



Sydney
Melbourne
Brisbane
Perth

27 June 2012

By email:

Ms Joanne Reid
Director, Operations 2
Australian Customs & Border Protection
Service
Customs House
5 Constitution Avenue
Canberra ACT 2601

Contact
Andrew Percival (02) 9210 6228
Email: andrew.percival@corrs.com.au

Partner
Andrew Korbel

Dear Ms Reid

Anti-dumping investigation - exports of formulated glyphosate from the People's Republic of China

As you know, we act for the China Chamber of Commerce of Metals, Minerals and Chemicals in relation to the above investigation.

We refer to Statement of Essential Facts No. 183 that was published on 25 June 2012 in relation to the investigation.

We note that Australian Customs and Border Protection Service (**Customs**) has found that:

- based on information that was verified by Customs as being accurate and complete, in relation to the three exporters investigated, none of them was exporting formulated glyphosate at dumped prices;
- those three exporters accounted for approximately 95% of all exports of formulated glyphosate from the People's Republic of China during the investigation period;
- the volume of formulated glyphosate exported from the People's Republic of China by other exporters was less than 3%; and
- any injury incurred by the Australian industry could not be attributed to dumping.

We agree with Customs' conclusion in the Statement of Essential Facts that, in the absence of dumping causing material injury to the Australian industry producing formulated glyphosate, this investigation must be terminated.

In light of Customs' findings it is not apparent how the CEO of Customs could fail to be satisfied of the matters which would require him to terminate the investigation pursuant to section 269TDA of the *Customs Act 1901*. On behalf of our client, we, therefore, request that the investigation be terminated by the CEO.

Finally, we understand that:

Australian Customs & Border Protection Service
**Anti-dumping investigation - exports of formulated
glyphosate from the People's Republic of China**



- the members of Australian industry did not, prior to the publication of the Statement of Essential Facts, make any written submissions to Customs about the matters reported by Customs in the visit reports for the three selected exporters (in which Customs concluded that each of those exporters had not engaged in dumping);
- members of the Australian industry may provide written submissions to Customs about those visit reports after the publication of the Statement of Essential Facts; and
- Customs intends to recommend to the CEO that the investigation be terminated provided that no new information is put to it that would establish that dumping has caused, or threatens, material injury to the Australian industry.

If the Australian industry does now, belatedly, make any submission to Customs which causes it to contemplate altering its conclusions about dumping by the selected exporters, we would ask that Customs promptly make that submission publicly available to other interested parties. In our respectful view, to fail to do so, and then to make a recommendation contrary to that proposed in the Statement of Essential Facts, would constitute a breach of Customs obligations under the *Customs Act* and at general law.

Yours faithfully
Corrs Chambers Westgarth

A handwritten signature in black ink, appearing to read 'Andrew Korbel', written in a cursive style.

Andrew Korbel
Partner