



ADRP Conference Summary

2018/79 Dichlorophenoxy-acetic acid exported from the People's Republic of China

Panel Member	Joan Fitzhenry (Senior Member)
Review type	Review of Minister's decision
Date	23 May 2018
Participants	Matthew Williams and Gavin Crooks - Anti-Dumping Commission (ADC)
Time opened	13:30 AEST
Time closed	14:08 AEST

Purpose

The purpose of the conference was to obtain further information in relation to the application before the Anti-Dumping Review Panel (Review Panel) regarding the decision of the Parliamentary Secretary to the Minister for Jobs and Innovation, to publish a notice under subsection 269ZHG(1)(b) of the *Customs Act 1901* (the Act) to secure the continuation of anti-dumping measures currently applying to dichlorophenoxy-acetic acid (2,4-D) exported from the People's Republic of China (China).

The conference was held pursuant to s.269ZZHA of the Act.

In the course of the conference, I may have asked the ADC representatives to clarify an argument, claim or specific detail contained in Shangdong Weifang Rainbow Chemical Co., Ltd (Rainbow)'s application. The conference was not a formal hearing of the review and was not an opportunity for the ADC representatives to argue their case before me.

I have only had regard to information provided at this conference as it relates to relevant information (within the meaning of section 269ZZK(6) of the Act). Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously put in the application is not something that the Review Panel has regard to and is therefore not reflected in this conference summary.

Discussion

The specific information that the Review Panel sought in this conference was:

- The use of the VAT rate of 17% in the calculation of an upward adjustment to the normal value for Rainbow's exports.



Australian Government

Anti-Dumping Review Panel

- I referred the ADC representatives to Confidential Attachment 5.3 to REP 430 and the calculation of the VAT adjustment.
- The VAT rate in the documents referenced by Rainbow in its application (Confidential Exhibit D-7 EPR 430 Doc 004 and sales contract documents described as 16RA653) was discussed.
- It was confirmed that page 5 of the sales contract (Exhibit D-7) did refer to a VAT rate of 13%. However, the VAT rate was not clear in the other sales contract (16RA653). The ADC undertook to provide a better copy if possible.
- It was noted by the ADC representatives that the VAT rate for agricultural products in China may change depending on the stage of production of the product being sold. It was noted that the VAT rate which is relevant for an adjustment is the VAT rate applicable to the type of goods exported to Australia.
- The issue of the domestic sale of a sodium salt 2,4-D product being like goods to the exported goods was discussed.
- For consideration of this issue the ADC representatives referred to Rainbow's Exporter's Questionnaire Response and the reference to the 2,4-D sodium salt as a like good in its domestic sales spreadsheets.
- The ADC representatives also referred to the verification report regarding Rainbow's questionnaire response and the preliminary assessment that Rainbow's domestic sales of 2,4-D sodium salt were like goods.