



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice

No. 2002/44

CUSTOMS ACT 1901 - PART XV B

INITIATION OF AN INVESTIGATION INTO ALLEGED DUMPING OF LINEAR LOW DENSITY POLYETHYLENE EXPORTED TO AUSTRALIA FROM THE REPUBLIC OF KOREA AND THAILAND

The application

The Australian Customs Service has initiated an investigation into an application lodged by Qenos Pty Ltd for a dumping duty notice in respect of linear low density polyethylene (LLDPE) exported to Australia from the Republic of Korea and Thailand.

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 lost profitability.

The public version of the application, available to interested parties on request, contains the basis of the alleged dumping.

A notice under s. 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in the *The Australian* on 11 October 2002. Interested parties are invited to provide written submissions in response to that notice.

The goods

The goods under investigation are linear low density polyethylene, also known as LLDPE.

The goods are classified to subheading 3901.10.00, statistical code 01 of the Customs Tariff Act 1995. The rate of duty is 5% for both countries named.

Investigation process

The investigation period is 1 October 2001 to 30 September 2002. Customs will examine exports to Australia of the goods under consideration during that period to determine whether dumping has occurred. Customs will examine details of the Australian market for the period 1 July 1999 to 30 September 2002 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 the 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 and is likely to continue.

Lodgement of submissions

Interested parties are advised to lodge submissions no later than the close of business on 20 November 2002, addressed to:

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

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. Parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties. The due date for any supplementary submissions is 5 December 2002.

All interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

Confidential submissions

Submissions lodged in confidence must be clearly marked "confidential". In addition, two non-confidential copies of the submission must be provided.

Section 269ZJ of the *Customs Act 1901* requires that if a person claims information is confidential, or claims that publication of the information would adversely affect their business, that person:

- ❑ must provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- ❑ must satisfy the 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.

Non confidential submissions held on public file

Non-confidential submissions will be made available to interested parties through 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 may be imposed after the preliminary determination has been made.

Statement of essential facts

A statement of essential facts will be placed on the public record by 29 January 2003 or by such later date as the Minister may allow in accordance with s. 269ZHI of the *Customs Act 1901*. The statement will set out the material findings of fact on which Customs intends to base its recommendation to the Minister. That statement will invite interested parties to respond, within 20 days, to the issues raised therein.

Report to the Minister

Submissions received in response to the statement will be taken into account in compiling the report and recommendation to the Minister. The report to the Minister is due no later than 15 March 2003 or by such later date as the Minister may allow in accordance with s. 269ZHI of the *Customs Act 1901*.

Customs contact

Enquiries about this notice may be directed to Steve Cooper, telephone number (02) 6275 6295 or facsimile number (02) 6275 6990 or by email to steve.cooper@customs.gov.au. All dumping notices are available on the internet at www.customs.gov.au/notices/index.htm.

SUE PITMAN
National Manager
Trade Measures Branch

11 October 2002