



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2007/26 CERTAIN MOBILE GARBAGE BINS

Malaysia

Variation of Dumping Duty Notice

Findings in relation to a dumping reinvestigation

On 5 June 2006, a dumping duty notice was published in respect of mobile garbage bins, assembled or unassembled, of 120 litre and 240 litre nominal capacities (the goods) exported from Malaysia to Australia.

The decision to publish a dumping duty notice (the reviewable decision) was reviewed by the Trade Measures Review Officer. The Trade Measures Review Officer recommended that a number of findings leading to the publication of the dumping duty notice be reinvestigated.

The Chief Executive Officer of the Australian Customs Service (CEO) has completed a reinvestigation in accordance with s. 269ZZL of the *Customs Act 1901* (the Act). Trade Measures Report No 122 (Report) sets out the findings and new findings made by an authorised delegate of the CEO as a result of the reinvestigation. The Report also sets out the evidence and other material on which the findings and new findings are based and the reasons for the delegate's decision, including all material findings of fact or law on which the decision was based.

Copies of the Report are available on the internet at www.customs.gov.au or on request from the Trade Measures Branch, Australian Customs Service, Canberra on telephone number 02 6275 6059 or facsimile number 02 6275 6990.

In the Report, the delegate of the CEO affirmed the original findings, that:

- there is a causal link between the dumped imports and injury to the Australian industry and the injury caused by dumping is material; and
- exports in the future from Malaysia are likely to be dumped and material injury to the Australian industry is likely to continue.

In relation to the dumping margin, the delegate of the CEO made a new finding that the dumping margin is 6.47% (the dumping margin determined in the original investigation was 6.21%). The method used to compare export prices and normal values to establish dumping margins is a comparison of the weighted average export price with the weighted average normal value during the investigation period for each exporter.

The Minister for Justice and Customs (Minister) has published a notice under ss. 269ZZM(1) and (3)(b) of the Act in *The Australian* newspaper on 20 June 2007. That notice varies the "Public Notice under section 269TG(1) and (2) of the *Customs Act 1901*" published on 5 June 2006 in respect of certain mobile garbage bins exported from Malaysia (the original notice), with effect from 27 February 2006, so that the dumping duty notice is to be taken to have had effect as if different variable factors had been fixed, relevant to the determination of duty.

Enquiries about this notice may be directed to the Case Manager, Operations 4, on telephone number (02) 6229 1148, facsimile number (02) 6275 6990 or by email to tmops4@customs.gov.au. Bona fide importers may obtain details of the varied measures applicable from the Regional Dumping Liaison Officers in their respective capital city.

Geoff Johannes
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Trade Measures Branch

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