



ANTI-DUMPING NOTICE NO. 2015/71

Silicon Metal

Exported from the People's Republic of China

Findings in Relation to a dumping and subsidisation investigation

Customs Act 1901 – Part XVB

I, Dale Seymour, Commissioner of the Anti-Dumping Commission (the Commissioner) have completed the investigation, which commenced on 6 February 2014, into the alleged dumping and subsidisation of silicon metal (the goods), exported to Australia from the People's Republic of China (China).

The goods are described as silicon metal containing:

- at least 96.00 per cent but less than 99.99 per cent silicon by weight; and
- between 89.00 per cent and 96.00 per cent silicon by weight that contains aluminium greater than 0.20 per cent by weight;

of all forms (i.e. lumps, granules, or powder) and sizes.

The goods are classified to tariff subheading 2804.69.00 (statistical code 14) in Schedule 3 of the *Customs Tariff Act 1995*. The general rate of duty is currently "free" for goods imported from China.

Findings and recommendations were reported to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) in *Anti-Dumping Commission Report No. 237 (REP 237)*. REP 237 outlines the investigations carried out by the Anti-Dumping Commission (the Commission) and recommends the publication of a dumping duty notice and a countervailing duty notice in respect of the goods.

The Parliamentary Secretary has considered REP 237 and has accepted the recommendations and reasons for the recommendations, including all material findings of fact or law on which the recommendations were based, and particulars of the evidence relied on to support the findings.

Notice of the Parliamentary Secretary's decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 3 June 2015.

In REP 237, it was found that:

- silicon metal exported from China to Australia was dumped with margins ranging from 18.3% to 27%, and subsidised with margins ranging from 6.3% to 37.6%;
- the dumped and subsidised exports caused material injury to the Australian industry producing like goods; and

- continued dumping and subsidisation may cause further material injury to the Australian industry.

The duty that has been determined is an amount worked out in accordance with the *ad valorem* duty method, as detailed in the table below.

Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are set out in the following table.

Exporter	Dumping Margin	Subsidy Margin	Effective Rate of Combined Interim Countervailing Duty and Interim Dumping Duty*	Duty Method
Manufactured by Hua'an Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	18.3%	6.3%	12.0%	Ad valorem
Manufactured by Guizhou Liping Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	18.3%	6.3%	12.0%	Ad valorem
Uncooperative and all other exporters	27.0%	37.6%	58.3%	Ad valorem

* The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods, is the sum of:

- the subsidy rate calculated for all countervailable programs, and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 1.

Anti-dumping measures apply to goods that are exported to Australia on or after 23 February 2015. Interim dumping duties (IDD) and interim countervailing duties (ICD) also apply to like goods that were exported to Australia after the Commissioner made a preliminary affirmative determination to the day before the Parliamentary Secretary decision was published, however only dumping securities that have not expired will be converted to interim dumping duties¹.

Pursuant to section 12 of the *Customs Tariff (Anti-Dumping) Act 1975*, conversion of securities to IDD and ICD will not exceed the level of security taken. This means:

- If the rate at which interim dumping duty or interim countervailing duty is imposed is **higher** than the rate at which the security was taken - the security will be converted to IDD or ICD at the dumping security rate.

¹ Within the time limitations of section 45 of the *Customs Act 1901*.

Alternatively:

- If the rate at which interim dumping duty or interim countervailing duty is imposed is **lower** than the rate at which the security was taken - the securities will be converted to IDD or ICD at the IDD or ICD ad valorem rate.

Importers will be contacted by the Australian Customs and Border Protection Service (ACBPS) detailing the required conversion action for each security taken.

Affected parties should contact the Commission on 1300 884 159 or +61 2 6275 6066 (outside Australia) or at clientsupport@adcommission.gov.au for further information regarding the actual duty liability calculation in their particular circumstance.

To preserve confidentiality, the export price, normal value and amount of countervailable subsidisation applicable to the goods will not be published. Bona fide importers of the goods can obtain details of the rates from the Dumping Liaison Officer in their respective capital city.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Dumping Notice No. 2012/34, available at the Commission's website.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel in accordance with the requirements in Division 9 of Part XVB of the *Customs Act 1901* within 30 days of the publication of the Parliamentary Secretary's notices of decision.

REP 237 has been placed on the Commission's public record, which may be examined at the Commission office by contacting the Case Manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6276 1345, fax number 1300 882 506 or +61 3 9244 8902 (outside Australia) or email at operations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

3 June 2015