



## **ANTI-DUMPING NOTICE NO. 2015/41**

### **Deep drawn stainless steel sinks**

### **Exported from the People's Republic of China**

### **Findings in Relation to a dumping and subsidisation investigation**

#### ***Customs Act 1901 – Part XVB***

I, Dale Seymour, Commissioner of the Anti-Dumping Commission (the Commissioner) have completed the investigation, which commenced on 18 March 2014, into the alleged dumping and subsidisation of certain deep drawn stainless steel sinks (the goods), exported to Australia from the People's Republic of China (China).

The goods are currently classified to tariff subheading 7324.10.00 (statistical code 52) in Schedule 3 of the *Customs Tariff Act 1995*. These goods are subject to 5% Customs duty.

A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2014/20. This ADN is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Findings and recommendations were reported to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) in *Anti-Dumping Commission Report No. 238* (REP 238). REP 238 outlines the investigations carried out by the Anti-Dumping Commission (the Commission) and recommends the publication of a dumping duty notice and a countervailing duty notice in respect of the goods.

The Parliamentary Secretary has considered REP 238 and has accepted the recommendations and reasons for the recommendations, including all material findings of fact or law on which the recommendations were based, and particulars of the evidence relied on to support the findings.

Notice of the Parliamentary Secretary's decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 26 March 2015.

On 19 February 2015, I terminated the subsidisation investigation into the goods exported by Primy Corporation Limited and Zhongshan Jiabaolu Kitchen and Bathroom Products Co., Ltd. *Termination Report No. 238* (TER 238) sets out the reasons for these terminations. This report is available on the Commission's website.

In REP 238, it was found that:

- certain deep drawn stainless steel sinks exported from China to Australia were dumped with margins ranging from 5.0% to 49.5%, and subsidised with margins ranging from 3.3% to 6.4%;

- the dumped and subsidised exports caused material injury to the Australian industry producing like goods; and
- continued dumping and subsidisation may cause further material injury to the Australian industry.

The duty that has been determined is an amount worked out in accordance with the ad valorem duty method, as detailed in the table below.

Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are set out in the following table.

<b>Exporter</b>	<b>Dumping Margin</b>	<b>Subsidy Margin</b>	<b>Effective Rate of Combined Interim Countervailing Duty and Interim Dumping Duty*</b>	<b>Duty Method</b>
Zhuhai Grand Kitchenware Co., Ltd	12.5%	3.3%	12.5%	<i>Ad valorem</i> duty method
Primy Corporation Limited	5.0%	N/A – countervailing investigation terminated	5.0%	<i>Ad valorem</i> duty method
Zhongshan Jiabaolu Kitchen & Bathroom Products Co., Ltd	15.4%	N/A – countervailing investigation terminated	15.4%	<i>Ad valorem</i> duty method
Jiangmen New Star Hi-Tech Enterprise Ltd.	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Elkay (China) Kitchen Solutions Co., Ltd.	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Franke (China) Kitchen System Co., Ltd	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Xinhe Stainless Steel Products Co., Ltd	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Guangzhou Komodo Kitchen Technology Co., Ltd.	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Rhine Sinkwares Manufacturing Ltd. Huizhou	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Yuyao Afa Kitchenware Co., Ltd	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method

Jiangmen City HeTangHengWeiDa Kitchen & Sanitary Factory	10.4%	3.4%	10.7%	<i>Ad valorem</i> duty method
Uncooperative and all other exporters	49.5%	6.4%	52.6%	<i>Ad valorem</i> duty method

\* The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods, is the sum of:

- the subsidy rate calculated for all countervailable programs, and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 1.

In addition, the Parliamentary Secretary has granted exemptions from imposed interim dumping duties and interim countervailing duties in relation to the following sub-sets of deep drawn stainless steel sinks, based on a finding that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade:

- Cleaner's sinks that are comprised of a deep drawn stainless steel bowl and stainless steel splashback or upturned rear edge that is designed for fixture against a wall; and
- Hand wash basins that are comprised of:
  - a deep drawn stainless steel bowl with a rounded or concave basin bottom (i.e. not flat-bottomed); and
  - a stainless steel splash back or upturned rear edge that is designed for fixture against a wall.

Anti-dumping measures apply to goods (other than those exempted items listed above), that are exported to Australia on or after 13 August 2014. Interim dumping duties (IDD) apply to goods that were exported to Australia after the Commissioner made a preliminary affirmative determination to the day before the Parliamentary Secretary decision was published; however only dumping securities that have not expired will be converted to interim dumping duties<sup>1</sup>.

Pursuant to section 12 of the *Customs Tariff (Anti-Dumping) Act 1975*, conversion of securities to IDD will not exceed the level of security taken. This means:

- If the rate at which interim dumping duty is imposed is **higher** than the rate at which the security was taken - the security will be converted to IDD at the dumping security rate.

Alternatively:

- If the rate at which interim dumping duties are imposed is **lower** than the rate at which securities was taken - the securities will be converted to IDD at the IDD ad valorem rate.

<sup>1</sup> Within the time limitations of section 45 of the Act.

For those securities that will be converted at the rate at which the security was taken, the rate of conversion will reflect the rates of securities imposed on 24 October 2014 and 23 December 2014 (as applicable).

Importers will be contacted by the Australian Customs and Border Protection Service (ACBPS) detailing the required conversion or acquittal action for each security taken.

Affected parties should contact the Commission on 1300 884 159 or +61 2 6275 6066 (outside Australia) or at [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au) for further information regarding the actual duty liability calculation in their particular circumstance.

To preserve confidentiality, the export price, normal value and amount of countervailable subsidisation applicable to the goods will not be published. Bona fide importers of the goods can obtain details of the rates from the Dumping Liaison Officer in their respective capital city.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Dumping Notice No. 2012/34, available at the Commission's website.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the Parliamentary Secretary's notice.

REP 238 has been placed on the Commission's public record, which may be examined at the Commission office by contacting the Case Manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6275 6173, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or email at [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

26 March 2015