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# ANTI-DUMPING NOTICE NO 2024/050

*Customs Act 1901*

*Customs (Preliminary Affirmative Determinations) Direction 2015*

## **Interchangeable bolted clipping system brackets**

**exported to Australia from the People's Republic of China**

**Investigation No 644 into alleged dumping and subsidisation**

### **Day 60 Status Report**

#### **Introduction**

This Status Report concerns the investigation into the alleged dumping and subsidisation of interchangeable bolted clipping system brackets (the goods) exported to Australia from the People's Republic of China (China). The report reflects the status of the investigation at day 60.

This Status Report sets out the reasons why I, Isolde Lueckenhausen, Acting Commissioner of the Anti-Dumping Commission (the commission), have not made a preliminary affirmative determination (PAD) on day 60.

I note that I may make a PAD at any time from day 60 onwards if I am satisfied the requirements of section 269TD(1) of the *Customs Act 1901* (Cth)<sup>1</sup> have been met.

#### **Background**

On 25 June 2024, I initiated an investigation into the alleged dumping and subsidisation of the goods after Abey Australia Pty Ltd (Abey) made an application under section 269TB. Further details can be found in the public notice published on 25 June 2024 (refer to Anti-Dumping Notice (ADN) 2024/040 at [www.adcommission.gov.au](http://www.adcommission.gov.au)).<sup>2</sup>

Under section 269TD(1), I may make a PAD at any time not earlier than 60 days after I initiate an investigation in relation to the publication of a dumping duty and countervailing duty notice, if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice, or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

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<sup>1</sup> All legislative references in this report are to the *Customs Act 1901* (Cth) unless otherwise specified.

<sup>2</sup> Electronic public record (EPR) 644, document no 3.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

### **Information before me at day 37**

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2), had regard to:

- Abey’s application
- data from the Australian Border Force import database, and
- the following information received within 37 days after the date of initiation of the investigation:
  - submissions in response to the initiation of the investigation, and
  - importer questionnaire responses.

### **Information from exporters**

No exporters provided a response to the exporter questionnaire (REQ) by day 37. The commission has granted the following entities extensions to submit an REQ, on the requirement that the response is submitted by the revised due date, is reasonably complete and accurate and includes both the confidential and public record versions:

<b>Entity</b>	<b>Extension requested</b>	<b>Extension granted</b>	<b>Revised due date</b>
Ningbo Fenghui Metal Products Co Ltd	56 days	28 days	29 August 2024
Cixi Guanhaiwei Qinyan Hardware Factory	56 days	28 days	29 August 2024

### **Reasons for publishing a Status Report**

The commission is required to examine various issues in the investigation, including:

- export prices and normal values of the goods exported from China
- whether, because of a situation in the Chinese domestic market, sales of like goods in this market are not suitable for use in determining normal values under section 269TAC(1)
- the level (if any) of countervailable subsidies received by exporters from China
- volumes of the goods exported from China
- the Australian market for the goods.

These issues are critical to ascertain:

- if the goods exported from China have been dumped at above negligible levels
- if the goods exported from China have been subsidised at above negligible levels, and
- whether those goods, if dumped or subsidised at above negligible levels, have caused or are causing material injury to the Australian industry.

These issues are critical to determining whether there are sufficient grounds for the publication of a dumping duty notice and a countervailing duty notice in respect of goods exported from China.

At this time, and on the basis of the evidence and the analysis undertaken to date, I am not yet satisfied that any injury to the Australian industry has been caused by any dumping or subsidisation that may have occurred. Accordingly, I am not yet satisfied that there appears

to be sufficient grounds for the publication of dumping duty and countervailing duty notices on the goods exported to Australia from China and have not made a PAD.

At this time, I anticipate a case manager will be assigned within 2 weeks, an Australian industry visit will occur within 2 months and a SEF will be published in early March 2025.

### **Other considerations**

#### **Relevant matters – section 269TD(2)(b)**

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD, at this particular time, because I am not yet satisfied that there appear to be sufficient grounds for the publication of dumping duty and countervailing duty notices for the reasons outlined above.

I will continue to assess the need for a PAD and may make one as soon as I am satisfied there appears to be sufficient grounds to do so on the basis of the evidence before me.

#### **Reconsideration of making a PAD – section 269TDAA**

The Direction requires me to reconsider whether or not to make a PAD at least once prior to the publication of Statement of Essential Facts (SEF) required under section 269TDAA. I am due to publish the SEF on **12 March 2025**. Prior to the publication, or in the SEF, I will advise whether I made a PAD after this report and the reasons for decision.

### **Anti-Dumping Commission Contact**

Any enquiries about this report may be directed to the commission on telephone number 02 6213 6000 or at [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

Isolde Lueckenhausen  
Acting Commissioner  
Anti-Dumping Commission

26 August 2024