



---

# **ANTI-DUMPING NOTICE NO. 2024/028**

*Customs Act 1901 – Part XVB*

## **DEEP DRAWN STAINLESS STEEL SINKS**

### **EXPORTED TO AUSTRALIA**

### **FROM PEOPLE'S REPUBLIC OF CHINA**

### **Initiation of a Continuation Inquiry No 646 into Anti-Dumping Measures**

*Notice under section 269ZHD(4) of the Customs Act 1901*

I, Isolde Lueckenhausen, Acting Commissioner<sup>1</sup> of the Anti-Dumping Commission (Commissioner), have initiated an inquiry into whether the continuation of anti-dumping measures (the measures), in the form of a dumping duty notice and a countervailing duty notice<sup>2</sup> (the notices), in respect of deep drawn stainless steel sinks (the goods) exported to Australia from the People's Republic of China (China) is justified.

The measures are due to expire on 26 March 2025 (specified expiry day).<sup>3</sup>

#### **1. The goods**

The goods subject to the measures and this inquiry are:

*Deep drawn stainless steel sinks with a single deep drawn bowl having a volume of between 7 and 70 litres (inclusive), or multiple drawn bowls having a combined volume of between 12 and 70 litres (inclusive), with or without integrated drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of stainless steel and whether or not including accessories;*

*stainless steel sinks with multiple deep drawn bowls that are joined through a welding operation to form one unit; and*

---

<sup>1</sup> References in this document to individuals holding positions within the Anti-Dumping Commission (commission) are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

<sup>2</sup> All exporters of the goods from China are subject to the dumping duty notice. All exporters of the goods from China are subject to the countervailing duty notice except for Primy Corporation Limited and Zhongshan Jiabaolu Kitchen & Bathroom Products Co. Ltd.

<sup>3</sup> On and from 27 March 2025, if not continued, the measures would no longer apply.

*deep drawn stainless steel sinks whether or not that are sold in conjunction with accessories such as mounting clips, fasteners, seals, sound-deadening pads, faucets (whether attached or unattached), strainers, strainer sets, rinsing baskets, bottom grids, or other accessories.*

*Stainless steel sinks with fabricated bowls are excluded from the goods covered.*

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:<sup>4</sup>

Tariff Subheading	Statistical Code
7324.10.00	52

## **2. Background to the measures**

The measures were initially imposed by public notice on 25 March 2015 by the then Parliamentary Secretary to the Minister for Industry and Science.<sup>5</sup> This followed the Parliamentary Secretary's consideration of the Commissioner's recommendation in *Report No (REP 238)*<sup>6</sup> resulting from *Investigation No. 238* (original investigation).

The measures were continued in March 2020 for a further five-year period by the then Minister for Industry, Science and Technology. This followed consideration of the Commissioner's recommendation in *Report 517 (REP 517)*<sup>7</sup> resulting from *Continuation Inquiry 517*.

The original investigation and the imposition of the measures followed an application made under section 269TB of the *Customs Act 1901*<sup>8</sup> by Tasman Sinkware Pty Ltd representing the Australian industry producing like goods to the goods subject to the measures.

Further details on the goods and existing measures is available on the Dumping Commodity Register on the commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

## **3. Application for continuation of the measures**

Division 6A of Part XVB sets out, among other things, the procedures to be followed in dealing with an application for the continuation of the measures.

---

<sup>4</sup> These tariff classifications and statistical codes may include goods that are both subject and not subject to the measures. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods subject to the measures.

<sup>5</sup> Anti-Dumping Notice (ADN) 2015/41.

<sup>6</sup> Electronic Public Record (EPR) for case 238, [document no. 102](#).

<sup>7</sup> EPR for case 517, [document no. 37](#).

<sup>8</sup> All legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

In accordance with section 269ZHB(1), I published a notice<sup>9</sup> on the commission's website on 15 February 2024. The notice invited the following persons to apply for the continuation of the measures:

- the person whose application under section 269TB resulted in the measures (section 269ZHB(1)(b)(i)); or
- persons representing the whole or a portion of the Australian industry producing like goods to the goods covered by the measures (section 269ZHB(1)(b)(ii)).

