



## **AUSTRALIAN CUSTOMS DUMPING NOTICE**

**NO. 2009/10**

### **Geosynthetic clay liners exported from The Federal Republic of Germany**

#### **Preliminary Affirmative Determination and Imposition of Securities**

On 5 January 2009 the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) initiated an investigation into the alleged dumping of geosynthetic clay liners (GCLs) exported to Australia from the Federal Republic of Germany (Germany). The investigation was initiated following an application lodged by Geofabrics Australasia Pty Ltd on behalf of itself and its wholly owned subsidiary Elco Solutions Pty Ltd which together constitute the Australian industry.

The goods the subject of the application are geosynthetic clay liners, commonly referred to as GCLs, comprising one or more geotextile layers and one or more layers of bentonite clay. The goods are classified to tariff subheading 6815.99.00 statistical code 09 in Schedule 3 of the *Customs Tariff Act 1995*.

After considering the application, and other relevant information, in accordance with s.269TD of the *Customs Act 1901* (the Act), the delegate of the CEO is satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice.

The officer of Customs and Border Protection taking securities is satisfied that it is necessary to require and take securities to prevent material injury to Australian industry occurring while the investigation continues. Customs and Border Protection will require and take securities under section 42 of the Act in respect of any interim duty that may become payable in respect of GCLs from Germany imported on or after 8 May 2009.

Particulars of the dumping margins established for 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 Act. A weighted average dumping margin for GCLs exported to Australia in the investigation period was then calculated.

All other exporters	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 Act. A weighted average dumping margin for GCLs exported to Australia in the investigation period was then calculated.
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The considerations relevant to the determination of material injury to an industry for the purposes of the preliminary affirmative determination (PAD) are:

- Lost sales volume;
- Lost market share;
- Price undercutting;
- Price depression;
- Price suppression;
- Lost profits; and
- Reduced profitability.

Statement of essential facts (SEF) No. 145 was placed on the public record on 28 April 2009. The SEF contains the facts on which the CEO proposes to base a recommendation to the Minister for Home Affairs (the Minister) in relation to the application. Interested parties (as defined by s.269T of the Act) have an opportunity to respond to the SEF. Submissions in response to the SEF should be made to the CEO by 18 May 2009. The SEF and PAD reports no. 145 are available on the Internet via [www.customs.gov.au](http://www.customs.gov.au).

For the purposes of the PAD the amount of dumping security payable is set at 5.6 per cent of the PAD export price. This figure is the weighted average difference between the non-injurious prices and export prices for the grades of GCL exported to Australia by Naue GmbH & Co. KG in 2008. Provisional measures are based on two product categories: GCLs with a total mass of less than and equal to 5,000 grams/ sqm and GCLs with a total mass of greater than 5,000 grams/ sqm. A total mass of 5,000 grams/ sqm was selected to distinguish the BFG 5000 grade (and higher grades) from lower grades of product.

Provisional measures will be in place from 8 May 2009 for six months and continue to be collected until the Minister's decision is published or they expire.

The CEO is due to report to the Minister with recommendations on or before 8 July 2009. The Minister will then decide whether to publish a dumping duty notice imposing measures and, if relevant, the level of the measures to be imposed. Depending on the Minister's decision, any securities taken may be converted to interim dumping duty or refunded.

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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8 May 2009

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