



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice

No. 2002/49

**Section 269TD of the *Customs Act 1901*
2,4-D (dichlorophenoxy-acetic acid)
from
China, India and the United Kingdom**

**Preliminary Affirmative Determination
& Imposition of Securities**

The Australian Customs Service (Customs) commenced an investigation on 2 April 2002, after an application was lodged by Nufarm Limited. The investigation concerns the alleged dumping of all forms of 2,4-D (dichlorophenoxy-acetic acid), a selective herbicide, exported to Australia from the People's Republic of China (China), India and the United Kingdom (U.K.).

2,4-D acid is classified to 2918.90.00 (statistical code 44) and 2,4-D amines and esters are classified to 2918.90.00 (statistical code 45). Formulated 2,4-D is classified to 3808.30.00 (statistical code 28). The applicable duty rate for the goods in each classification is 5%.

In accordance with s. 269TD of the Act, I have now determined that sufficient grounds have been established for the publication of a dumping duty notice.

In order to prevent material injury occurring to the Australian industry while the investigation continues, securities under s. 42 of the Customs Act will be required in respect of any interim dumping duty that may become payable in respect of the goods from China (except those exported by Imtrade China) and the U.K. entered for home consumption on or after 28 October 2002.

In reaching this preliminary decision, Customs is satisfied that :

- the export price of like goods that have already been exported to Australia from China (except those exported by Imtrade China) and the U.K. is less than the normal value of those goods; and
- because of that, material injury has been caused to the Australian industry producing like goods; and

- the export price of like goods that may be exported from China (except those exported by Imtrade China) and the U.K. to Australia in the future may be less than the normal value of the goods.

A Statement of Essential Facts (SEF) No.58 was placed on the public record on 18 October 2002. The SEF sets out reasons for this determination, including material findings of fact on which the determination is based and on which Customs proposes to base its recommendations to the Minister. The SEF includes further particulars of how the export prices, normal values and dumping margins were established and of the material injury considerations. A copy of the report may be examined by contacting Trade Measures Office Management on telephone number (02) 6275 6547 or on the internet at <http://www.customs.gov.au>

Customs is due to report to the Minister on 2 December 2002. The Minister will then decide whether measures are to be imposed and if so, the level of the measures. Depending on the Minister's decision, preliminary measures may be converted to interim duty or refunded.

Enquiries concerning this notice may be directed to Andrea O'Keeffe on telephone number (02) 6245 5433 or Clare Starr on telephone number (02) 6275 6379 or fax number (02) 6275 6888.

Phil Burns
National Director
Cargo and Trade Division
CANBERRA ACT
28 October 2002