



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No.2000/30

CUSTOMS ACT 1901 - PART XVB

**FINDING ON LINEAR LOW DENSITY POLYETHYLENE
EXPORTED FROM THE REPUBLIC OF INDONESIA, THE
REPUBLIC OF KOREA, MALAYSIA AND SAUDI ARABIA**

The Australian Customs Service has completed its investigation into the alleged dumping of linear low density polyethylene (LLDPE) exported to Australia from the Republic of Indonesia, the Republic of Korea, Malaysia and Saudi Arabia.

Customs initiated this investigation on 15 February 1999 and submitted its report to the Minister of Justice and Customs (the minister) on 18 August 1999. Close to the completion of the (initial) investigation Customs received legal advice to the effect that it could apply regulation 180(2) (which deals with determination of costs) more flexibly. Given the late stage of the investigation Customs was unable to apply the advice, as it would not accord the affected exporters natural justice. On receiving Customs' report, the minister asked Customs to revisit the issue. Accordingly Customs re-visited the Korean exporters and took into account the findings of those visits in finalising the report and recommendations, which were submitted to the minister on 10 March 2000. The minister accepted the recommendations on 18 July 2000.

Customs concluded that:

- LLDPE has been exported to Australia from Indonesia, Korea, Malaysia and Saudi Arabia at dumped prices, however dumped exports from Korea, Malaysia and Saudi Arabia were in negligible volumes;
- dumped imports of LLDPE from Korea, Malaysia and Saudi Arabia have not caused material injury to the Australian industry producing like goods;
- dumped imports of LLDPE from Indonesia have caused material injury to the Australian industry producing like goods;
- there is not a threat of material injury from dumping of LLDPE from Korea, Malaysia and Saudi Arabia; and
- there is a threat of material injury from dumping of LLDPE from Indonesia.

Customs recommended that anti-dumping action be taken against the goods exported from Indonesia. One exporter from Indonesia has offered a price undertaking that its future exports will be at prices which would not cause material damage by dumping to the Australian industry. Customs recommended that the minister accept the price undertaking.

Customs also recommended that anti-dumping measures be imposed on any other future exporter of LLDPE from Indonesia.

Customs further recommended that the minister take no anti-dumping action against exporters of LLDPE from Korea, Malaysia and Saudi Arabia.

The minister has accepted Customs recommendations. Measures will apply to goods entered for home consumption on or after 27 July 2000.

Report No. 8 is available on request from the Trade Measures Office Management, Australian Customs Service, Canberra, telephone (02) 6275 6057 or on the internet at: <http://www.customs.gov.au/notices/reports/report08.htm>

Customs will not publicise normal values, export prices and non-injurious prices as they may reveal confidential details of the companies concerned. Individual companies have been advised of the measures applicable to their transactions.

Interested parties may request a review of the minister's decision by lodging an application for review with the Trade Measures Review Officer in the approved form and manner within 30 days of the publication of this notice. The legislation relating to the review of ministerial decisions is set out in the Customs Act commencing at s. 269ZZA.

Enquiries about this notice may be directed to Mr Michael Kenna on (02) 6275 6544.

A handwritten signature in black ink, reading "Paul O'Connor", with a horizontal line underneath it.

PAUL O'CONNOR
National Manager
TRADE MEASURES BRANCH
Delegate of the Chief Executive Officer
26 July 2000