



**AUSTRALIAN  
CUSTOMS SERVICE**

**Australian Customs Dumping Notice**

**No.2000/40**

CUSTOMS ACT 1901 – PART XVB

**REVIEW OF A MINISTERIAL DECISION TO TAKE ANTI-DUMPING  
ACTION AGAINST IMPORTS OF LINEAR LOW DENSITY POLYETHYLENE  
(LLDPE) FROM INDONESIA, THE REPUBLIC OF KOREA, MALAYSIA AND  
SAUDI ARABIA**

The Trade Measure Review Officer (the Review Officer) proposes to conduct a review under section 269ZZK of the *Customs Act 1901* (the Act) of the decision of the Minister for Justice and Customs (the Minister), notified on 27 July 2000:

- not to take anti-dumping action against exporters of LLDPE from Korea, Malaysia and Saudi Arabia; and
- to publish a notice under subsection 269TG(1) and subsection 269TG(2) of the Act in respect of imports of LLDPE from Indonesia.

The applicant, Qenos Pty Ltd (Qenos), is a joint venture company formed between Orica Australia Pty Ltd (Orica) and Kemcor Australia Pty Ltd on 1 July 1999. Qenos seeks a review of certain findings of Customs which led the Minister not to take anti-dumping action against exporters of LLDPE from Korea Malaysia and Saudi Arabia.

Qenos challenges Customs findings in relations to the:

- calculation of normal values for all exporters from Korea and Saudi Arabia which led Customs to find that dumped imports from these sources have been made in negligible volumes; and
- that exports from Malaysia (via Singapore) were for 'off-grade' product.

Qenos proffers as grounds for review the following that Customs:

- in its investigation process failed to follow prescribed guidelines for normal value determination for exports from Korea and Saudi Arabia and as a result Customs erred in its assessment of dumping margins; and

- discounted exports from Malaysia as ‘off-grade’ with little or no verification undertaken to confirm this claim (by the exporter).

The applicant PT Chandra Asri of Indonesia seeks a review of certain findings of Customs which led the Minister to take anti-dumping action against exporters of LLDPE from Indonesia.

PT Chandra Asri challenges Customs findings in relation to the causation of material injury and the threat of material injury by Indonesian imports and proffers as ground for review the following:

- that it was not possible for Customs to isolate any price depression that may have been caused by dumping; and
- that as there was an improvement in Orica’s domestic profits and market share, Customs’ could not demonstrate that material injury has been caused through the effects of dumping.

Interested parties are invited to lodge with the Review Officer, within 30 days starting from the date of publication of this Notice, submissions concerning the applications for review in this matter. Section 269ZZY of the Act provides that submissions containing confidential material should be accompanied by another version, omitting the confidential material but containing a non-confidential summary for inclusion in the public record. Submissions may be lodged by post with the Trade Measures Review Officer, Attorney-General’s Department, Robert Garran Offices, National Circuit, Barton ACT 2600; by facsimile to (02) 6250 5914; by email to [tmrs@ag.gov.au](mailto:tmrs@ag.gov.au); or at reception of the Attorney-General’s Department at the above address by 30 September 2000.

Non-confidential versions of the applications and submissions will be maintained by public file which will be made available for inspection upon request. The public file is maintained by the Trade Measures Review Secretariat and is available from Robert Garran Offices, National Circuit, Barton ACT 2600.

For further information please contact Peter Jonath of the Trade Measures Review Secretariat on (02) 6250 6220.

(Paul O’Connor)  
National Manager, Trade Measures  
Australian Customs Service  
CANBERRA ACT

7 September 2000

