

**Commonwealth
of Australia**

Gazette

No. S110, Thursday, 5 July 2012

Published by the Commonwealth of Australia

SPECIAL**Australian Government****Australian Customs and
Border Protection Service****Customs Act 1901 - Part XVb****Certain aluminium road wheels (ARWs)****exported to Australia from****The People's Republic of China****Findings in relation to a dumping investigation****Notice under section 269TG (1) and (2) of the *Customs Act 1901***

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its investigation into the alleged dumping of certain aluminium road wheels (ARWs) (the goods), classified to tariff subheading 8708.70.91/ 78, 8708.70.99/ 80 and 8716.90.00/ 39 in Schedule 3 of the *Customs Tariff Act 1995* exported to Australia from the People's Republic of China (China).

In International Trade Remedies Report No. 181 (REP 181) Customs and Border Protection recommended the publication of a dumping duty notice in respect of the goods. REP 181 outlines the investigations carried out by Customs and Border Protection, a statement of the reasons for the recommendations contained in REP 181, 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.

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

Exporter	Dumping margin	Method of comparison
CITIC Dicastal Wheel Manufacturing Co. Ltd	6.3%	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</i> .
Pilotdoer Wheel Co. Ltd	19.9%	
Zhejiang Jinfei Kaida Wheel Co. Ltd	5.6%	
Zhejiang Yueling Co. Ltd	9.9%	
Selected non-cooperating exporters	29.3%	

I, JASON CLARE, Minister for Home Affairs, have considered, and accepted, the recommendations of Customs and Border Protection, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 181. I am satisfied, as to the goods that have been exported to Australia, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under s.269TG(1) of the *Customs Act 1901* (the Act), I **DECLARE** that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- the goods; and
- like goods that were exported to Australia after 31 May 2012 (when the Chief Executive Officer made a Preliminary Affirmative Determination under s.269TD(4)(a) of the Act that there appeared to be sufficient grounds for the publication of a dumping duty notice) but before publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to the Australian industry producing like goods has been caused. Therefore under s.269TG(2) of the Act, I **DECLARE** that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from China to Australia other than Zhejiang Shuguang Industrial Co. Ltd.

The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on prices in the Australian market in the form of price suppression and the consequent impact on the Australian industry including loss of sales volume, loss of revenue, loss of profits and profitability, reduced capacity utilisation, reduced employment and reduced return on investment. In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

Interested parties 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 this notice.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published as they may reveal confidential information.

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 5649, fax number (02) 6275 6990 or email itrops2@customs.gov.au.

Dated this 27 day of June, 2012

JASON CLARE
Minister for Home Affairs



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SPECIAL



Australian Government
Australian Customs and
Border Protection Service

Customs Act 1901 - Part XVB

Certain aluminium road wheels (ARWs)

exported to Australia from

The People's Republic of China

Findings in relation to a subsidisation investigation

Notice under section 269TJ(1) and (2) of the Customs Act 1901

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its investigation into the subsidisation of certain aluminium road wheels (ARWs) (the goods), classified to tariff subheading 8708.70.91/78, 8708.70.99/80 and 8716.90.00/39 in Schedule 3 of the *Customs Tariff Act 1995* exported to Australia from the People's Republic of China (China).

In International Trade Remedies Report No. 181 (REP 181) Customs and Border Protection recommended the publication of a countervailing duty notice in respect of the goods. REP 181 outlines the investigations carried out by Customs and Border Protection, a statement of the reasons for the recommendations contained in REP 181, 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.

Particulars of the subsidy programs and level of subsidisation established for exporters are set out in the following table:

Exporter	Subsidy Programs	Subsidy Rate
Pilotdoer Wheel Co. Ltd	Programs 1, 32,41,42,43,44	4.4%
Zhejiang Jinfei Kaida Wheel Co. Ltd	Programs 1, 4, 11, 31, 35, 50,51,53,56	2.8%
Zhejiang Yuelling Co. Ltd	Programs 1, 4	5.1%
Selected non-cooperating exporters	Programs 1, 4-9, 11, 13, 14, 21, 29, 31, 32, 35-44, 48-49, 50, 51, 53, 56	58.8%

* The names and details of each of the above countervailable subsidy programs are contained within REP 181.

