



Australian Government

Australian Customs and
Border Protection Service

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2009/33

Linear low density polyethylene (LLDPE) exported from the Republic of Indonesia

Initiation of continuation inquiry

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) will inquire into whether the continuation of anti-dumping measures in respect of linear low density polyethylene (LLDPE), exported from the Republic of Indonesia (Indonesia) is justified. The inquiry will commence on 12 October 2009.

The goods subject to anti-dumping measures, in the form of dumping duty notices, are LLDPE, in a pelletised form and with a density of less than 0.94 grams per cubic centimetre, in various grades.

The goods are classified under tariff subheading 3901.10.00 statistical code 01, and 3901.90.00 statistical code 06 in Schedule 3 to the *Customs Tariff Act 1995*.

The rate of duty for LLDPE from Indonesia is five percent.

The original anti-dumping measures were initially imposed by public notice on 27 July 2000 following consideration of Trade Measures Report No.8, in the form of an undertaking by PT Petrokimia Nusantara Interindo (PENI) and anti-dumping duties on all other exporters. The measures were continued for a period of five years after Ministerial consideration of Trade Measures Report No.95 in 2005. In accordance with section 269ZH(4) of *Customs Act 1901* (the Act), the then Minister responsible for Customs and Border Protection sought agreement from the Indonesian exporter PENI to extend its undertaking beyond the specified expiry date of 18 July 2005. PENI did not agree to continue the undertaking and the Minister published a dumping duty notice in substitution for the undertaking, to take effect from the day after the expiry date (19 July 2005).

Interested parties are invited to lodge written submissions concerning the continuation of the measures not later than **21 November 2009** with:

The Director
Operations 1
Australian Customs and Border Protection Service
Trade Measures Branch
Customs House
5 Constitution Avenue
Canberra ACT 2601

or by facsimile number 02 6275 6888, or by email tmops1@customs.gov.au.

Confidential submissions must be clearly marked "in-confidence" and be accompanied by two non-confidential versions suitable for placement on the public record. All non-confidential submissions will be placed on the public record for this inquiry together with a copy of all relevant correspondence between Customs and Border Protection and other persons.

A statement of the essential facts (SEF) on which the CEO proposes to base a recommendation to the Minister for Home Affairs (Minister) will be placed on the public record by 30 January 2010, (or such longer period as the Minister allows under s 269ZHI of 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 within 155 days, on or before 16 March 2010 (or such longer period as the Minister allows under s 269ZHI of the Act).

Unless the Minister, after considering that report, decides to take steps to secure the continuation of the anti-dumping measures, they will expire on 19 July 2010, for PENI, and 27 July 2010 for all other exporters. Therefore, on and from 20 July and 28 July 2010, the anti-dumping measures would no longer apply.

Particulars of the reasons for the decision to initiate this inquiry are shown in Consideration Report No 152 held on 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.

Enquiries about this notice may be directed to the case manager on telephone number 02 6275 6729 or email tmops1@customs.gov.au. Consideration Report No 152 and all dumping notices are also available on the Customs and Border Protection website at www.customs.gov.au.

Trisha Bridge
A/g National Manager
Trade Measures Branch

06 October 2009