



Customs Act 1901 – Part XV B

Anti-Dumping Notice No. 2024/039

DEEP DRAWN STAINLESS STEEL SINKS

Exported to Australia from People's Republic of China

Initiation of a Review of Anti-Dumping Measures No 652

Notice under section 269ZC(5) of the Customs Act 1901

I, Isolde Lueckenhausen, Acting Commissioner,¹ of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain deep drawn stainless steel sinks (the goods) exported to Australia from the People's Republic of China (China).

The review will examine whether the variable factors relevant to the taking of the anti-dumping measures as they affect exporters of the goods from China generally should be varied and/or revoked. The review is limited to a review of the dumping duty notice applying to the goods exported from China.²

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice, 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 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

¹ 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.

² The review does not include a review of the countervailing duty notice applying to the goods exported from China.

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 tariff subheading 7324.10.00 (statistical code 52) in Schedule 3 to the *Customs Tariff Act 1995*.

Background to the review

The anti-dumping measures were initially imposed by public notice on 25 March 2015 by the then Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) following consideration of *Anti-Dumping Commission Report No. 238 (REP 238)*.³

The anti-dumping 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)*⁴ resulting from *Continuation Inquiry 517*. The anti-dumping measures are due to expire on 26 March 2025.

The commission is currently conducting a continuation inquiry in relation to the goods (Continuation Inquiry 646). Continuation Inquiry 646 was initiated on 6 May 2024 (Anti-Dumping Notice 2024/028) and will assess whether the anti-dumping measures should be continued for a further five-year period, or be allowed to expire on 26 March 2025. Further details on the goods, the existing measures and Continuation Inquiry 646 is available on the commission's website (www.adcommission.gov.au).

The current review

I initiated this review after receiving a request from the Minister for Industry and Science (the Minister). The Minister has requested a review of the dumping duty notice applying to the goods exported to Australia from China. Specifically, the Minister has requested a review of the dumping duty notice as it affects exporters of the goods from China generally. The Minister has not requested a review of the countervailing duty notice. The Minister's request was made pursuant to section 269ZA(3) of the *Customs Act 1901* (the Act)⁵. A copy of the request is included with this notice at Attachment A.

The Minister has requested that I initiate this review because:

- the variable factors relevant to the taking of measures in relation to deep drawn stainless steel sinks exported to Australia from China may have changed; and

³ Anti-Dumping Notice (ADN) 2015/41.

⁴ ADN 2020/003.

⁵ All legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

- the anti-dumping measures may no longer be warranted.

As advised by the Minister, the reasons for the request are as follows:

- To take into account the findings made by the World Trade Organization Panel (Panel) in *Australia – Anti-Dumping and Countervailing Duty Measures on Certain Products from China*,⁶ endorsed by the Dispute Settlement Body on 26 April 2024.
- To consider changes which have occurred in the market for the goods exported to Australia from China since the dumping duty notice was last varied (effective from 27 March 2020) following the completion of Continuation Inquiry 517.

The review period is **1 April 2023 to 31 March 2024** and covers all exporters of the goods from China. The review will examine whether the variable factors relevant to the taking of the anti-dumping measures have changed and whether the anti-dumping measures are no longer warranted.

After concluding the review, I will recommend to the Minister that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained; or
- iii. be revoked, in part or generally.

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.⁷

The table below outlines the Commission’s proposed MCC structure for this review.

⁶ Panel Report, *Australia – Anti-Dumping and Countervailing Duty Measures on Certain Products from China*, WTO Doc WT/DS603/R (26 March 2024).

⁷ Guidance on the Commission’s approach to model matching is in the Dumping and Subsidy Manual, available at www.adcommission.gov.au.

Category	Sub-category	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 **1 August 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).

Sampling

For this review, I propose to make findings based on information obtained from an examination of a selected number of exporters as outlined at **Attachment B**. For the purposes of this review, the commission will sample the same exporters sampled in Continuation Inquiry 646. The commission intends to use information provided by those exporters in Continuation Inquiry 646, to the extent that it is relevant, for the purposes of this review.

Future Reviews

Under section 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

Public Record

The Commissioner must maintain a public record for this review. The EPR hosted on the commission's website (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.

Lodgment of submissions

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than **1 August 2024**, being 37 days after the publication of this notice. The commission's preference is to receive submissions by email to Investigations4@adcommission.gov.au

Submissions may also be addressed to:

Investigations 4
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

or faxed to +61 3 8539 2499.

Interested parties wishing to participate in the review 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 making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. A SEF will be placed on the public record by **14 October 2024**,⁸ or by such later date as allowed in accordance with section 269ZHI of the Act.⁹

⁸ The due date is 13 October 2024, however, as this falls on a Sunday, the effective date is the following business day.

⁹ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner. Refer to ADN 2017/10 for further information.

The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before **27 November 2024** (or such later date as allowed under section 269ZHI of the Act).

Anti-Dumping Commission contact

Enquiries about this notice may be directed via email to investigations4@adcommission.gov.au.

Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission

25 June 2024

Attachment A – Letter from Minister to Commissioner



**THE HON ED HUSIC MP
MINISTER FOR INDUSTRY AND SCIENCE**

MS24-000794

Ms Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2600

isolde.lueckenhausen@adcommission.gov.au

Dear Ms Lueckenhausen

I, Ed Husic, Minister for Industry and Science, REQUEST that the Commissioner of the Anti-Dumping Commission (Commissioner) initiate a review of the dumping duty notice relating to certain deep drawn stainless steel sinks (the goods) exported to Australia from the People's Republic of China (China).

