



## **ANTI-DUMPING NOTICE NO. 2015/22**

### **Silicon metal**

### **Exported from the People's Republic of China**

## **Preliminary Affirmative Determination and Imposition of Securities**

### ***Customs Act 1901 – Part XVB***

On 6 February 2014 I, Dale Seymour, Commissioner of the Anti-Dumping Commission (the Commissioner) initiated an investigation into the alleged dumping and subsidisation of silicon metal exported to Australia from the People's Republic of China (China), following an application lodged by Simcoa Operations Limited.

The goods are described as silicon metal containing:

- at least 96.00 per cent but less than 99.99 per cent silicon by weight; and
- between 89.00 per cent and 96.00 per cent silicon by weight that contains aluminium greater than 0.20 per cent by weight;

of all forms (i.e. lumps, granules, or powder) and sizes.

A notice under subsection 269TD(4) of the *Customs Act 1901* (the Act) advising that I had made a preliminary affirmative determination was published in *The Australian* newspaper on 23 February 2015. In the making of that preliminary affirmative determination I was satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice and a countervailing duty notice in respect of the goods exported to Australia from China.

The preliminary analysis of dumping and subsidy margins is tabulated below.

Exporter	Dumping margin		Subsidy margin
	Margin	Method for establishing dumping margins	
Manufactured by Hua'an Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	14.1%	In accordance with s.269 TACB(2)(a), weighted average export prices were compared with weighted average normal values over the whole of the investigation period.	3.7%
Manufactured by Guizhou Liping Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	14.1%	In accordance with s.269 TACB(2)(a), weighted average export prices were compared with weighted average normal values over the whole of the investigation period.	3.7%

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Uncooperative and all other exporters	22.5%	In accordance with s.269 TACB(2)(a), weighted average export prices were compared with weighted average normal values over the whole of the investigation period.	35.0%
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Under subsection 269TD(4)(b), I am satisfied that dumped and subsidised goods appear to have caused material injury to the Australian industry producing like goods.

The considerations relevant to my preliminary determination of material injury to the Australian industry caused by dumping and subsidisation include the size of the dumping margins, the effect of dumped and subsidised imports on prices in the Australian market in the form of price undercutting, price suppression and price depression, and the consequent impact on the Australian industry including loss of revenue, reduced profits and profitability, and loss of sales volume.

*Statement of Essential Facts report no 237* sets out in detail the reasons for making this preliminary determination, and has been placed on the public record. Alternatively it may be examined at the Commission's office by contacting the case manager on the details provided below.

The Australian Customs and Border Protection Service will require and take securities under section 42 of the Act in respect of interim dumping and interim countervailing duty that may become payable in respect of the goods exported from China and entered for home consumption on or after 23 February 2015.

The securities that have been determined is an amount worked out in accordance with the ad valorem duty method, as detailed in the table below.

Exporter	Effective Rate of Dumping and Countervailing Securities	Duty Method
Manufactured by Hua'an Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	14.1%	Ad valorem
Manufactured by Guizhou Liping Linan Silicon Industry Co., Ltd and supplied through Xiamen K Metal Co., Ltd	14.1%	Ad valorem
Uncooperative and all other exporters	53.8%	Ad valorem

Note that the level of securities imposed is different from the combined dumping and subsidy margin totals found in the preliminary analysis of dumping and subsidisation, due to the removal of any double count relating to subsidy Program 1 (Electricity Provided by the Government at Less than Fair Market Value).

The actual security liability may be higher than the effective rate of security due to a number of factors. Affected parties should contact the Anti-Dumping Commission by phone on 13 28 46 (within Australia) or +61 2 6275 6066

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(outside Australia) or at [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au) for further information regarding the actual security liability calculation in their particular circumstance.

I must report to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) with final recommendations in relation to this investigation on or before 7 April 2015. The Parliamentary Secretary will then decide whether to publish a dumping duty notice and/or countervailing duty notice and, if relevant, the level of measures to be imposed.

Further, if dumped or subsidised goods give rise to retrospective notices being imposed on the goods under section 269TN of the Act, the dumping duty notice and/or countervailing duty notice will also include the duties to be imposed retrospectively.

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6275 6393, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or email at [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

23 February 2015