



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No.2000/37

CUSTOMSACT 1901 - PART XV B

**INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING
OF CERTAIN STEEL SHELVING KITS FROM THE PEOPLE'S
REPUBLIC OF CHINA**

The Australian Customs Service has initiated an investigation into an application lodged by Summit Storage Products Pty Limited, the major Australian producer of like goods, for a dumping duty notice in respect of certain steel shelving kits, exported to Australia from the People's Republic of China.

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:

- reduced prices
- reduced profits
- price undercutting
- price depression
- price suppression
- lost sales, and
- reduced profits and profitability

The application also claims that injury is threatened through a reduction in sales volumes, and though a consequential effect on employment levels.

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

The goods under investigation are steel framed storage shelves and a work bench, which are sold in kit form, and which:

- have 1, 2, 3, 4 or 5 shelves;
- are made with MDF, particle board or melamine shelves;

- are variously coated partially, or totally with paint, or are galvanised;
- are recommended by wording, illustration or by implication for industrial, commercial or non-decorative domestic use;
- have declared shelf strength of between 50kg and 350kg per shelf; and
- are sold in KDC (knocked down condition) for assembly by the end user.

The goods under investigation are classified as follows under the *Customs Tariff Act 1995*:

Description	Tariff Item No.	Stat. Code
Metal furniture of a kind used in offices	9403.10.00	40
Other metal furniture	9403.20.00	19

The goods, when imported from China are subject to a duty rate of 5%.

The period of investigation will be from 1 July 1998, and Customs will examine exports to Australia of the goods under consideration since that date to determine whether dumping has occurred. Customs will examine details of the Australian market from 1 July 1997 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 those goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation is to be published in the *Financial Review* on 15 September 2000. Interested parties are advised to lodge submissions no later than the close of business on 25 October 2000. Parties should address their submission to:

The Director
 Trade Measures, Operations 1
 Australian Customs Service
 Customs House
 5 Constitution Avenue
 CANBERRA ACT 2601

Interested parties may be granted an extension of time for lodgement of a submission, provided the request is in writing and is reasonable and practical given

the circumstances. Parties responding by 25 October 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 14 November 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.

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, and a copy of relevant correspondence between Customs and other persons, will be made available to interested parties through the public record. The public record may be examined at the Australian Customs Service, 5 Constitution Avenue, Canberra 2601. To access the public record, contact Mr Phil Hilyard on telephone number (02) 6275 6057.

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.

A statement of essential facts will be placed on the public record by 3 January 2001 (or by such later date as the minister may allow in accordance with s. 269ZHI). The statement will set out the material findings of fact on which Customs intends to base

its recommendation to the minister. That statement will invite interested parties to respond, within 20 days, to the issues raised therein.

Submissions received in response to the statement will be taken into account in compiling the report and recommendation to the minister. The report to the minister is due 45 days after the statement of essential facts is issued (ie 17 February 2001).

Enquiries about this notice may be directed to Mark Doyle, phone 02 6275 6557 or fax 02 6275 6990. Customs dumping notices are available on the internet at <http://www.customs.gov.au/notices/index.htm>.

Paul O'Connor
National Manager, Trade Measures
FOR CHIEF EXECUTIVE OFFICER
CANBERRA, ACT

15 September 2000