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The Director – Operations 4
Anti-Dumping Commission
Level 35, 55 Collins Street
GPO Box 1632
Melbourne VIC 3001

INVESTIGATION 355: STEEL SHELVING UNITS FROM THE PEOPLE'S REPUBLIC OF CHINA

Submission by the Australian Industry – Request for a PAD

Dear Director,

I write requesting the Anti-Dumping Commission (the Commission) review its Day 60 Status Report in relation to the above investigation and, as a matter of urgency, make a Preliminary Affirmative Determination (PAD) with regard to steel shelving units exported from China.

Summit Select Pty Ltd (Summit) notes that at day 60 of the investigation, the Commissioner did not make a PAD in relation to steel shelving units but instead issued a Day 60 Status Report. This was because the Commissioner was not satisfied that there appeared to be sufficient grounds for the publication of a dumping duty and/or countervailing duty notice at that stage. Summit is disappointed with this determination.

Summit, a small to medium sized enterprise (SME), has and is currently suffering material injury in relation to steel shelving units due to dumped and subsidised Chinese imports, and has provided the Commission with detailed information to support these claims.

Summit considers the evidence it has provided, and further information gathered by the Commission during its investigations, satisfies the required threshold of s.269TD(1) of the *Customs Act 1901* (the Act) for the issue of a PAD. This is particularly evident when the provisions of the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Ministerial Direction) are taken into account, which give the Commission clarification on how the relevant provisions of the Act should be applied.

The need for this PAD is increasing in its urgency, as Summit has observed substantial price reductions in the market on steel shelving units from China since the start of the Commission's investigation, intensifying the injury being suffered by the Australian industry. Recently a major retailer reduced its pricing on a specific Chinese shelving unit (galvanised, 1830 x 910 x 410, 5 shelf) from what was \$99.00 in March this year to \$34.98 (refer confidential Attachment A). Confidential Attachment B demonstrates that the units shown in Confidential Attachment A are the same product from the same supplier.

This price reduction of almost 65% is extremely damaging to the Australian industry as the product is a like good to the steel shelving manufactured by Summit.

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In light of this, it is imperative that Summit receive protection from this situation as soon as possible, to prevent further material injury occurring while the investigation continues. Summit requests that the Commissioner reconsider the decision to not make a PAD as soon as possible.

Summit understands from the Day 60 Status Report that the decision to not make a PAD is primarily due to the fact the required level of satisfaction hasn't yet been reached, because the Commission had not completed its preliminary consideration of whether there has been dumping and/or countervailable subsidisation. The Day 60 Status Report goes on to indicate that this preliminary assessment will be based on 'information provided by major exporters and by the Government of China'. Summit notes that this approach (performing detailed preliminary assessments of exporter questionnaire data) is not necessary and arguably contrary to the intention of the *Customs (Preliminary Affirmative Determinations) Direction 2015*.

Summit requests that the Commission not leave its consideration of the need for a PAD until after full preliminary analysis of questionnaires, as this would amount to an unreasonable and unnecessary delay that would cause further injury to Summit.

I trust the above information is of use to the Commission and other interested parties to the investigation. Please do not hesitate to contact me should you require further information.

Kind regards,

A handwritten signature in black ink, appearing to read 'Janice Riley', enclosed in a thin black rectangular border.

Janice Riley
Executive Director