

PUBLIC
FILE**CANTLON Tim**

From: REID Joanne
Sent: Friday, 28 August 2009 16:16
To: KENNA Michael; CANTLON Tim
Subject: FW: Silicone emulsion concrete admixtures (SECA) from United States of America [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

From: bernhard.marcinowski@basf.com [mailto:bernhard.marcinowski@basf.com]
Sent: Friday, 28 August 2009 16:04
To: REID Joanne
Cc: alifia.sachak@basf.com; Harald.a.Fuchs@basf-c-s.be; leo.vandenheuvel@basf.com; steven.goldberg@basf.com
Subject: Silicone emulsion concrete admixtures (SECA) from United States of America

Dear Ms. Reid,

We refer to Australian Customs Dumping Notice No. 2006/54 (the Notice). BASF Construction Chemicals Australia Pty Ltd has authorised me to respond to the Notice on its behalf.

The application for dumping duties, lodged by Tech - Dry Building Protection Systems Pty. Ltd, does not fulfill the requirements of the Notice.

For example, all of the appendixes, except for one, are deleted and not given as indexed figures. Therefore we do not have any idea about the potential injury of the complaining company.

Another example is on page 12, "Deleted paragraph, Block Emulsion marketing information". We expect here a meaningful summary, for an "understanding of information contained in a document".

On page 26, second last paragraph, there is a reference to "a significant increase in the export business". If "the overall figures for block emulsion in appendix A 7 can not precisely present the impacts from the dumped imports", it should be a non-confidential split up for price and volume development on the local and on the export market and Appendix A 7 in an indexed form.

Additionally costs of production should be shown for both markets separately, if duty draw back is paid for inward processing for export business.

The reference to "the fall in the Australian Currency" and the overall economic situation within the last 12 months is from the injury perspective "other factors than dumped imports". Due to our understanding, based on this not meaningful non-confidential version, the complaint is mainly based on threat of injury due to the fact that there is "a sharp drop in the operating margins" (page 25) which is normal if a monopolist is confronted with competition. Therefore we respectfully ask Customs to demand from the complainant a complete revised and meaningful non-confidential version. In case of non cooperation by the complainant, we refer to paragraph 7 of the Notice, "that if such an explanation is not provided Customs may disregard the information in the submission".

Best regards,

Dr. Bernhard Marcinowski

Phone: +49 621 60-47898, Fax: +49 621 60-21105, E-Mail: bernhard.marcinowski@basf.com
 Postal Address: BASF SE, ZRS - C104, 67056 Ludwigshafen, Germany

BASF - The Chemical Company

BASF SE, Registered Office: 67056 Ludwigshafen, Germany
 Registration Court: Amtsgericht Ludwigshafen, Registration No.: HRB 6000
 Chairman of the Supervisory Board: Eggert Voscherau
 Board of Executive Directors:
 Juergen Hambrecht, Chairman; Kurt Bock, Martin Brudermueller, Hans-Ulrich Engel,
 John Feldmann, Andreas Kreimeyer, Stefan Marcinowski, Harald Schwager

23/09/2009