



**Australian Government**  
**Department of Industry,  
Innovation and Science**

**Anti-Dumping  
Commission**

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# **ANTI-DUMPING NOTICE NO. 2019/154**

*Customs Act 1901 – Part XVB*

Application for an Accelerated Review (No. 536) of a dumping duty notice and countervailing duty notice applying to PVC flat electric cables exported to Australia from the People's Republic of China

Submitted by: Hebei Huatong Wires and Cables Group Co., Ltd

19 December 2019

## **Introduction**

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain polyvinyl chloride (PVC) flat electric cables exported to Australia from the People's Republic of China (China), in so far as they relate to a new exporter, Hebei Huatong Wires and Cables Group Co., Ltd (Hebei Huatong or 'the applicant').

The lodgement date of 27 November 2019 is the commencement date of the accelerated review.<sup>1</sup>

## **The goods**

The goods subject to anti-dumping measures (the goods), in the form of a dumping duty notice and a countervailing duty notice<sup>2</sup> (the notices), are set out in the table below.

<b>Full description of the goods, being the subject of the application</b>
Flat, electric cables, comprising two copper conductor cores and an 'earth' (copper) core with a nominal conductor cross sectional area of between, and including, 2.5 mm <sup>2</sup> and 3 mm <sup>2</sup> , insulated and sheathed with polyvinyl chloride (PVC) materials, and suitable for connection to mains electricity power installations at voltages exceeding 80 volts (V) but not exceeding 1,000 V, and complying with Australian/New Zealand Standard (AS/NZS) AS/NZS 5000.2 (the Australian Standard), and whether or not fitted with connectors.
<b>Further information</b>
<p>The locally produced goods are 2.5 Twin and Earth (TE) PVC flat cable (2.5 TE cable) that is commonly referred to as 'building wire', because of its use by the building and construction industry in domestic, commercial and industrial mains power supply low-voltage wiring installations.</p> <p>The term 'flat cables' mean cables where the conductor and earth cores are laid parallel in the same plane, as defined by the Australian Standard. The reference to "two copper conductor cores" refers to the 'phase core' and the 'neutral core'. The earth core (also comprising copper) is additional to these two active cores.</p> <p>The goods under consideration exclude:</p> <ul style="list-style-type: none"><li>• single core cables, being cables with a single active core;</li><li>• aerial cables as defined by the Australian Standard;</li><li>• twin active flat cables, that is, flat cables comprising two active cores but no earth core;</li><li>• circular cables as defined by the Australian Standard;</li><li>• cables insulated and/or sheathed with non-PVC material, including but not limited to cross-linked polyethylene (XLPE) materials, including a combination of PVC and non-PVC material;</li><li>• cables comprising cores made of aluminium conductors; and</li><li>• flexible cables (cords) as defined by AS/NZS 3191 and/or AS/NZS 60227.</li></ul>

Further details on the goods and existing measures are available on the Dumping Commodity Register on the Anti-Dumping Commission (Commission) website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

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<sup>1</sup> Section 269ZF(2) states that an application for accelerated review is taken to have been lodged when the application is first received by a Commission staff member doing duty in relation to applications for accelerated reviews. Section 269ZF(3) states that the day on which an application is taken to be lodged must be recorded on the application.

<sup>2</sup> Refer Anti-Dumping Notice No. 2019/25.

## **Accelerated reviews**

The legislative framework that underpins the making of and, my consideration of an application for accelerated review of dumping duty and countervailing duty notices is contained in Divisions 1 and 6 of Part XVB of the *Customs Act 1901*.<sup>3</sup>

If I do not reject an application or terminate an accelerated review, pursuant to sections 269ZG(1) and (2) I must, no later than 100 days after the application is lodged, provide the Minister for Industry, Science and Technology (the Minister) a report recommending the notices:

- (a) remain unaltered; or
- (b) be altered, so as to apply to the applicant as if different variable factors had been fixed,

and set out my reasons for so recommending.

In relation to this application, this recommendation must be made no later than **6 March 2020**.

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of transparency, a public record will be maintained. This notice, along with a non-confidential version of the application, response to the exporter questionnaire and any non-confidential submissions that are received, will be published on the public record, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## **Submissions**

Written submissions concerning this accelerated review must be lodged by **19 January 2020** via email to [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au).

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 "**FOR OFFICIAL USE ONLY**" on each page. A non-confidential version, or a summary, of the submission must also be lodged, clearly marked "**PUBLIC RECORD**" on each page.

## **Circumstances in which an accelerated review may be sought**

Section 269ZE sets out the circumstances in which an accelerated review may be sought. For the reasons set out below, I consider that the application complies with section 269ZE(1).

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<sup>3</sup> Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901* (Cth).

