulars of the reasons for the decision to initiate this review are shown in Consideration Report No. 185 (CON 185) held on the public record. Interested parties wishing to examine the public record may do so on the internet at [adpr.customs.gov.au/Customs of Australia](http://adpr.customs.gov.au/Customs%20of%20Australia) or at Customs House, 5 Constitution Avenue, Canberra ACT during business hours by contacting International Trade Remedies office management on telephone number 02 6275 6547. CON 185 and all Australian Customs Dumping Notices are also available on the Customs and Border Protection website at www.customs.gov.au.

Continuation of the measures

The CEO will also undertake a concurrent inquiry into whether the continuation of anti-dumping measures on PVC exported from Japan is justified.

The inquiry will commence on 24 February 2012.

Further details of the inquiry are contained in ACDN 2012/09 and CON 184 available on the internet and from International Trade Remedies office management.

Customs and Border Protection contact

Enquiries about the review and continuation may be directed to the case team on telephone number 02 6245 54234 or email tmops1@customs.gov.au.

Justin Wickes
A/g National Manager
International Trade Remedies Branch
24 February 2012