On 15 April 2024, I received an application for the continuation of the measures from Oliveri Solutions Pty Ltd (Oliveri)<sup>10</sup>. A non-confidential version of the application is available on the commission's public record.

Having regard to the application and the original investigation, I am satisfied that Oliveri is the person under section 269ZHB(1)(b)(i) because Oliveri's application under section 269TB resulted in the measures.

Like goods is defined under section 269T(1). Sections 269T(2), 269T(3), 269T(4), and 269T(4A) are used to determine whether the like goods are produced in Australia and whether there is an Australian industry. Having regard to the application and the original investigation, I am satisfied that Oliveri produces like goods to the goods under consideration and that it represents the Australian industry.

#### **4. Consideration of application under section 269ZHD(1)**

Pursuant to section 269ZHD(1), I must reject an application for the continuation of the measures if I am not satisfied of one or more of the matters referred to in section 269ZHD(2). These are:

- the application complies with section 269ZHC (section 269ZHD(2)(a)); and
- there appear to be reasonable grounds for asserting that the expiration of the measures to which the application relates might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent (section 269ZHD(2)(b)).

#### **5. Assessment under section 269ZHD(2)(a) - compliance with section 269ZHC**

I consider that the application complies with the requirements of section 269ZHC because it is in writing, in a form approved by me for the purposes of this section, contains the information that the form requires, is signed in the manner indicated by the form, and was lodged in a manner approved under section 269SMS, being by email to the commission's email address provided in the instrument under section 269SMS.<sup>11</sup>

---

<sup>9</sup> ADN No. 2024/009 refers.

<sup>10</sup> In December 2018 Tasman Sinkware Pty Ltd changed its legal name to Oliveri Solutions Pty Ltd.

<sup>11</sup> A copy of the instrument can be found on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## **6. Assessment under section 269ZHD(2)(b) – reasonable grounds**

### Oliveri's claims

In its application, Oliveri claims, among other things, that:

- If the measures expire, exports from China at dumped prices will continue or recur and will cause material injury in the forms of price suppression and reduced:
  - profitability
  - profits
  - sales volumes
  - sales revenue and
  - market share
- Exporters from China have maintained their distribution channels to Australia and have continued to export the goods to Australia.
- Steel exporters are affected by global overcapacity and trade distortions from several steel trade defence actions abroad.
- Australia remains an attractive and accessible market for exports from the subject exporters given trade barriers against them in other developed markets.
- Oliveri has had to reduce its prices substantially to maintain market share.

As part of its application, Oliveri provided export data for the goods from the Australian Bureau of Statistics to demonstrate that exporters from China continue to export the goods to Australia.

### The commission's consideration of Oliveri's claims

The commission has examined information it obtained from the Australian Border Force (ABF) import database and has found that exporters from China have continued to export the goods to Australia since the imposition of the measures. This confirms that manufacturers in the subject countries have maintained distribution links into the Australian market.

## **7. Conclusion**

Having regard to the application, Oliveri's claims and other relevant information set out in this notice, I am satisfied that, in accordance with section 269ZHD(2)(b), there appear to be reasonable grounds for asserting that the expiration of the measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

Based on the above findings, I have therefore decided to not reject the application.

## **8. This continuation inquiry**

For this inquiry, the commission will examine the period from **1 April 2023 to 31 March 2024** (the inquiry period) to determine whether dumping and subsidisation has occurred and whether the variable factors relevant to the determination of duty have changed.

Following the inquiry, the Commissioner will recommend to the Minister for Industry and Science (the Minister) whether the notices should:

- (i) remain unaltered; or
- (ii) cease to apply to a particular exporter or to a particular kind of goods; or
- (iii) have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained; or
- (iv) expire on the specified expiry day.

