



Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Quicklime

**Exported to Australia from Malaysia, the Kingdom of Thailand
and the Socialist Republic of Vietnam**

Investigation No. 348 into Alleged Dumping

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (Commissioner), have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act)¹ on 17 June 2016, being 60 days after the initiation of the investigation into the alleged dumping of quicklime (the goods) exported to Australia from Malaysia, the Kingdom of Thailand (Thailand) and the Socialist Republic of Vietnam (Vietnam).

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1).

Background

On 18 April 2016, I initiated an investigation into the alleged dumping of the goods from Malaysia, Thailand and Vietnam. I initiated the investigation following an application by Cockburn Cement Limited (Cockburn Cement), a manufacturer of the goods in Australia. Further details in relation to the initiation of this investigation can be found in Anti-Dumping Notice (ADN) No. 2016/40 at www.adcommission.gov.au.

Under subsection 269TD(1), I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice; or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

¹ All legislative references are to the *Customs Act 1901*, unless otherwise stated.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2), had regard to:

- the application;
- submissions received by 25 May 2016 concerning publication of the dumping duty notice in response to the initiation of the investigation; and
- responses to importer and exporter questionnaires.

Based on the above information considered at day 60 of the investigation, I am not making a PAD because I am not satisfied that, under subsection 269TD(1)(a), there appears to be sufficient grounds, at this stage of the investigation, for the publication of a dumping duty notice.

Exporters

The Anti-Dumping Commission (the Commission) has undertaken a preliminary analysis of all exporter questionnaire responses received to date, as submitted by:

- Binh Son Investment and Mineral Company Limited;
- Chememan Company Limited;
- Chememan International Pte Ltd;
- LHoist (Malaysia) Sdn Bhd;
- RCI Lime Sdn Bhd; and
- Unichamp Mineral Sdn Bhd.

Dumping investigation

I am not satisfied that there appear to be sufficient grounds, at this stage of the investigation, to establish that the goods exported to Australia have been exported at dumped prices and that the goods have caused material injury to the Australian industry producing like goods.

The Commission sought to calculate preliminary dumping margins for each of the exporters participating in the investigation. These calculations identified a significant volume of imports for which either a negative dumping margin was calculated, or the Commission was unable to calculate a dumping margin due to there being no domestic sales in the relevant country of export. Under section 269TAC there are other methods by which the Commission can calculate normal values in the absence of domestic sales, but further time is required to do so.

With respect to the remaining imports, further analysis is required to establish whether there appears to be sufficient grounds to establish whether they have caused material injury to the Australian industry.

Conclusion

In accordance with the PAD Direction and having considered all applicable information under subsection 269TD(2), I have considered the desirability of making a PAD at day 60. I have decided it is not warranted to make a PAD at day 60 because I am not satisfied that there appears to be sufficient grounds to establish that:

- goods exported to Australia have been dumped (at above negligible levels in accordance with section 269TDA); and
- dumped goods exported to Australia have caused material injury to the Australian industry producing like goods.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA. The SEF is due to be published on 6 August 2016. Prior to the publication of the SEF or in the SEF, I will advise whether I made a PAD subsequent to this Status Report and the reasons for my decision.

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager by telephone on 03 8539 2477, by fax on +61 3 8539 2499 or email operations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

17 June 2016