I, JASON CLARE, Minister for Home Affairs, have considered, and accepted, the recommendations of Customs and Border Protection, the reasons for the recommendations and the material findings of fact on which the recommendations are based. I am satisfied, as to the goods that have been exported to Australia, that countervailable subsidies have been received in respect of the goods and because of that, material injury to the Australian industry producing like goods might have been caused if security had not been taken. Therefore under s.269TJ(1) of the *Customs Act 1901* (the Act), I DECLARE that section 10 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

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- the goods; and
- like goods that were exported to Australia after 31 May 2012 (when the Chief Executive Officer made a Preliminary Affirmative Determination under s.269TD4(a) of the Act in respect of the goods) but before the publication of this notice.

I am also satisfied that a countervailable subsidy has been received in respect of the goods that have already been exported to Australia; and that a countervailable subsidy may be received in respect of like goods that may be exported to Australia in the future; and because of that, material injury to the Australian industry producing like goods has been caused. Therefore under s.269TJ(2) of the Act, I **DECLARE** that section 10 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from China to Australia (other than CITIC Dicastal Wheel Manufacturing Co. Ltd and Zhejiang Shuguang Industrial Co. Ltd (also known as PDW)).

The considerations relevant to my determination of material injury to the Australian industry caused by subsidisation are the size of the subsidy margins, the effect of subsidised imports on prices in the Australian market in the form of price suppression and the consequent impact on the Australian industry including loss of sales volume, loss of revenue, loss of profits and profitability, reduced capacity utilisation, reduced employment and reduced return on investment. In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of subsidised goods, and have not attributed injury caused by other factors to the exportation of those subsidised goods.

Interested parties 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 this notice.

Particulars of the non-injurious prices of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 5649, fax number (02) 6275 6990 or email itrops2@customs.gov.au.

Dated this 27 day of June , 2012

JASON CLARE
Minister for Home Affairs



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SPECIAL



Australian Government

Australian Customs and
Border Protection Service

Customs Tariff (Anti Dumping) Act 1975

Certain aluminium road wheels (ARWs)

exported to Australia from

The People's Republic of China

Notice pursuant to section 8(5) and 8(5B) of the *Customs Tariff (Anti Dumping) Act 1975*

I, JASON CLARE, Minister for Home Affairs, having decided to issue a notice pursuant to section 269TG(1) and section TG(2) of the *Customs Act 1901* in respect of certain ARWs described in that notice (the goods), DIRECT, pursuant to section 8(5) of the *Customs Tariff (Anti Dumping) Act 1975* (the Dumping Duty Act), that the element of interim dumping duty referred to in section 8(4)(a) of that act be ascertained as a proportion of the export price of those particular goods or of the export price of goods of that kind as ascertained, whichever is the greater.

Pursuant to subsection 8(5B) of the Dumping Duty Act, I have had regard to the desirability of fixing a lesser amount of duty such that the sum of:

- (i) the export price of those particular goods, and
- (ii) that amount of the interim dumping duty as so fixed, and
- (iii) the amount of interim countervailing duty as fixed under section 10

does not exceed the non-injurious price of goods of that kind as ascertained.

This notice applies to the goods and like goods entered for home consumption on and after 31 May 2012.

Dated this 27 day of June, 2012

JASON CLARE
Minister for Home Affairs



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Australian Government
Australian Customs and
Border Protection Service

Customs Tariff (Anti Dumping) Act 1975

Certain aluminium road wheels (ARWs)

exported to Australia from

The People's Republic of China

Notice pursuant to section 10(3B) and 10(3D) of the *Customs Tariff (Anti Dumping) Act 1975*

I, JASON CLARE, Minister for Home Affairs, having decided to issue a notice pursuant to section 269TJ(1) and section TJ(2) of the *Customs Act 1901* in respect of certain ARWs described in that notice (the goods), DIRECT pursuant to subsection 10(3B) of the *Customs Tariff (Anti Dumping) Act 1975* (the Dumping Duty Act), that the interim countervailing duty referred to in paragraph 10(3A) in respect of certain aluminium road wheels exported from the People's Republic of China to Australia be ascertained as a proportion of the export price of those particular goods.

Pursuant to subsection 10(3D) of the *Customs Tariff (Anti Dumping) Act 1975*, I have had regard to the desirability of fixing a lesser amount of duty such that the sum of:

- (i) the export price of those particular goods, and
- (ii) that amount of the interim countervailing duty as so fixed, and
- (iii) the amount of interim dumping duty as fixed under section 8

does not exceed the non-injurious price of goods of that kind as ascertained.

This notice applies to the goods and like goods entered for home consumption on and after 31 May 2012.

Dated this 27 day of June, 2012

JASON CLARE
Minister for Home Affairs