## 9. Proposed model control code structure

The commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.<sup>12</sup>

The table below outlines the commission's proposed MCC structure for this inquiry.

Category	Subcategory	Identifier	Sales Data	Cost Data
Number of Bowls	1 Bowl	1BWL	Mandatory	Mandatory
	1 Bowl (Round)	1BWLR		
	2 Bowls	2BWL		
	2 Bowls (Round)	2BWLR		
Number of Drainer Boards	No drainer board	0DB	Mandatory	Mandatory
	1 drainer board	1DB		
	2 drainer boards	2DB		
Total Sink Capacity (Litres or "L")	Greater than or equal to 7L but less than or equal to 30L	A	Mandatory	Mandatory
	Greater than 30L but less than or equal to 50L	B		
	Greater than 50L but less than or equal to 70L	C		

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than **12 June 2024**.

Interested parties are encouraged to make a submission on whether any proposed modifications to the MCC structure should be accepted by the commission. Any changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

## 10. Sampling of exporters

For this inquiry, I propose to make findings based on the information obtained from an examination of a selected number of exporters as outlined at **Attachment A**.

<sup>12</sup> Guidance on the commission's approach to model matching is in the Dumping and Subsidy Manual, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## 11. Public record

The Commissioner must maintain a public record for this inquiry. The EPR hosted on the commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)) contains, among other things, a copy of all non-confidential submissions from interested parties. Documents hosted on the EPR can be provided upon request to interested parties.

## 12. Submissions

Interested parties, as defined in section 269T(1), are invited to lodge written submissions concerning the continuation of the measures, no later than **12 June 2024**, being 37 days after publication of this notice. The commission's preference is to receive submissions by email to [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Submissions may also be addressed to:

Investigations 3  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

or faxed to +61 3 8539 2499.

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received after the date indicated above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive ". Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

I note that in the original investigation, normal values were calculated under section 269TAC(1) and section 269TAC(2)(c) and in Continuation 517, normal values were calculated under section 269TAC(1). I further note that the calculation of normal values in Continuation 517 were considered in the recent Panel Report in dispute DS603: Australia – Anti-Dumping and Countervailing Duty Measures on Certain Products from China.<sup>13</sup> The commission's approach to

---

<sup>13</sup> Panel Report, *Australia – Anti-Dumping Measures on Certain Products*, WTO Doc WT/DS603/R (26 April 2024).

calculating normal values in this continuation inquiry will take into consideration any submissions received from interested parties by **12 June 2024**.

### **13. Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable the Commissioner to report to the Minister within the legislative timeframe. The Commissioner will place the SEF on the public record on or before **26 August 2024**, that is, within 110 days after the publication of this notice, or by such later date as I may allow in accordance with section 269ZHI(3). The SEF will set out the essential facts on which the Commissioner proposes to base a recommendation to the Minister concerning the continuation of the measures.

Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record. The Commissioner will consider submissions received in response to the SEF within 20 days of the SEF being placed on the public record in completing my report and recommendation to the Minister.

### **14. Report to the Minister**

The Commissioner will make a recommendation to the Minister in a report on or before **8 October 2024**, that is, within 155 days after the date of publication of this notice, or such later date as allowed in accordance with section 269ZHI(3).

The Minister must make a declaration within 30 days after receiving the report, or if the Minister considers there are special circumstances, such longer period, ending before the specified expiry day, as the Minister considers appropriate. If the Minister receives the report less than 30 days before the specified expiry day, the Minister must make the declaration before that day.

### **15. The Commission Contact**

Enquiries about this notice may be directed via email to [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Isolde Lueckenhausen  
Acting Commissioner  
Anti-Dumping Commission

6 May 2024

## **ATTACHMENT A**

### **Application of sampling provisions for China**

Section 269TACAA(1) states that where the number of exporters from a particular country of export in relation to an inquiry is so large that it is not practicable to examine the exports of all of those exporters, then the inquiry may be carried out, and findings may be made, on the basis of information obtained from an examination of a selected number of those exporters who:

- constitute a statistically valid sample of those exporters; or
- are responsible for the largest volume of exports to Australia that can reasonably be examined.

