



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No. 2000/48

CUSTOMS ACT 1901 - PART XVB

**INITIATION OF AN INVESTIGATION INTO THE
ALLEGED DUMPING OF GAS WATER HEATERS FROM JAPAN**

The application

The Australian Customs Service has initiated an investigation into an application lodged by Southcorp Australia Pty Ltd trading as Southcorp Water Heaters on behalf of the Australian industry for a dumping duty notice in respect of gas water heaters exported to Australia from Japan.

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:

- loss of sales volume and revenue;
- loss of market share;
- reduced production;
- price suppression; and
- loss of profit and profitability.

The public version of the application, available to interested parties on request, contains the basis of the allegation of 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 16 October 2000. Interested parties are invited to provide written submissions in response to that notice.

The goods

The goods under investigation are domestic gas water heaters of the instantaneous/continuous flow type classified within 8419.11.00 statistical code 09 in Schedule 3 to the *Customs Tariff Act 1995*. The goods are subject to a Customs duty rate of 5%.

Investigation process

The investigation period is 1 April 1999 to 30 September 2000. Customs will examine exports of the goods under consideration to Australia during that period to determine whether dumping has occurred. Customs will examine details of the Australian market for the period 1 July 1997 to 30 September 2000 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 like 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 are advised to lodge submissions no later than the close of business on 25 November 2000, addressed to:

The Director
Operations 3
Trade Measures Branch
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Interested parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties. The due date for any supplementary submissions is 10 December 2000.

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
- 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 record. The public record may be examined at:

Trade Measures Branch
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

To access the public record, 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 (PAD) may be made not less than 60 days from the date of initiation (ie on or after 15 December 2000). Provisional measures may be imposed after a PAD has been made.

Statement of essential facts

A statement of essential facts will be placed on the public record by 3 February 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.

Report to the Minister

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 within 45 days after the statement of essential facts is issued (ie by 20 March 2001).

Customs contact

Inquiries about this notice may be directed to Ray Cork on telephone number (02) 6275 6023, by email to ray.cork@customs.gov.au or on fax number (02) 6275 6990. Australian Customs Dumping Notices are available on the internet at:

<http://www.customs.gov.au/notices/index.htm>.

PAUL O'CONNOR
National Manager
Trade Measures Branch
16 October 2000