



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2010/12

SILICONE EMULSION CONCRETE ADMIXTURES EXPORTED FROM THE UNITED STATES OF AMERICA (USA)

Finding in relation to a dumping investigation

CUSTOMS ACT 1901 – PART XVB

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its investigation into the alleged dumping of silicone emulsion concrete admixtures, classified to tariff subheading 3824.40.00, statistical code 09, in Schedule 3 of the *Customs Tariff Act 1995* exported to Australia from the USA (the goods).

In Trade Measures Report No. 150 (REP 150) Customs and Border Protection recommended the publication of a dumping duty notice in respect of the goods. REP 150 outlines the investigations carried out by Customs and Border Protection, a statement of the reasons for the recommendations contained in REP 150, material findings of fact or law on which Customs and Border Protection's recommendations were based and particulars of the evidence relied on to support the findings.

In REP 150 Customs and Border Protection concluded that:

- exports of the goods from the USA were at dumped prices;
- future exports of the goods from the USA may be at dumped prices; and
- because of that, material injury to the Australian industry producing like goods has been or is being caused.

Particulars of the dumping margins established for the exporter and an explanation of the methods used to compare export prices and normal values to establish the dumping margins are set out in the following table:

Exporter	Dumping Margin	Method to establish dumping margin
BASF Construction Chemicals LLC	110%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of subsection 269TACB(2)(a) of the <i>Customs Act 1901 (the Act)</i> . A weighted average dumping margin for SECA exported to Australia in the investigation period was then calculated.

The Minister for Home Affairs has accepted Customs and Border Protection's recommendations in relation to the alleged dumping of the goods exported to Australia from the USA contained in REP 150. Notice of the Minister's decision was published in The Gazette and *The Australian* newspaper on 13 April 2010.

This declaration applies in relation to all exporters of the goods and like goods from the USA.

Measures will apply to goods that are exported to Australia after the date of the Minister's notice. Any securities that have been taken since 26 November 2009, which is the date from which the CEO of Customs and Border Protection (CEO) determined that securities would be required and taken pursuant to Preliminary Affirmative Determination No. 150, will be converted to interim dumping duty.

To preserve confidentiality, the variable factors will not be published. Bona fide importers of the goods can obtain details of the rates from the Regional Dumping Officer in their respective capital city.

Interested parties, as defined by subsection 269T(1) of the Act, may seek a review of this decision by lodging an application with the Trade Measures Review Officer in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the notice in *The Australian* newspaper and The Gazette (i.e by 13 May 2010).

REP 150 is available on the internet at <http://www.customs.gov.au>. Copies of REP 150 are also available on request from Trade Measures Branch, Customs and Border Protection, by telephone 02 6275 6547 or facsimile 02 6275 6990.

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 6393, fax number (02) 6275 6990 or email tmops1@customs.gov.au.

GEOFF JOHANNES
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Trade Measures Branch
CANBERRA ACT

13 April 2010