



## AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/36

### CUSTOMS ACT 1901 – PART XVB

#### Transparent Bi-Axially oriented polypropylene exported from The Republic of Indonesia - initiation of an investigation into alleged dumping

The Australian Customs Service has initiated an investigation following an application lodged by Shorko Australia Pty Ltd, the sole member of the Australian industry, for the publication of a dumping duty notice in respect of transparent bi-axially oriented polypropylene exported to Australia from the Republic of Indonesia (Indonesia).

The application alleges that the goods have been exported to Australia at prices less than the normal values and that the dumping has caused material injury to the Australian industry through:

- price depression;
- price suppression;
- price undercutting;
- loss of sales volumes;
- lost market share;
- reduced profits and profitability;
- reduction in employment numbers; and
- underutilisation of production capacity.

The public version of the application, available on request to interested parties, as defined by subsection 269T(1) of the *Customs Act 1901* (the Act), contains the basis of the alleged dumping.

A notice under subsection 269TC(4) of the Act advising initiation of this investigation was published in *The Australian* newspaper on 24 August 2006.

#### **The goods**

The goods the subject of the application (the goods) are transparent bi-axially oriented polypropylene (BOPP), between 0.015mm and 0.050mm in thickness.

The goods are classified to tariff subheading 3920.20.00 in Schedule 3 of the *Customs Tariff Act 1995*. The goods from Indonesia are subject to a 5% rate of duty.

#### **Investigation process**

The investigation period is 1 July 2005 to 30 June 2006. Customs will examine exports to Australia of the goods during that period to determine whether dumping has occurred. Customs will examine details of the Australian market from 1 January 2004 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of the goods that have already been exported to Australia is less than the normal value of those goods; and

- (b) the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused.

### **Lodgement of submissions**

Interested parties are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application no later than the close of business on 3 October 2006, addressed to:

The Director  
Trade Measures, Operations 1  
Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

Interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. Interested parties may be granted an extension of time for lodgement of a submission, provided the request is in writing and is reasonable and practical given the circumstances. Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs 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 on the public record.

Customs 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.

The public record may be examined at:

Trade Measures Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

To access the public record, contact Trade Measures office management on telephone number (02) 6275 6547.

### **Provisional measures**

A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures in the form of securities in respect of interim duty that may become payable on the goods may be imposed where a preliminary affirmative determination has been made.

### **Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 12 December 2006, or by such later date as the Minister may allow. The statement will set out the material findings of fact on which Customs proposes to base its recommendation to the Minister. That statement will invite interested parties to respond to the issues raised within 20 days.

### **Report to the Minister**

Submissions received in response to the statement will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 26 January 2006, or such later date as the Minister may allow, unless the CEO terminates the investigation.

### **Review Officer**

Certain parties will have the right to seek review in accordance with Division 9 of Part XVB of the Act of either a decision by the CEO to terminate the investigation, or a decision of the Minister after considering the CEO's report.

### **Customs contact**

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 6137, fax number (02) 6275 6990 or e-mail [tmops1@customs.gov.au](mailto:tmops1@customs.gov.au).

Andrew Rice  
National Manager  
Trade Measures Branch  
CANBERRA ACT

24 August 2006