I REQUEST that the review examine whether the variable factors relevant to the taking of the anti-dumping measures may have changed and whether the anti-dumping measures are no longer warranted, in accordance with Part XVB of the *Customs Act 1901* (Cth) (Customs Act). I am making this request pursuant to section 269ZA(3) of the Customs Act.

I make this request for the following reasons:

- 1) To take into account the findings made by the World Trade Organization Panel (Panel) in *Australia – Anti-Dumping and Countervailing Duty Measures on Certain Products from China*,¹ endorsed by the Dispute Settlement Body on 26 April 2024.
- 2) To consider changes which may have occurred in the market for the goods exported to Australia from China since the dumping duty notice was last varied (effective from 27 March 2020) following the completion of Continuation Inquiry No. 517.

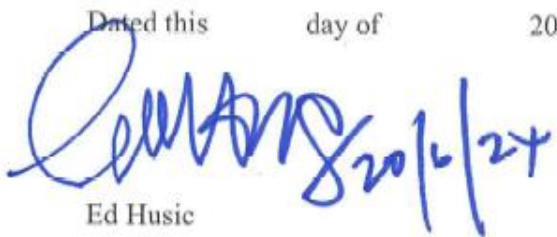
Upon considering information put before me by my department regarding the circumstances relating to the goods exported to Australia from China, I consider this appropriate because one or more of the variable factors relevant to the taking of the measures may have changed or the

¹ Panel Report, *Australia – Anti-Dumping and Countervailing Duty Measures on Certain Products from China*, WTO Doc WT/DS603/R (26 March 2024).

dumping duty notice may no longer be warranted. I would also note that these measures are set to expire on 26 March 2025, and that this review would align with the Continuation Inquiry (No. 646) already underway.

In undertaking the review, the Commissioner must apply the legislative framework set out in Part XVB of the Customs Act. In addition, I note that this legislative framework seeks to implement Australia's obligations under the Anti-Dumping Agreement², among other things, and is therefore to be interpreted and applied so that it is in conformity and not in conflict with the Panel's findings. This will ensure that the review complies with Australia's domestic law and will demonstrate Australia's commitment to bringing the measures into conformity with the Panel's findings.

Dated this day of 2024



Ed Husic

Minister for Industry and Science

² Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

Attachment B

Application of sampling provisions for China

Section 269TACAA(1) states that where the number of exporters from a particular country or export in relation to a review is so large that it is not practicable to examine the exports of all of those exporters, then the review may be carried out, and findings 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 Australian Border Force (ABF) import declaration database during the review 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 review 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 review.

Selected exporters

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

- Primy Corporation Limited¹⁰
- 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 review period.

Continuation Inquiry 646 was initiated on 6 May 2024 and concerns exports of the goods to Australia from China. The selected exporters identified above were also selected exporters for the purposes of Continuation Inquiry 646.¹¹ This review and Continuation Inquiry 646 will examine exports to Australia in the same period.

The commission intends to use information from Continuation Inquiry 646, to the extent that it is relevant, for the purposes of this review. Therefore, the selected exporters named above are not required to submit an additional response to the exporter questionnaire for this review, if they have submitted a timely and complete response to the exporter questionnaire in Continuation Inquiry 646.

¹⁰ Primy Corporation Limited (Primy) was identified as a supplier of exports to Australia in Continuation Inquiry 646 and the commission provided Primy with an exporter questionnaire in that inquiry. Primy advised that Zhuhai Dali Kitchen and Bathroom Technology Co., Ltd is the manufacturer of the goods. The Commissioner will make an assessment of the exporter, following consideration of the responses to the exporter questionnaire.

¹¹ ADN 2024/028.

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

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on the case page for this review at www.adcommission.gov.au. If information is submitted by an exporter that is not named above as a selected exporter, the review must be extended to that exporter unless to do so would prevent the timely completion of the review.

Responses to the exporter questionnaire are due by **1 August 2024**.

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 information request and associated spreadsheets are also available on the case page for this review at www.adcommission.gov.au.

The commission intends to use information from Continuation Inquiry 646, to the extent that it is relevant, for the purposes of this review. If an exporter has provided a timely and complete response to the information request and associated spreadsheets in Continuation Inquiry 646, this information will be considered for the purposes of this review and it is not necessary to provide a further response.

This information request and associated spreadsheets will assist in the review 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 review.

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

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 the export prices for cooperative exporters; and
- normal values that exceed the weighted average or normal values for cooperative exporters.

Responses to the information request and associated spreadsheets are due by **1 August 2024**.

Uncooperative exporters

For the purposes of this review, any selected exporter who does not cooperate by providing a timely and complete exporter questionnaire response¹², and any other exporter (other than the selected exporters) that does not cooperate by providing a timely and complete response to the information request and associated spreadsheets, may be considered an uncooperative exporter (pursuant to section 269T and the *Customs (Extensions of Time and Non-cooperation) Direction 2015*).

Assessments in relation to the variable factors for uncooperative exporters will be based on all relevant information.

If an exporter has submitted a timely and complete exporter questionnaire response, or a response to the information request and associated spreadsheets in Continuation Inquiry 646, the commission will consider that exporter to have also submitted a timely and complete response to the relevant request for the purposes of this review.

¹² For clarity, it is not the Commissioner's intention for selected exporters to provide an information request and associated spreadsheets.