



*Customs Tariff (Anti-Dumping) Act 1975*

**Certain silicon metal exported from the People's Republic of China by uncooperative and all other exporters**

**Variation of notice under subsection 10(3B) of the *Customs Tariff (Anti-Dumping) Act 1975***

Having decided to substitute the subsidy margin for certain Silicon Metal exported to Australia from the People's Republic of China (China) by uncooperative and all other exporters under section 269ZZM of the *Customs Act 1901* (the Act), I, KAREN LESLEY ANDREWS, Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science, am consequently required, by signed notice in accordance with subsection 10(3B) of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act), to direct that the interim countervailing duty be ascertained.

I direct that, pursuant to subsection 10(3B)(a) of the Dumping Duty Act, the interim countervailing duty referred to in subsection 10(3A) of the Dumping Duty Act in respect of certain Silicon Metal exported to Australia from China by uncooperative and all other exporters be ascertained as a proportion of the export price of those particular goods.

Accordingly, the countervailing duty notice for certain Silicon Metal is varied, with effect from 3 June 2015, so that the effective rate of duty (including dumping and countervailing duties) for certain Silicon Metal exported to Australia from China by uncooperative and all other exporters is 53 percent.

Pursuant to subsection 10(3DA) of the Dumping Duty Act, I have not had regard to the desirability of fixing a lesser rate of interim countervailing duty under subsection 10(3D) of the Dumping Duty Act because I am satisfied that in relation to the goods the subject of the notice under subsections 269TJ(1) and 269TJ(2) of the Act:

- (i) the country in relation to which the countervailable subsidy has been provided has not complied with Article 25 of the World Trade Organization Agreement on Subsidies and Countervailing Measures for the compliance period (subsection 10(3DA)(a) of the Dumping Duty Act); and
- (ii) the normal value of the goods was not ascertained under subsection 269TAC(1) of the Act because the operation of subsection 269TAC(2)(a)(ii) of the Act (subsection 10(3DA)(c) of the Dumping Duty Act).

Interested parties may seek a review of this decision by lodging an application with the Federal Court of Australia, in accordance with the requirements in the *Administrative Decisions (Judicial Review) Act 1977*, within 28 days of the publication of this notice.

KAREN LESLEY ANDREWS  
Assistant Minister for Science  
Parliamentary Secretary to the Minister for Industry, Innovation and Science

Signed on 25 November 2015