



Customs Act 1901 – Part XVB

Certain crystalline silicon photovoltaic modules or panels

Exported from the People’s Republic of China

Initiation of an Investigation into Alleged Dumping

Public notice under section 269TC of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner) have initiated an investigation following an application lodged by Tindo Manufacturing Pty Ltd, a manufacturer of certain crystalline silicon photovoltaic modules or panels (PV modules or panels) in Australia. The application seeks the publication of a dumping duty notice in respect of certain PV modules or panels exported to Australia from the People’s Republic of China (China).

The goods subject of the application are certain crystalline silicon photovoltaic modules or panels, whether exported assembled or unassembled, and whether or not they have an inverter, capable of producing any power in terms of watt (“the goods”).

A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2014/38. This ADN is available on the internet at www.adcommission.gov.au.

The goods are currently classified to the following tariff subheading of Schedule 3 to the *Customs Tariff Act 1995*:

- 8541.40.00, statistical code 53;
- 8501.61.00, statistical codes 33 and 24;
- 8501.62.00, statistical code 34;
- 8501.63.00, statistical code 40; and
- 8501.64.00, statistical code 41.

The rate of Customs duty payable under each of the tariff subheadings is as follows:

- 8541.40.00 (statistical code 53); 8501.63.00 (statistical code 40) and 8501.64.00 (statistical code 41) are duty free; and
- 8501.61.00 (statistical codes 33 and 24) and 8501.62.00 (statistical code 34) have a duty rate of 5% for all countries except for DCS (4%) and DCT (5%) countries. China is defined as DCS therefore duty is payable at the rate of 4%.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that dumping has caused material injury to the Australian industry through lost sales revenue, price depression, price suppression, loss of 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.

The goods exported to Australia during the period 1 July 2012 to 31 December 2013 will be examined to determine whether dumping has occurred. The Australian market will be examined from 1 January 2010 to 31 December 2013 for injury analysis.

If dumping has occurred, whether the dumped goods give rise to retrospective notices being imposed on the goods under section 269TN of the Act will be examined.

The date of initiation of this investigation is the date of publication of this notice. 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 **23 June 2014**, addressed to:

The Director
Operations 3
Anti-Dumping Commission
Level 5 Customs House
5 Constitution Ave
Canberra City ACT 2601

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

ADN 2014/38, containing important procedural details is available at www.adcommission.gov.au and should be read in conjunction with this notice.

Particulars of the reasons for the decision to initiate this investigation are shown in *Anti-Dumping Commission Consideration Report Number 239 (CON 239)*, which has been placed on the public record.

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

Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 8008, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or operations3@adcommission.gov.au.

A handwritten signature in black ink, appearing to read "Dale Seymour". The signature is written in a cursive style with a long horizontal flourish at the end.

Dale Seymour
Commissioner
Anti-Dumping Commission
14 May 2014