



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No.2000/14

CUSTOMS ACT 1901 - PART XVB

REVIEW OF COUNTERVAILING DUTY

BULK BRANDY

EXPORTED FROM FRANCE

The Australian Customs Service has initiated a review of the countervailing duty applying to bulk brandy exported to Australia from France. A notice under subsection 269ZC(4), of the *Customs Act 1901* advising initiation of this review was published in *The Australian Financial Review* on 22 March 2000.

The Goods

The goods covered by this review are described as brandy, distilled wholly from grape wine with an alcoholic strength by volume exceeding 57% and imported in containers holding five litres or more. The goods are classified under sub-heading 2208.20.10 statistical code 73, in Schedule 3 to the *Customs Tariff Act 1995*.

Background to the Countervailing Duty

The countervailing duty applying to imports of bulk brandy from France was last revised in 1995. In February 2000, the Minister for Customs and Justice accepted Customs recommendations in Trade Measures Report no.14 to continue the countervailing duty on bulk brandy imports from France until February 2005. Under the legislation, no revision of the countervailing duty was able to be recommended as a result of the findings in the continuation inquiry on bulk brandy.

The Current Review

Customs has accepted an application from the Winemakers Federation of Australia Incorporated to review the variable factors affecting the level of the countervailing duty. These factors are the non-injurious free on board price and the countervailable subsidy.

In this review, Customs will take into account information obtained during the continuation inquiry on bulk brandy from France. However, interested parties have

the opportunity to provide further submissions to this inquiry should they wish to do so.

Lodging of Submissions

Interested parties should lodge submissions no later than **1 May 2000** with:

The Director
Dumping Liaison
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601;

or
by fax on (02) 6275 6990.

Interested parties wishing to participate in the review must ensure that their submissions are lodged promptly. Customs may disregard any submissions that are received after specified periods if there is insufficient time remaining for their proper consideration.

Confidential Submissions

Submissions provided in confidence must be clearly marked "confidential". In addition, two non-confidential copies of the submission must be provided.

Section 269ZJ of the *Customs Act 1901* requires that if a person claims information is confidential, or claims that publication of the information would adversely affect their business, that person:

- must provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information; or
- must satisfy the CEO of Customs that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

The attention of interested parties is also drawn to the World Trade Organization Anti-Dumping Agreement, Article 6.5.2, which states:

- *"If the authorities find that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, the authorities may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct"*.

This provision is reflected in s. 269ZJ of the *Customs Act 1901*.

Non-confidential Submissions Held On Public File

Non-confidential submissions are held on the public file and will be made available to interested parties. The public file may be examined at:

Trade Measures Branch
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Interested parties should contact Phil Hilyard on telephone no. (02) 6275 6057.

Statement of Essential Facts

A Statement of Essential Facts (SEF) on which Customs proposes to base its recommendations to the Minister will be placed on the public file **by 10 July 2000** (or at a later date if an extension has been granted by the Minister in accordance with s.269HI of the *Customs Act*). The SEF will invite interested parties to respond to Customs findings within 20 days of it being placed on the public file.

Report to the Minister

Submissions received in response to the SEF will be taken into account in compiling the report and recommendations to the Minister. This report is due **by 24 August 2000**, or by such later date as the Minister may allow in accordance with s. 269ZHI of the *Customs Act*.

Customs Contact

Inquiries about the review should be directed to Petri Povel who may be contacted as follows:

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FOR CHIEF EXECUTIVE OFFICER
CANBERRA, ACT
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