



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

PVC FLAT ELECTRICAL CABLES

Exported from the People's Republic of China

**Investigation into Alleged Dumping and Subsidisation
(No. 469)**

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, Commissioner of the Anti-Dumping Commission (Commissioner), have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 3 August 2018, being 60 days after the initiation of the investigation into the alleged dumping and subsidisation of certain polyvinyl chloride (PVC) flat electrical cables (the goods) exported to Australia from the People's Republic of China (China).

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 4 June 2018, I initiated an investigation into the alleged dumping and subsidisation of PVC flat electrical cables following an application by Prysmian Australia Pty Ltd (Prysmian) under section 269TB of the Act. The application was supported by Olex Australia Pty Ltd (Olex). Further details can be found in the public notice published on the Commission's website (Anti-Dumping Notice No. 2018/86 refers).¹

¹ www.adcommission.gov.au

Under subsection 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice and/or countervailing duty notice, if I am satisfied:

- that there appears to be sufficient grounds for the publication of such a notice; or
- that it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2) of the Act, had regard to:

- Prysmian's application;
- submissions received in response to the initiation of the investigation; and
- responses to importer and exporter questionnaires.

The Anti-Dumping Commission (the Commission) has, to date, undertaken visits to the Australian industry members Prysmian and Olex. The Commission is currently analysing information gathered from these sources to assist in establishing whether dumping and subsidisation have caused material injury to the Australian industry producing like goods.

The Commission has also conducted importer verification visits to Electra Cables (Aust) Pty Ltd and NAN Electrical Cable Australia Pty Ltd. The information collected from the importers is still under consideration to establish the post importation costs incurred by the importers, and to calculate net selling prices and profitability.

In addition, the Commission has not completed its preliminary assessment of exporter questionnaire responses to calculate whether the goods exported to Australia from China were at dumped and/or subsidised prices.

Therefore, at the time of making this Status Report, I am unable to establish that:

- there appears to be sufficient grounds to be satisfied that the goods exported to Australia have been dumped and/or subsidised (at above negligible levels in accordance with section 269TDA); and
- that dumped and/or subsidised goods are causing material injury to the Australian industry producing like goods.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped or to establish a causal link between the dumped goods and material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 24 September 2018.² Prior to the publication of the SEF or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager on telephone number 03 8539 2409, fax number +61 3 8539 2499 or at investigations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

3 August 2018

² Day 110 of the investigation is 22 September 2018 which is a Saturday. Therefore, the next business day becomes the due date for publication of the SEF.