



EXPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA SILICON METAL FINDINGS IN RELATION TO A SUBSIDISATION INVESTIGATION

Public notice under subsections 269TJ(1) and (2) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged subsidisation of silicon metal (the goods), exported to Australia from the People's Republic of China (China).

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.

A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2014/08. This ADN is available on the internet at www.adcommission.gov.au.

The Commissioner reported his findings and recommendations to me 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 countervailing duty notice in respect of the goods.

I have considered REP 237 and have accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings.

Particulars of the subsidy programs and level of subsidisation established are set out in the following table:

Exporter	Countervailable subsidy program*	Subsidy Margin
Manufactured by Huan Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	1	6.3%
Manufactured by Guizhou Liping Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	1	6.3%
Uncooperative and all other exporters	1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44	37.6%

* The names and details of each of the above countervailable subsidy programs are contained within REP 237.

I, KAREN ANDREWS, Parliamentary Secretary to the Minister for Industry and Science, have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 237.

I am satisfied, as to the goods that have been exported to Australia from China, that countervailable subsidies have been received in respect of the goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TJ(1) of the Customs Act 1901 (the Act), I DECLARE that section 10 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) like goods that were exported to Australia after 23 February 2015 (when the Commissioner made a Preliminary Affirmative Determination under paragraph 269TD(4)(a) of the Act in respect of the goods) but before the publication of this notice.

I am also satisfied that a countervailable subsidy has been received in respect of the goods that have already been exported to Australia, and that a countervailable subsidy may be received in respect of like goods that may be exported to Australia in the future, and because of that, material injury to the Australian industry producing like goods has been or is being caused. Therefore under subsection 269TJ(2) of the Act, I DECLARE that section 10 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice. This declaration applies in relation to all exporters of the goods and like goods from China. The considerations relevant to my determination of material injury to the Australian industry caused by subsidisation are the size of the subsidy margins, the effect of subsidised imports on prices in the Australian market in the form of price undercutting and the consequent impact on the Australian industry including loss of sales volume, reduced market share, reduced revenue, price depression, price suppression and reduced profits and profitability.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of subsidised goods, and have not attributed injury caused by other factors to the exportation of those subsidised goods. 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 XV B of the Act, within 30 days of the publication of this notice.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Dumping Notice 2012/34, available at www.adcommission.gov.au.

REP 237 and other documents included in the public record 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.

Dated this 3rd day of June 2015

KAREN ANDREWS
Parliamentary Secretary to the Minister for Industry and Science