

# Member Update

UPDATE 37 of 18 • 28 November 2018

**TOPIC: China Anti-Dumping Notice – Exporter Registration – ACTION REQUIRED BY EXPORTERS**

*DISTRIBUTION: GTA Members – primary contact list. Please circulate to all appropriate internal parties.*

**PLEASE NOTE: This update supersedes the previous Update 35 of 18 on 21 November 2018**

## **ACTION REQUIRED by EXPORTERS**

### 1. Purpose

- The purpose of this GTA Member Update is to provide further information from the Australian Government on the Chinese Government Ministry of Commerce (MOFCOM) Anti-dumping Investigation of Imported Barley from Australia.
- **ACTION IS REQUIRED – by 7 December 2018** - If you have exported or wish to export Australian barley to China you are encouraged to register interest in this investigation with MOFCOM. Other interested parties (such as industry associations or grower groups) may also register with MOFCOM.
- This Member Update includes:
  1. Purpose of the update
  2. Summary of action steps for exporters and other interested parties
  3. Background to the anti-dumping investigation
  4. Registration support
  5. A note on confidential information
  6. Important web links

### 2. Action Steps

#### **REGISTRATION**

1. Complete official MOFCOM Registration Form in Chinese (you may wish to prepare a draft in English and have it translated into Chinese). To download the form please copy this address into your web browser <http://images.mofcom.gov.cn/trb/201811/20181119081800301.docx>
2. By **7 December 2018**, submit the form to MOFCOM by facsimile ~~86 10 6519 8415~~ **+86 10 6519 8172**.
3. Keep a receipt of your successful facsimile transmission on file.
4. Submit a copy of your registration to MOFCOM by registered mail to: **Trade Remedy and Investigation Bureau of the Ministry of Commerce, No. 2 Dong Chang'an Avenue, Beijing, China, 100731.**
5. Notify GTA when your registration has been submitted so that we can continue to support the grain industry in our response to this matter. Please email [submissions@graintrade.org.au](mailto:submissions@graintrade.org.au).

#### **QUESTIONNAIRE**

6. It is likely selected exporters will then be notified by MOFCOM of the requirement to complete a detailed questionnaire, however it is encouraged that all interested parties consider completing a questionnaire.
7. Once the questionnaire has been issued by MOFCOM, responses need to be submitted within 30 (assume calendar) days.

## PROVISIONAL MEASURES

8. It is important to note MOFCOM may apply provisional measures to Australian barley exports into China as early as 60 days from the announcement of the investigation on 19 November 2018. This date is yet to be confirmed, but could be as early as 18 January 2019.

### 3. Background

- On 19 November 2018 MOFCOM initiated an anti-dumping investigation against Australian barley imports.
- If you have exported or wish to export Australian barley to China you are encouraged to register interest in this investigation with MOFCOM. Other interested parties (such as industry associations or grower groups) may also register with MOFCOM.
- The Australian grain industry has established a working group comprising of members from GIMAF, GTA, AGECE, GGL and major exporters, to co-ordinate broader industry management of this issue.

### 4. Registration Support

- Your registration must be made in Chinese on the official MOFCOM Registration Form.
- GTA has compiled a list of translators below, however GTA is unable to make any recommendation or warranty as to the competency of any such translators.
  - Jennifer He, Mandarin-English translator, Advance Trading Australasia, E: [info@advance-trading.com.au](mailto:info@advance-trading.com.au)
  - CHIN Communications, Melbourne, 1300 792 446, [info@chincommunications.com.au](mailto:info@chincommunications.com.au)
  - HFW, Sydney, +61 (0)2 9320 4600, [www.hfw.com/Australia](http://www.hfw.com/Australia)
  - Holding Redlich, +61 (0)2 8083 0388, [www.holdingredlich.com](http://www.holdingredlich.com)
- If you have any questions regarding the registration process please contact:
  - GIMAF – [administration@gimaf.com.au](mailto:administration@gimaf.com.au) or +61 (0)419 890 669
  - GTA - [submissions@graintrade.org.au](mailto:submissions@graintrade.org.au) or +61 (0)2 9235 2155.
- Exporters may also consider seeking legal advice from an Australian and/or Chinese legal counsel to assist with this matter and completing and submitting registration.

### 5. Confidential Information

- Among other things, the MOFCOM statement says:
  - *VII. Submission and Processing of Confidential Information*  
*Where it is necessary to keep confidential the information submitted by the interested parties to the MOFCOM, they may request the MOFCOM to make confidential treatments and explain the reasons. If the MOFCOM agrees on its request, the interested party applying for confidentiality shall provide non-confidential summary of the confidential information at the same time. Non-confidential summary shall contain sufficient and meaningful information to enable other interested parties to have a reasonable understanding of the confidential information. If the non-confidential summary cannot be provided, reasons shall be made clear. If the interested party does not require for confidential treatment for the information it has submitted, the MOFCOM will consider the said information as public information.*
- Exporters are reminded that they should not share prices or information related to prices with other Australian exporters.

### 6. Important Web Links

The following website links may be useful or contain important information or forms:

- 1) [MOFCOM Announcement of Anti-dumping Investigation of Imported Barley from Australia - 19 November 2018](#)
- 2) Official MOFCOM Registration Form – please copy this address into your web browser to download the form. <http://images.mofcom.gov.cn/trb/201811/20181119081800301.docx>