



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2004/29

Certain Washing Machines Exported from the Republic of Korea: Initiation of a Review of Anti-dumping Measures

Subsection 269ZC(5) of the *Customs Act 1901*

The Chief Executive Officer (CEO) of the Australian Customs Service has commenced a review of the normal values, export prices and non-injurious prices that constitute the anti-dumping measures applying to certain washing machines described below exported from the Republic of Korea (Korea). The Minister for Justice and Customs requested that Customs initiate the review as the factors relevant to the measures may have changed.

The goods covered by the review are fully automatic household top and front loading washing machines (excluding twin-tub washing machines, combined washer/dryers and commercial washing machines whether or not operated by a form of payment), with a dry linen capacity not exceeding 12kg. The goods are classified to subheading 8450.11.00 statistical codes 40, 03 and 04 and subheading 8450.20.00 statistical code 08 of the *Customs Tariff Act 1995*. The goods are subject to a duty rate of 5%.

A notice under subsection 269ZC(5) of the *Customs Act 1901* advising initiation of this review was published in *The Australian* on 6 September 2004.

Background to Measures

On 12 July 2002, Customs initiated an investigation into the alleged dumping of automatic washing machines (not exceeding 12 kg capacity) exported to Australia from Korea. The investigation followed an application made by Fisher & Paykel Australia Holdings Limited (F&P), a local manufacturer of washing machines.

On 17 September 2003, a dumping duty notice under s. 269TG(2) of the *Customs Act 1901* (the Act) was published in respect of washing machines exported to Australia from Korea by Daewoo Electronics Co. Ltd (Daewoo), Samsung Electronics Korea (Samsung) and other exporters excluding LG Electronics Inc (LGE).

Following the publication of the dumping duty notice on 17 September 2003, the Trade Measures Review Officer (TMRO) received applications from F&P and Daewoo for a review of the Minister's decision. The TMRO accepted the applications and notice of the review was given on 31 October 2003.

Following his review, the TMRO recommended that the Minister direct the CEO of Customs to reinvestigate certain findings. The Minister accepted the TMRO recommendations and Customs initiated a reinvestigation on 29 June 2004.

Trade Measures Report No 83 (the Report) presents the results of Customs' reinvestigation. As a result of Customs' new findings, exports of washing machines by LGE over the investigation period were considered to be dumped with a dumping margin in the range of 2 to 10 per cent. The dumping findings for Daewoo and Samsung remained unchanged.

On 31 August 2004, the Minister accepted the findings and new findings contained in the report and on 6 September 2004, a dumping duty notice under s. 269ZZM and s.269TG of the Act was published in respect of washing machines exported to Australia from Korea.

The Current Review

On 31 August 2004, the Minister requested that Customs initiate the review as the factors relevant to the measures may have changed. Customs will review normal values, export prices and non-injurious prices relating to the measures applying to exports of washing machines from Korea for the period 1 July 2003 – 30 June 2004.

Procedures

Interested parties should lodge submissions no later than the close of business on 15 October 2004 with:

The Director
Trade Measures, Operations 2
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Or by fax on (02) 6275 6888.

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

Confidential submissions must be clearly marked "In-Confidence". In addition, two non-confidential copies of the submission must be provided.

Section 269ZJ of the Act 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.

Interested parties attention is 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 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 above address during business hours by contacting office management on telephone number (02) 6275 6547.

At or before 27 December 2004 (or by such later date as the Minister may allow in accordance with s. 269ZHI), a statement of essential facts will be placed on the public record, setting out the facts on which the CEO proposes to base the recommendations to the Minister. Interested parties are invited to make submissions to Customs in response to the statement of essential facts within 20 days of that statement being placed on the public record. A recommendation to the Minister will be made in a report on or before 9 February 2005 (or by such later date as the Minister may allow in accordance with s. 269ZHI).

Inquiries concerning this notice may be directed to the Director, Operations 2, on telephone number (02) 6275 6044, fax number (02) 6275 6888 or e-mail tmops2@customs.gov.au. All dumping notices are available on the Customs website.

John Arndell
A/g National Manager
Trade Measures Branch
CANBERRA ACT

6 September 2004