



**AUSTRALIAN  
CUSTOMS SERVICE**

**Australian Customs Dumping Notice**  
**No. 2000/17**

CUSTOMS ACT 1901 - PART XV B

**INITIATION OF AN INVESTIGATION INTO THE  
ALLEGED DUMPING OF TINPLATE FROM TAIWAN AND  
THE UNITED KINGDOM**

**The Application**

The Australian Customs Service has initiated an investigation into an application lodged by BHP Packaging Products on behalf of the Australian industry, for a dumping duty notice in respect of tinplate exported to Australia from Taiwan and the United Kingdom.

The application alleges that the goods have been exported to Australia at prices less than the normal values and that the dumping has caused material injury to the Australian industry through:

- price undercutting;
- price depression;
- price suppression;
- lost sales volume;
- loss of market share; and
- loss of profits

The public version of the application, available to interested parties on request, contains the basis of the alleged dumping.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in the *Australian Financial Review* on 30 March 2000. Interested parties are invited to provide written submissions in response to that notice.

**The Goods**

The goods under investigation are flat rolled coil or cut sheet products of non alloy steel of a thickness of less than 0.5mm and a width of 600mm or more, plated with tin and known as tinplate. The goods are classified within 7210.12.00, statistical code 19 and are duty free.

## **Investigation Process**

The investigation period will commence on 1 January 1999 and end on 31 March 2000. Customs will examine exports to Australia of the goods under consideration during that period to determine whether dumping has occurred. Customs will examine aspects of the Australian market from 1 January 1996 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of the goods that have already been exported to Australia is less than the normal value of those goods; and
- (b) the export price of the goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

## **Lodgement of Submissions**

Interested parties should lodge submissions no later than 9 May 2000 with:

The Director  
Dumping Liaison  
Trade Measures Branch  
Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

or  
by fax on (02) 6275 6990

Parties responding by 9 May 2000 will have an opportunity to lodge a supplementary submission in reply to matters raised by other parties. The due date for any supplementary submissions is 24 May 2000.

All interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

## **Confidential Submissions**

Submissions lodged 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.

## **Non Confidential Submissions held on Public File**

Non-confidential submissions, and a copy of relevant correspondence between Customs and other persons, will be made available to interested parties through the public file. The public file may be examined at:

Trade Measures Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

To access the public file, contact Mr Phil Hilyard on telephone number (02) 6275 6057.

## **Provisional Measures**

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the minister within the legislative timeframe. A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures may be imposed after the preliminary determination has been made.

## **Statement of Essential Facts**

A statement of essential facts (SEF) will be placed on the public file by 18 July 2000 (or by such later date as the minister may allow in accordance with s. 269ZHI). The SEF will set out the material findings of fact on which Customs intends to base its recommendation to the minister. The SEF will invite interested parties to respond, within 20 days, to the issues raised therein.

## **Report to the minister**

Submissions received in response to the SEF will be taken into account in compiling the report and recommendation to the minister. Customs is due to report to the minister by 1 September 2000.

## **Customs contact**

Inquiries about this investigation should be directed to Petri Povel who may be contacted as follows:

telephone: 02 6275 6055

facsimile: 02 6275 6990

email: [petri.povel@customs.gov.au](mailto:petri.povel@customs.gov.au)

(Paul O'Connor)  
National Manager, Trade Measures  
FOR CHIEF EXECUTIVE OFFICER  
CANBERRA, ACT  
30 March 2000