



ANTI – DUMPING SPECIALISTS

ACN 056 514 213 ABN 87 056 514 213

22 April 2013

NON - C O N F I D E N T I A L

Ms Joanne Reid  
Director, International Trade Remedies Branch  
Australian Customs and Border Protection Service  
Customs House  
5 Constitution Avenue  
Canberra ACT 2600

Dear Ms Reid,

**RESUMED INVESTIGATION – QUICKLIME FROM THAILAND**

This submission, on behalf of Cockburn Cement Ltd (“Cockburn”), is a concise summary of our submissions of 8 and 17 April 2013 in response to SEF No. 179A.

This investigation, initiated on the fundamental grounds of allegedly dumped imports from Thailand undercutting Cockburn’s selling prices and causing depression of Cockburn’s selling prices and consequent loss of revenue and profit between March and June 2010, **cannot be legitimately terminated without determination of the dumping status of the imports which caused the said injury to Cockburn between March and June 2010.** That the original investigation did not determine the dumping status of these imports is fundamental to the TMRO’s revocation of Customs’ decision to terminate the original investigation.

This investigation **cannot be terminated on the grounds of negligible injury** because the original investigation found the injury sustained by Cockburn between March and June 2010 because of the imports from Thailand to be material – price undercutting and price depression resulting in reduced revenue and **substantial reduction of profit.** And the resumed investigation has provided no valid reason for contradiction of this finding.

The resumed investigation has **ignored the original investigation’s finding of material injury sustained by Cockburn because of imports from Thailand** and has come up with a finding per SEF No. 179A that imports prior to the investigation period caused negligible injury on the following dubious grounds, which are either invalid or false –

- Cockburn held a **monopoly share** in the WA market and **has continued to trade profitably** since imports from Cockburn entered into the market (invalid);
- Cockburn’s injury is not considered to be injury to the **industry as a whole** (invalid);
- Cockburn experienced no injury in the form of **other economic factors such as capacity utilisation or employment** (invalid);
- imports from Thailand since the investigation period have **increased in volume and decreased in price, indicating that measures are unwarranted** (false);

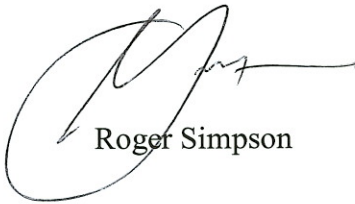
There can be no doubt that **imports in the period immediately prior to the investigation period caused material injury to Cockburn between March and June 2010.**

The resumed investigation has affirmed the TMRO's finding that **it is open to Customs to determine the dumping status of the imports from Thailand found by the original investigation to have caused material injury to Cockburn between March and June 2010** by amending the investigation period or otherwise. This notwithstanding, Customs has not determined the dumping status of the said imports as recommended by the TMRO, **without providing any valid reason as to why it has not done so in the circumstances of this case.**

Particular circumstances of this case which make it **appropriate to determine the dumping status of the imports which caused injury to Cockburn between March and June 2010** include the following:

- Customs initiated the original investigation with clear knowledge that **the keynote of Cockburn's case was injury sustained between March and June 2010 because of dumped imports from Thailand;**
- Customs' original investigation found that the injury sustained by Cockburn during March and June 2010 because of imports from Thailand **is material;**
- The dumping margin found by Customs during the investigation period **which immediately followed** the March-June 2010 injury period is **48%;** and
- Customs has information/evidence demonstrating that **it is extremely likely that imports from Thailand between January and June 2010 were dumped.**

Yours sincerely,



Roger Simpson