Requirement	Finding
<p>Applicant meets the definition of new exporter<sup>4</sup> (section 269ZE(1)).</p> <p><i>To fall within the definition of a new exporter, the period within which the applicant must not have exported the goods to Australia is 1 January 2017 to 31 December 2017 (the investigation period for the original investigation).</i></p>	<p>There is no evidence before the Commission at this time of exports of the goods by the applicant during the original investigation period. A search of the Australian Border Force's import database did not indicate the applicant to be a supplier of the goods during this period.</p> <p>Accordingly, I consider that the applicant should be considered a new exporter for the purposes of the accelerated review.<sup>5</sup></p>
<p>Declaration has not already been made in respect of the applicant under section 269ZG(3)(b) (section 269ZE(1)).</p>	<p>No such declaration has been made.</p>
<p>The applicant did not refuse to co-operate, in relation to the application for publication of the notices (section 269ZE(2)(a)).</p>	<p>There was no evidence of exports by the applicant during the original investigation period and, therefore, cooperation was not sought from the applicant during the original investigation.</p> <p>Accordingly, the applicant did not refuse to cooperate with the original investigation.</p>
<p>The applicant is not related to an exporter whose exports were examined in relation to the application for publication of the notices (section 269ZE(2)(b)).</p> <p><i>Section 269ZE(4) provides that, for the purposes of section 269ZE, an exporter is taken to be related to another exporter if the two exporters are associates of one another under section 269TAA(4).</i></p>	<p>The Commission has examined the information from the original investigation and the Australian Border Force's import database for the original investigation period.</p> <p>There is currently no evidence before the Commission that the applicant is related to an exporter whose exports were examined during the original investigation.<sup>6</sup></p>

As there are presently no grounds to reject the application under section 269ZE(2), I have not rejected it. If the circumstances set out in section 269ZE(2) should arise in the course of the review, it will be open to me to confirm the evidence with the applicant and, if I continue to be satisfied that the applicant is not a new exporter, I may terminate the application.

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<sup>4</sup> A new exporter is defined in section 269T(1) as, in relation to the goods the subject of the application for a dumping or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application. Section 269T(1) also defines 'application' in relation to a dumping duty notice or a countervailing duty notice as meaning an application for the publication of such a notice.

<sup>5</sup> If information arises during the course of the review that the applicant did export during the period, I may find the applicant to not be a new exporter and deem the applicant ineligible to apply for this accelerated review.

<sup>6</sup> If information arises during the course of the review that the applicant is related to an exporter whose exports were examined during the original investigation I may terminate the application.

## **Application for accelerated review – compliance with section 269ZF**

Section 269ZF(1) requires that an application for accelerated review must:

- be in writing and be lodged in a manner approved under section 269SMS;
- contain a description of the goods to which the notices relate; and
- contain a statement of the basis on which the exporter considers that the particular notice is inappropriate so far as the exporter is concerned.

<b>Requirement</b>	<b>Finding</b>
Lodged with the Commissioner in writing and in a manner approved under section 269SMS.	The application was in writing and lodged in a manner approved in an instrument made under section 269SMS, being by email to the Commission's nominated email address.
Contains a description of the goods to which the notices relate.	The application contained a description of the goods to which the notices relate.
Contains a statement of the basis on which the applicant considers that the particular notice is inappropriate in so far as the exporter is concerned.	The application included a statement from the applicant as to the grounds on which it deems the notices inappropriate so far as it is concerned.

Based on the information submitted by the applicant, I consider that the application complies with section 269ZF(1).

### **Conclusion**

I am satisfied, on the basis of information provided in the application and other relevant information available to the Commission, that:

- the circumstances in which an accelerated review can be sought under section 269ZE(1) have been satisfied;
- the conditions for rejection under section 269ZE(2) are not satisfied; and
- the application satisfies the requirements of section 269ZF.

In view of the above, I have decided that the application should not be rejected. My decision has been made on the basis of all currently available information. If, during the accelerated review, evidence becomes available that satisfies me that the requirements of either sections 269ZE(2) or (3) are met, I may reject the application or terminate the accelerated review.

The review period for the accelerated review is set as 1 October 2018 to 30 September 2019.

### **Securities**

When an application for an accelerated review of a dumping duty notice or countervailing duty notice is lodged, section 269ZH(a) provides that no interim duty can be collected from the applicant in respect of consignments of goods, to which the application relates, entered for home consumption after the application is lodged and until the completion of the review.

However, pursuant to section 269ZH(b), the Commonwealth may require and take securities under section 42 in respect of interim dumping duty and interim countervailing duty that may be payable on importation of the goods to which the application relates.

I declare that the Commonwealth will require and take securities, as shown in **Confidential Table 1**, under section 42 from 27 November 2019 in respect of interim dumping duty and interim countervailing duty that may be payable on the importation of the goods to which the application under section 269ZE(1) relates.

The interim dumping duty that has been determined is an amount that has been worked out in accordance with the combination duty method pursuant to section 5(2) of the *Customs Tariff (Anti-Dumping) Regulation 2013* (Cth).

The interim countervailing duty that has been determined is an amount that has been ascertained as a proportion of the export price of the goods pursuant to section 10(3B)(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (Cth).

### **Contact**

Enquiries about this notice may be directed to the Case Manager by phone on (03) 8539 2437 or email to [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au).

Dale Seymour  
Commissioner of the Anti-Dumping Commission  
19 December 2019

### **Attachments**

**Confidential Table 1** Ascertained variable factors and rates of duty for the collection of securities