



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

SILICON METAL exported from THE PEOPLE'S REPUBLIC OF CHINA

The Anti-Dumping Review Panel has received an application from PACIFIC ALUMINIUM on behalf of Rio Tinto Aluminium (Bell Bay) Limited (Pacific Aluminium) for review of a decision by the Parliamentary Secretary to publish a dumping duty/ countervailing duty notice in respect of SILICON METAL imported from THE PEOPLE'S REPUBLIC OF CHINA. The decision was published in the Australian newspaper on 3 June 2015.

The grounds raised by the application for the decision not being the correct or preferable decision include but are not limited to:

- (a) The Anti-Dumping Commissioner ought not to have made, and the Parliamentary Secretary ought not to have accepted and relied upon, the following findings and recommendations in the Commissioner's Report, which resulted in the decision to impose countervailing measures on silicon metal exported by unco-operative and all other exporters, and to do so with an effective rate of 37.6%:
 - That the uncooperative exporters met the eligibility criteria for 38 countervailable subsidy programs, accessed all of those programs and received financial contributions (at the maximum level available, or at a speculative maximum level) that conferred a benefit under all of those programs, and
 - That the uncooperative and all other exporters had a subsidy margin of 37.6%, and therefore countervailing measures ought to be imposed on their exports from China at that effective rate of duty.
- (b) The findings, and decision to accept them, are inconsistent with the Act and the Agreement on subsidies and Countervailing Measures (SCM Agreement).
- (c) If the Commissioner had not found that the uncooperative exporters met the eligibility criteria for, accessed and received financial contributions that conferred a benefit under the 38 countervailable subsidy programs, the Parliamentary Secretary would not have determined a 37.6% margin.
- (d) The approach taken by the Commission and the Parliamentary Secretary has resulted in the imposition of countervailing measures that are significantly higher than those that ought to have been imposed.

The goods to which these applications relate are silicon metal containing at least 96.00 per cent but less than 99.99 per cent silicon by weight, and between 89.00 per cent and 96.00 per cent silicon by weight that contains aluminium greater than 0.20 per cent by weight, of all forms (i.e. lumps, granules or powder) and sizes.

The Anti-Dumping Review Panel proposes to conduct a review of the decision. Interested parties may make submissions to the Panel within **30 days** after the date of publication of this notice.

Submissions may be emailed to [ADRP @industry.gov.au](mailto:ADRP@industry.gov.au) Submissions may also be posted to:

The Anti-Dumping Review Panel, c/o ADRP Secretariat, Legal Services Branch,
Department of Industry and Science, GPO Box 9839 ACT 2600 Australia.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781.
Copies of the applications for review, which set out the full grounds for seeking review and
other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the Anti-Dumping Commission
website at www.adcommission.gov.au

Scott Ellis, Member
Anti-Dumping Review Panel