



ANTI-DUMPING NOTICE NO. 2014/58

Sodium Hydrogen Carbonate (Sodium Bicarbonate)

Exported from the People's Republic of China

Initiation of a Revocation Review

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commission) have initiated a review to determine whether the current anti-dumping measures applying to sodium hydrogen carbonate (sodium bicarbonate) exported to Australia from the People's Republic of China (China) are no longer warranted. This follows an application by Orica Australia Pty Ltd (Orica).

Orica alleges that the sole Australian manufacturer of sodium bicarbonate, Penrice Soda Products Pty Ltd (Under External Administration) (Penrice), has ceased manufacturing sodium bicarbonate.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice, is sodium hydrogen carbonate, also known as sodium bicarbonate, baking soda or bicarbonate of soda, which can be manufactured via the natural alkali method or the Solvay method (the goods).

The goods, as described above, include both 'speciality packs' and 'regular packs'. Speciality packs refer to sodium bicarbonate that is in packages of less than 25kgs. Sodium bicarbonate that is unpackaged or is in packages of 25kgs or more are referred to as 'regular packs'.

The goods are currently classified to the tariff subheading 2836.30.00 (statistical code 27) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are exported from China duty free.

Background to the measures

The anti-dumping measures were initially imposed by a public notice on 3 November 2005 by the then Minister for Justice and Customs following consideration of *Trade Measures Report No. 98*. These measures were applicable to all exporters from China.

PUBLIC RECORD

On 20 July 2006, a review of the anti-dumping measures was initiated at the request of the relevant Minister. As a result of the review, the measures were varied by the relevant Minister following consideration of *Trade Measures Report No. 119*.

In 2010, a continuation inquiry and another review of the anti-dumping measures were initiated at the request of Penrice. Anti-dumping measures applying to the goods were revised and extended for a further five year period by the relevant Minister following consideration of *Trade Measures Report Nos. 160 and 161*.

Following an accelerated review in 2013, an exporter specific anti-dumping measure for sodium bicarbonate exported by VanderArk International Limited from China was imposed retrospectively from 21 November 2013. The measures were imposed by the relevant Minister following consideration of the *Anti-Dumping Commission's Report No. 235*.

The current measures relating to sodium bicarbonate are due to expire on 3 November 2015.

The current revocation review

Orica has made an application under s. 269ZA of the *Customs Act 1901* (the Act) for a review to determine whether the current anti-dumping measures in respect of the goods exported to Australia from China are no longer warranted.

A notice indicating that it is proposed to review the measures was published in *The Australian* on **22 July 2014**. The review will examine whether the current anti-dumping measures are no longer warranted.

After concluding the revocation review, I will recommend to the Parliamentary Secretary to the Minister for Industry (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 must be maintained for each review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by s. 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **31 August 2014**, addressed to:

PUBLIC RECORD

The Director
Operations 3,
Anti-Dumping Commission
1010 La Trobe Street
Docklands VIC 3008

or by email operations3@adcommission.gov.au, or by fax to 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the review must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received by the Commission 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 will be placed on the public record by **9 November 2014**, or by such later date as the Parliamentary Secretary may allow in accordance with s. 269ZH of the Act.

The statement will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Given the applicant's claims that the Australian industry has ceased manufacturing the goods domestically, I will seek to publish the statement of essential facts at the earliest opportunity prior to 9 November 2014, having regard to the relevant statutory requirements of the Act.

Report to the Parliamentary Secretary

Submissions received in response to the statement of essential facts 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 **24 December 2014** (or such later date as the Parliamentary Secretary will allow).

Given the applicant's claims that the Australian industry has ceased manufacturing the goods domestically, I will seek to report to the Parliamentary Secretary at the earliest opportunity prior to 24 December 2014, having regard to the relevant statutory requirements of the Act.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number +61 3 9244 8268, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

22 July 2014