



ANTI- DUMPING NOTICE NO. 2014/118

Certain Polyvinyl Chloride Flat Electric Cables Exported from the People's Republic of China Initiation of an Investigation into Alleged Dumping

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner), have initiated an investigation following an application lodged by Olex Australia Pty Ltd, a manufacturer of certain polyvinyl chloride (PVC) flat electric cables (“the goods”) in Australia. The application seeks the publication of a dumping duty notice in respect of certain PVC flat electric cable exported to Australia from the People's Republic of China.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry through:

- price suppression;
- price depression;
- lost sales volume;
- loss of market share;
- reduced capacity utilisation;
- declining employment;
- reduced profit; and
- reduced profitability.

The non-confidential version of the application, which contains the basis of the alleged dumping, is available on the public record.

A notice under subsection 269TC(4) of the *Customs Act 1901* (the Act) advising initiation of this investigation was published in *The Australian* newspaper on 6 November 2014.

The Goods

The goods subject of the application are flat, electric cables, comprising two copper conductor cores and an ‘earth’ (copper) core with a nominal conductor cross sectional area of between, and including, 2.5 mm² and 3 mm², insulated and sheathed with polyvinyl chloride (PVC) materials, and suitable for connection to mains electricity power installations at voltages exceeding 80 V but not exceeding 1000 V, and complying with Australian / New Zealand Standard AS/NZS 5000.2 (the Australian Standard), and whether or not fitted with connectors.

The applicant provided further details as follows:

The goods are commonly referred to as “building wire”, because of its use by the building and construction industry in domestic, commercial and industrial mains power supply low-voltage wiring installations. For the purpose of this definition, the term “flat cables” means cables where the conductor and earth cores are laid parallel in the same plane, as defined by the Australian Standard.

For the avoidance of doubt, reference to “two copper conductor cores” refers to the “phase core” and “neutral core”. The earth core (also comprising of copper) is additional to these two active cores.

The applicant indicated that the following products are excluded from the goods:

- *single core cables, being cables with a single active core;*
- *“aerial cables” as defined by the Australian Standard;*
- *twin active flat cables, that is, flat cables comprising two active cores but no earth core;*
- *“circular cables” as defined by the Australian Standard;*
- *cables insulated and / or sheathed with non-PVC material, including but not limited to cross-linked polyethylene (XLPE) materials, including a combination of PVC and non-PVC material;*
- *cables comprising cores made of aluminium conductors; and*
- *“flexible cables (cords)” as defined by AS/NZS 3191 and/or AS/NZS 60227.*

The goods are currently classified to the tariff subheading 8544.49.20 (statistical code 41) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are subject to 4% Customs duty.

Investigation Process

The investigation period is 1 July 2013 to 30 June 2014. The Anti-Dumping Commission (the Commission) will examine exports to Australia of the goods during that period to determine whether dumping has occurred. The Commission will examine details of the Australian market from 1 July 2010 for injury analysis purposes.

Where the Parliamentary Secretary to the Minister for Industry (the Parliamentary Secretary) is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Parliamentary Secretary may, by public notice, impose interim dumping duties.

Where there are grounds for the Parliamentary Secretary to publish a dumping duty notice in respect of the goods, the Commission will examine whether the trade in the dumped

goods give rise to retrospective notices being published pursuant to section 269TN of the Act, and make recommendations to the Parliamentary Secretary accordingly.

As the application raises matters relevant to the Parliamentary Secretary's consideration of the lesser duty rule, namely that the Australian industry in respect of like goods consists of at least 2 small-medium enterprises, the Commission will examine these matters and make recommendations to the Parliamentary Secretary as to the proposed level of duty to be applied in any dumping duty notice.

Public Record

I must maintain a public record of each inquiry. Documents included in the public record are 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

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 271* and a copy of all submissions from interested parties.

Lodgement of Submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on 16 December 2014, addressed to:

The Director Operations 1
Anti-Dumping Commission
Customs House
1010 LaTrobe Street
Docklands Victoria 3008

or by email operations1@adcommission.gov.au, or fax number 1300 882 506 or +61 3 9244 8902 (outside Australia).

Interested parties wishing to participate in the investigation 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 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 may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

The public record must contain, among other things, a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry.

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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Provisional Measures

A preliminary affirmative determination may be made not earlier than 60 days after the date of initiation provided that there appears to be sufficient grounds for the publication of a dumping duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim dumping duty that may become payable on the goods, may be imposed where a preliminary affirmative determination has been made.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable the Commission to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts will be placed on the public record by 24 February 2015, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI 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.

Submissions received in response to the statement of essential facts will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before 10 April 2015 (or such later date as the Parliamentary Secretary may allow), unless I terminate the investigation.

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.

Review Officer

Certain parties will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by the Commissioner to terminate the investigation, or a decision of the Parliamentary Secretary after considering the Commission's report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the case manager by email to operations1@adcommission.gov.au, by telephone number 03 9244 8252 or by fax number 1300 882 506 or +61 3 9244 8902 (outside Australia).

Dale Seymour
Commissioner
Anti-Dumping Commission

6 November 2014