



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2009/35**

### **Geosynthetic clay liners**

### **exported from**

### **The Federal Republic of Germany (Germany)**

### **Finding in relation to a dumping investigation**

#### **CUSTOMS ACT 1901 – PART XVB**

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its investigation into the alleged dumping of geosynthetic clay liners comprising one or more geotextile layers and one or more layers of bentonite clay, classified to tariff subheading 6815.99.00, statistical code 09, in Schedule 3 of the *Customs Tariff Act 1995* exported to Australia from Germany (the goods).

In Trade Measures Report No. 145 Customs and Border Protection recommended the publication of a dumping duty notice in respect of the goods. The report outlines the investigations carried out by Customs and Border Protection, a statement of the reasons for the recommendations contained in the report, material findings of fact or law on which Customs and Border Protection's recommendations were based and particulars of the evidence relied on to support the findings.

In Trade Measures Report No. 145 Customs and Border Protection concluded that:

- exports of the goods from Germany were at dumped prices;
- future exports of the goods from Germany may be at dumped prices; and
- because of that, material injury to the Australian industry producing has been or is being caused.

Particulars of the dumping margins established for each of the exporters and an explanation of the methods used to compare export prices and normal values to establish those dumping margins are set out in the following table:

<b>Exporter</b>	<b>Dumping Margin</b>	<b>Method to establish dumping margin</b>
Naue GmbH & Co. KG	26.7%	Weighted average export prices for each grade exported to Australia were compared with weighted average corresponding normal values over the investigation period in terms of subsection 269TACB(2)(a) of the <i>Customs Act 1901 (the Act)</i> . A weighted average dumping margin for GCLs exported to Australia in the investigation period was then calculated.

The Minister for Home Affairs has accepted Customs and Border Protection's recommendations in relation to the alleged dumping of the goods exported to Australia from Germany contained in Trade Measures Report No. 145.

Measures will apply after 8 May 2009, which is the date from which the CEO of Customs and Border Protection (CEO) determined that securities would be required and taken in respect of the goods entered for home consumption, pursuant to Preliminary Affirmative Determination No. 145. Notice of the CEO's decision was published in *The Australian* newspaper on 8 May 2009.

This declaration applies in relation to all exporters of the goods and like goods from Germany.

Interested parties, as defined by subsection 269T(1) of the Act, may seek a review of this decision by lodging an application with the Trade Measures Review Officer in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the notice in *The Australian* newspaper and Commonwealth of Australia Gazette No. S166 of 15 October 2009.

Trade Measures Report No.145 will be sent electronically to all interested parties (as defined by s.269T of the Act) who participated in the investigation. Trade Measures Report No. 145 is also available on request from the Trade Measures Branch of Customs and Border Protection, telephone (02) 6275 6547, or on the Internet at [www.customs.gov.au](http://www.customs.gov.au).

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 6701, fax number (02) 6275 6990 or email [tmops3@customs.gov.au](mailto:tmops3@customs.gov.au).

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15 October 2009