



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2010/16

Sodium hydrogen carbonate (sodium bicarbonate)

Exported from the People's Republic of China

Initiation of a review of anti-dumping measures

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has decided to review the anti-dumping measures applying to sodium hydrogen carbonate (sodium bicarbonate), exported to Australia from the People's Republic of China (China).

The goods subject to anti-dumping measures, in the form of a dumping duty notice, are sodium hydrogen carbonate, also referred to as sodium bicarbonate or baking soda, which can be manufactured via the natural alkali method or the Solvay method.

The goods are classified under tariff subheading 2836.30.00 statistical code 27 in Schedule 3 of the *Customs Tariff Act 1995*. The rate of duty for sodium bicarbonate is 'free' for all sources.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 2 November 2005 following the then Minister for Customs and Border Protection's (the Minister) consideration of Trade Measures Report No. 98. These measures are applicable to all exporters from China. Following a Minister initiated review these measures were revised on 14 May 2007 subsequent to Trade Measures Report No. 119.

Customs and Border Protection are also currently conducting a continuation inquiry in relation to the goods. The continuation inquiry was initiated on 30 April 2010 (Australian Customs Dumping Notice 2010/15).

The current review

Customs and Border Protection initiated this review after a request was made by an affected party to the CEO under s.269ZA(1) of the *Customs Act 1901* (the Act) to review the measures as they affect exporters of sodium bicarbonate from China as one or more of the variable factors relevant to the taking of the measures in relation to an exporter, or exporters generally, may have changed. The CEO decided not to reject the application, the reasons for which are set out in Consideration Report No. 161 available at www.customs.gov.au. A notice indicating that it is proposed to review the measures was published in *The Australian* on 13 May 2010.

The review period is 1 April 2009 to 31 March 2010 and covers all exporters of the goods from China. After concluding the review, Customs and Border Protection will recommend to the Minister that the dumping duty notice:

- i. remain unaltered; or
- ii. be revoked, in part or generally; or
- iii. have effect as if different variable factors had been ascertained;

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning this review not later than 22 June 2010 with:

The Director
Operations 3,
Trade Measures Branch
Customs and Border Protection
5 Constitution Avenue
Canberra ACT 2601

Or by email tmops3@customs.gov.au, or by fax number (02) 6275 6990.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record.

The CEO must maintain a public record of each inquiry. The public record must contain, among other things, a copy of all submissions from interested parties (letters and electronic mail are generally regarded as "submissions" if they contain information relevant to the inquiry).

Interested 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:

- 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
- satisfy the CEO 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 "In-Confidence".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case, interested parties must provide two copies of each for the public record.

Interested parties wishing to examine the public record may do so on the internet at

adpr.customs.gov.au/Customs or at Customs House, 5 Constitution Avenue, Canberra ACT during business hours by contacting Trade Measures office management on telephone number 02 6275 6547. Consideration Report 161 and all Australian Customs Dumping Notices are also available on the Customs and Border Protection website at www.customs.gov.au.

Statement of essential facts and final report

A statement of the essential facts (SEF) on which the CEO proposes to base a recommendation to the Minister for Home Affairs (the Minister) will be placed on the public record by 31 August 2010, or such longer period as the Minister allows under s. 269ZHI of the *Customs Act 1901* (the Act). Interested parties are invited to lodge submissions in response to the SEF within 20 days of that statement being placed on the public record. Submissions to the SEF should also be lodged with Customs and Border Protection at the above mail, fax or email addresses.

A report and recommendation to the Minister will be made on or before 15 October 2010 (or such longer period as the Minister allows under s. 269ZHI of the Act).

Customs and Border Protection contact

Enquires concerning this notice may be directed to the case team on telephone (02) 6245 5453 or email tmops3@customs.gov.au

Geoff Johannes
National Manager
Trade Measures Branch
10 May 2010