



Australian Government

**Department of Industry,
Innovation and Science**

Customs Act 1901

Notice under section 269ZZM (4)

CERTAIN SILICON METAL Exported to Australia from the People's Republic of China

The Anti-Dumping Review Panel (ADRP) has completed a review of my previous decision whilst in the role of the Parliamentary Secretary to the Minister for Industry and Science, to impose dumping duties with respect to certain Silicon Metal exported to Australia from the People's Republic of China (the Reviewable Decision). The Reviewable Decision was publically notified in the Australian newspaper on 3 June 2015. An application for review of the Reviewable Decision was made by Pacific Aluminium on behalf of Rio Tinto Aluminium (Bell Bay) Ltd (Application). A copy of the Application is published on the ADRP website.

I, KAREN ANDREWS, Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science, have considered the recommendations and reasons for the recommendations made by the reviewing member of the ADRP, including all material findings of fact or law as set out in the ADRP report 23 dated 21 September 2015. I have decided not to accept the recommendation made in ADRP report 23. The ADRP report 23 will be available on the ADRP website on the same day as this notice of decision is published.

In accordance with section 269ZZM of the *Customs Act 1901* I determined on 12 November 2015 to vary the Reviewable Decision and the countervailing duty notice, with effect from 3 June 2015, as it relates to *Uncooperative and all other exporters* as follows:

- the applicable countervailable subsidy programs by omitting reference to programs 6, 18, 19 and 34; and
- the subsidy margin by substituting the subsidy margin of 32.3%.

Reasons

I have partially adopted the reasoning of the ADRP in report 23 in support of this decision. In particular, I agree with the ADRP that it does not appear reasonable to conclude or assume that each of the uncooperative exporters accessed each of the subsidy programs due to the geographical limitations on some of those subsidies. However, I consider that it is reasonable to assume that an uncooperative exporter, now or in the future, may be able to access all the national subsidy programs identified, and all the regional programs in a particular region. Further, I consider that it is appropriate that the *Uncooperative and all other exporters* countervailing duty rate be set with this possibility in mind. I have therefore decided that the *Uncooperative and all other exporters* subsidy margin should be calculated based on the subsidy margin applicable for an exporter receiving the highest number of subsidy programs that could be accessed by a single exporter if they were based in the region with access to the greatest amount of subsidies identified. I have varied the relevant subsidy programs and subsidy margin for *Uncooperative and all other exporters* accordingly.

KAREN ANDREWS

Assistant Minister for Science

Parliamentary Secretary to the Minister for Industry, Innovation and Science

Signed on 25 November 2015