Anti-Dumping Notice No. 2019/58

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Solid Base Angle exported to Australia

from

The People’s Republic of China

Investigation into Alleged Dumping (No. 501)

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Paul Sexton, Acting Commissioner of the Anti-Dumping Commission (Commissioner), have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the Customs Act 1901 (the Act) on 29 April 2019, being at least 60 days after the initiation of the investigation into the alleged dumping of solid base angle (the goods) exported to Australia from the People’s Republic of China.

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 26 February 2019, an investigation into the alleged dumping of the goods was initiated following an application by Galintel Pty Ltd (Galintel), under subsection 269TB(1) of the Act. Further details can be found in the public notice published on 26 February 2019, (refer to Anti-Dumping Notice No. 2019/26) available at www.adcommission.gov.au.

Under subsection 269TD(1) of the Act, I may make a PAD at any time but not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied that:

- there appear to be sufficient grounds for the publication of such a notice; or

1 Day 60 of this investigation was 27 April 2019. However, as this fell on a Saturday, the earliest I could make a PAD is the following business day, being 29 April 2019.

2 All legislative references in this document are to the Customs Act 1901 unless otherwise specified.
it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

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

**Reasons for publishing a Status Report**

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

- Galintel’s application;
- an on-site visit to Galintel;
- submissions from interested parties in response to the initiation of the investigation;
- an issues paper published by the Anti-Dumping Commission (the Commission) on the public record for this investigation\(^3\); and
- responses to importer questionnaires.

Based on the above information, I am not making a PAD because I am not satisfied, under subsection 269TD(2)(a) of the Act, that at this stage of the investigation there appears to be sufficient grounds for the publication of a dumping duty notice.

Submissions from interested parties following the initiation of the investigation have expressed conflicting views, and sought clarification, regarding the goods that are the subject of the application. The Commission published an issues paper on 17 April 2019 seeking stakeholder feedback on issues relevant to determining the scope of the goods that are the subject of the application. Submissions to the issues paper are due by 8 May 2019.

The goods the subject of the application are, within section 269T of the Act, identified as the goods under consideration. The identification of ‘like goods’ (section 269T of the Act) is made on the basis of a comparison with the goods under consideration and will impact on the preliminary assessment of dumping. Where there is Australian production of like goods, the Australian industry is defined in terms of that production. The identification of like goods will impact on preliminary decisions relating to injury assessment.

Due to the conflicting views regarding the goods that are the subject of the application, and pending stakeholder feedback, at this stage I am not satisfied that there are sufficient grounds to establish the existence of dumping or the existence of a causal link between the potentially dumped goods and any injury experienced by the Australian industry.

**Other considerations**

*Relevant matters – subsection 269TD(2)(b)*

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as

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quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage, because I am not satisfied that there appear to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

In accordance with the Direction, after publishing a Status Report, the Commissioner must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF). The SEF is required to be published under section 269TDAA of the Act within 110 days after the date of initiation or such longer period as allowed under section 269ZHI. The SEF is currently due to be published on 17 June 2019. Prior to, or in the SEF, the Commissioner will advise whether or not a PAD has been made and the reasons for that decision.

Anti-Dumping Commission contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2451 or email at investigations2@adcommission.com.au.

Paul Sexton
Acting Commissioner
Anti-Dumping Commission

29 April 2019