I note that there are many suppliers of the goods from China listed in the ABF database during the inquiry period. Given the large number of exporters, it is not practicable to examine the exports of all those exporters. Accordingly, I will carry out this inquiry based on information obtained from an examination of a selected number of exporters who are responsible for the largest volume of exports to Australia that can reasonably be examined. All exporters from China are encouraged to participate in the inquiry process.

### **Selected exporters**

I intend to select the following exporters for examination (selected exporters):

- Primy Corporation Limited
- Zhuhai Grand Kitchenware Co. Ltd
- Rhine Sinkwares Manufacturing Ltd.

According to ABF database, the selected exporters represent over 64% of the volume of the goods (measured by statistical quantity reported in units) exported to Australia from China during the inquiry period.

The Commission will contact the selected exporters directly and invite them to complete an exporter questionnaire with respect to the inquiry period. Certain importers may also be contacted directly and invited to complete an importer questionnaire in relation to their imports of the goods from the selected exporters.

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on case page no. 646 at [www.adcommission.gov.au](http://www.adcommission.gov.au).

If information is submitted by an exporter that is not named above as a selected exporter, the inquiry must extend to that exporter unless to do so would prevent the timely completion of the inquiry.

Responses to the exporter questionnaire are due by **12 June 2024**.

The Commissioner may reconsider the selected exporters in this inquiry, subject to responses received to the exporter questionnaire and the extent of cooperation from the selected exporters named above.



## **Residual exporters, information requests and associated spreadsheets**

For those exporters of the goods from China, other than the selected exporters named above, the Commission requests a basic level of information, via an information request and associated spreadsheets.

The commission will make reasonable attempts to contact exporters of the goods who currently have individual measures (as recorded on the Commission's Dumping Commodity Register) and provide them directly with the information request and associated spreadsheets. The information request and associated spreadsheets are also available on case page no. 646 at [www.adcommission.gov.au](http://www.adcommission.gov.au).

This information request and associated spreadsheets will assist in the inquiry and may assist me to determine which additional exporters to include as selected exporters, if necessary, for example if selected exporters named above do not cooperate with the inquiry.

By completing the information request and associated spreadsheets, exporters of the goods (other than selected exporters) will be regarded as 'residual exporters' for the purposes of this inquiry, if their exports are not examined as part of the review and they are not an uncooperative exporter or non-cooperative entity in relation to the inquiry.

In making assessments in relation to the variable factors for residual exporters, the commission will not calculate:

- export prices that are less than the weighted average of export prices for cooperative exporters; and
- normal values that exceed the weighted average of normal values for cooperative exporters.

The commission will determine subsidy margins for the residual exporters having regard to the amount of countervailable subsidies received by the selected exporters.

Responses to the information request and associated spreadsheets are due by **12 June 2024**.

## **Uncooperative exporters and non-cooperative entities**

For the purposes of this inquiry, any selected exporter who does not cooperate with the inquiry by providing a complete exporter questionnaire response<sup>14</sup> by 12 June 2024<sup>15</sup>, and any other exporter (other than the selected exporters) that does not cooperate with the inquiry by providing a complete response to the information request and associated spreadsheets by 12 June 2024,<sup>16</sup> may be considered an uncooperative exporter and/or a non-cooperative entity (pursuant to section 269T, section 269TAACA and the *Customs (Extensions of Time and Non-cooperation) Direction 2015*).

---

<sup>14</sup> For clarity it is not the Commissioner's intention for selected exporters to provide an information request and associated spreadsheets.

<sup>15</sup> Or later date if granted an extension by the Commissioner.

<sup>16</sup> Or later date if granted an extension by the Commissioner.

Assessments in relation to the variable factors for uncooperative exporters and non-cooperative entities, will be based on relevant information.