



***Customs Act 1901***  
***Customs (Preliminary Affirmative Determinations) Direction 2015***  
**Steel Shelving Units**  
**Exported from the People's Republic of China**  
**Investigation No. 355 into Alleged Dumping and Subsidisation**  
**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, have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 2 September 2016, being 60 days after the initiation of the investigation into the alleged dumping and subsidisation of steel shelving units exported to Australia from the People's Republic of China (China).

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) of the Act.

### **Background**

On 4 July 2016, I initiated an investigation into the alleged dumping and subsidisation of steel shelving units following an application by Summit Select Pty Ltd (Summit) under section 269TB of the Act. Further details can be found in the public notice published on 4 July 2016 (refer to *Anti-Dumping Notice 2016/65* at [www.adcommission.gov.au](http://www.adcommission.gov.au)).

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

- that there appear to be sufficient grounds for the publication of such a notice; or
- that 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 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.

### **Reasons**

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

- Summit's application;
- submissions received by 10 August 2016, or by such longer period as I allowed an interested party under subsection 269TC(6) of the Act, concerning the publication of

a dumping or countervailing duty notice in response to the initiation of the investigation; and

- any other matters that I considered relevant, including information gathered during the Australian industry verification visit.

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 paragraph 269TD(1)(a) of the Act there appears to be sufficient grounds for the publication of a dumping or countervailing duty notice.

In particular, at the time of publication of this status report, the Commission has not completed its preliminary consideration of whether steel shelving units are being exported to Australia from China at dumped or subsidised prices. Further, interested parties have been allowed extensions of time to make submissions on various matters including the precise goods that are the subject of this investigation and how they have been described. The Commission is currently considering information provided by major exporters and by the Government of China that would assist in determining whether steel shelving units are being exported at dumped or subsidised prices and whether there appears to be sufficient grounds for the publication of a dumping and/or countervailing duty notice.

Therefore, at the time of making this report, I am unable to establish that there appear to be sufficient grounds to be satisfied that:

- the goods exported to Australia have been dumped or subsidised at above negligible levels in accordance with section 269TDA of the Act; and
- that the dumped or subsidised goods have caused material injury to the Australian industry.

### **Other considerations**

#### *Relevant matters – subsection 269TD(2)(b)*

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage because I am not satisfied that there appears to be sufficient grounds to establish dumping or subsidisation, and a causal link between any dumping or subsidisation and material injury for the reasons outlined above.

#### *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 of the Act. The SEF is due to be published on 22 October 2016. Prior to the publication of the SEF, or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

### **Anti-Dumping Commission Contact**

Enquiries about this report may be directed to the case manager on telephone number 02 6213 7119, or email at [operations4@adcommission.gov.au](mailto:operations4@adcommission.gov.au).

  
Dale Seymour  
Commissioner

Anti-Dumping Commission

2 September 2016