



## SILICON METAL

# EXPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA FINDINGS IN RELATION TO A DUMPING INVESTIGATION

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

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping 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](http://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 dumping duty notice in respect of the goods.

I have considered REP 237 and 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 dumping margins established and an explanation of the margins used to compare export prices and normal values to establish the dumping margins are set out in the following table:

Exporter	Dumping Margin
Manufactured by Hua'an Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	18.3%
Manufactured by Guizhou Liping Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	18.3%
Uncooperative and all other exporters	27.0%

The method used to determine dumping for all exporters was a comparison between weighted average export prices and weighted average corresponding normal values over the investigation period pursuant to subsection 269TACB(2)(a) of the *Customs Act 1901* (the Act).

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 the amount of the export price of the goods is less than the normal value of those 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 269TG(1) of the Act, I **DECLARE** that section 8 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 section 269TD of the Act that there appeared to be sufficient grounds for the publication of a dumping duty notice) but before the publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore under subsection 269TG(2) of the Act, I **DECLARE** that section 8 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 dumping are the size of the dumping margins, the effect of dumped 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 dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped 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.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

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](http://www.adcommission.gov.au).

REP 237 and other documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://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](mailto:operations2@adcommission.gov.au).

Dated this 3rd day of June 2015

KAREN ANDREWS  
Parliamentary Secretary to the Minister for Industry and Science

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THE AUSTRALIAN,  
WEDNESDAY, JUNE 3, 2015  
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