

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

ADP/W/89

SCM/W/79

8 October 1984

Special Distribution

Committee on Anti-Dumping Practices

Original: English

Committee on Subsidies and
Countervailing Measures

QUESTIONS CONCERNING THE IMPLEMENTING LEGISLATION OF AUSTRALIA

United States

Reproduced herewith are supplemental questions from the United States authorities concerning Australia's Anti-Dumping and Countervailing Legislation.

The following questions are submitted by the Delegation of the United States concerning the Australian Customs Tariff (Antidumping) Act of 1975, as amended by the Customs Tariff (Antidumping) Amendment Act of 1984.

1. Please provide a copy of all relevant implementing regulations and policy statements.

2. Please provide a copy of relevant legislative history of the amended Act.

3. Please explain how Australia has administered, or intends to administer, the following provisions of the Act. Where possible, please provide administrative precedents and/or hypothetical illustrations:

--(a) Section 4(2): What is meant by (1) "consideration...other than ...price,"; (2) "a commercial or other relationship,"; and, (3) "be reimbursed, be compensated or otherwise receive a benefit for"?

--(b) Section 4(3): Under what circumstances would the Minister draw the conclusion that reimbursement of price or other benefit is associated with sales made at a loss?

--(c) Section 4(3A)(b) and (3A)(d): In subparagraph (b), what are included in "costs necessarily incurred"? What "other matters" might the Minister consider relevant in this context? Please discuss determinations made under subsection (3A).

- (d) Section 4A(1)(c): How has the Minister calculated--and how would the Minister calculate--export price under the terms of this provision?
- (e) Section 4A(2)(c): How has the Minister calculated--and how would the Minister calculate--profit under the terms of this provision?
- (f) Sections 4A(3), 5(4), 10(7), and 11(7): What factors are considered in applying these provisions?
- (g) Sections 4A(4) and 5(4A): What factors are considered in applying these provisions?
- (h) Section 5(7): Under what circumstances would the Minister be "of the opinion" that the normal value should be determined "as if the country of origin were the country of export"?
- (i) Sections 8(6), 9(6), 10(6), and 11(6): Do these provisions authorize retroactive application of security requirements or dumping duties?
- (j) Section 10(2E): How has this provision been interpreted in practice, or how would it be?
- (k) Section 10(7A): How has this provision been implemented or applied in practice, or how would it be?
- (l) Sections 10(10) and 11(10): How have these provisions been--and how would they be--interpreted in practice?
- (m) Sections 9 and 11 (Third-country antidumping and countervailing duties): Have any investigations ever been initiated, findings made, or notices issued in third-country antidumping or countervailing duty cases based on these or predecessor provisions? If so, please provide the specifics. If section 9 or section 11 is invoked, will Australia seek a waiver from the CONTRACTING PARTIES, as required by GATT Article VI:6(b) and/or Antidumping Code Article 12?