



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2007/50**

### **LINEAR LOW DENSITY POLYETHYLENE FROM THE REPUBLIC OF INDONESIA, THE REPUBLIC OF KOREA AND THAILAND**

#### **Initiation of a review of anti-dumping measures**

##### **CUSTOMS ACT 1901 - PART XV B**

The Australian Customs Service (Customs) has commenced a review of the anti-dumping measures applying to exports to Australia of linear low density polyethylene (LLDPE) from the Republic of Indonesia (Indonesia), the Republic of Korea (Korea) and Thailand.

The goods covered by the review are LLDPE, in various grades, in a pelletised form and with a density of less than 0.94 grams per cubic centimetre. The goods are classified to subheading 3901.10.00 statistical code 01 and subheading 3901.90.00 statistical code 06 in Schedule 3 of the *Customs Tariff Act 1995*.

The rate of duty is 5% for the nominated countries.

#### **Background to measures**

Anti-dumping measures were imposed on LLDPE in the form of an undertaking by one exporter and a dumping duty notice on all other exporters of LLDPE from Indonesia by public notice on 27 July 2000 (Trade Measures Report No. (TM) 8 refers). On 3 December 2003, anti-dumping duties were imposed on LLDPE exported from Korea (except for Hyundai Petrochemical Co.) and Thailand (TM 67).

On 10 June 2005, following an accelerated review, the Minister declared that with effect from the date the application was lodged (11 February 2005), the original dumping duty notice did not apply to LLDPE exported from Korea by Lotte Daesan Petrochemical Corporation Ltd (TM 97).

On 13 July 2005, following a continuation inquiry the Minister continued the anti-dumping measures on exports from Indonesia for a further period of five years (TM 95). In accordance with s. 269ZHG(4) of the *Customs Act 1901* (Act), the Minister sought agreement from an Indonesian exporter to extend the undertaking beyond the specified expiry date of that undertaking (18 July 2005) (TM 95).

The Indonesian exporter did not agree to extend the undertaking and on 18 July 2005, 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).

The anti-dumping measures have also been reviewed resulting in a change to the variable factors from Indonesia (with the exception of the exporter formerly covered by the undertaking), Korea and Thailand (TM 89).

### **The current review**

Customs accepted an application from Qenos Pty Ltd, under section 269ZA of the Act requesting a review of anti-dumping measures applying to LLDPE exported to Australia from Indonesia, Korea and Thailand.

The review period is 1 October 2006 to 30 September 2007. After conducting the review, Customs 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.

### **Lodgement of submissions**

Interested parties (as defined) are invited to respond to this notice and should lodge submissions no later than the close of business on 14 January 2008 with:

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

or by fax on (02) 6275 6990

Interested parties wishing to participate in the review must ensure that their submissions are lodged promptly. The legislation allows Customs to disregard any submissions that are received after specified periods if there is insufficient time remaining for their proper consideration.

Confidential submissions must be clearly marked "In-Confidence". In addition, two non-confidential copies of the submission must be provided and marked "Public File".

Section 269ZJ of the Act requires that if a person claims information is confidential, or claims that publication of the information would adversely affect their business or commercial interests, that person:

- must provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- must satisfy the Chief Executive Officer (CEO) of Customs that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Customs must maintain a public record of each review. The public record must contain, among other things, a copy of all submissions from parties (letters and electronic mail are generally regarded as “submissions” if they contain information relevant to the review). The public record may be examined at the above address during business hours by contacting Trade Measures office management on telephone number (02) 6275 6547.

### **Statement of essential facts and report to the Minister**

On or before 24 March 2008 (or by such later date as the Minister may allow in accordance with section 269ZHI of the Act), a statement of essential facts will be placed on the public record, setting out the facts on which the CEO proposes to base the recommendations to the Minister. Interested parties are invited to make submissions to Customs in response to the statement of essential facts within 20 days of that statement being placed on the public record. A recommendation to the Minister will be made in a report at or before 6 May 2008 (or by such later date as the Minister may allow in accordance with section 269ZHI of the Act).

Enquiries about the review should be directed to the review manager on telephone (02) 6275 6488, facsimile (02) 6275 6990 or on [tmops1@customs.gov.au](mailto:tmops1@customs.gov.au).

GEOFFREY JOHANNES  
National Manager  
Trade Measures Branch

3 December 2007