



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice

No. 98/001

CUSTOMS ACT 1901 - PART XV B

NOTIFICATION OF A REVIEW OF NORMAL VALUES AND NON- INJURIOUS FREE ON BOARD PRICES OF POLYVINYL CHLORIDE EXPORTED FROM THAILAND

The Australian Customs Service (ACS) has initiated a review of the normal values (NVs) and non-injurious free on board prices (NIFOBs) in respect of polyvinyl chloride (PVC) imported from Thailand.

PVC is classified to sub-heading 3904.10.00 (statistical code 18) in Schedule 3 to the *Customs Tariff Act 1995*.

Background to the Review

Anti-dumping measures have been in place against exports of PVC from Thailand since 1992. On 8 October 1997, the Minister of State for Customs and Consumer Affairs determined that the measures in force against PVC from Thailand should continue.

On 16 October 1997, the ACS received an application from Australian Vinyls, requesting a review of the normal values attaching to PVC exported from Thailand. The application indicates that the domestic price of PVC in Thailand has changed.

Section 269TAD of the Customs Act 1901 provides that normal values may be re-ascertained where the Minister is of the opinion that any factor relevant to the ascertainment of normal values has altered. The Customs Tariff (Anti-Dumping) Act 1975 provides for the amount of anti-dumping or countervailing duty that may be applied to dumped or subsidised goods. It also places on the Minister an obligation to consider the non-injurious price of goods when ascertaining the amount of duty to be applied. Hence, the ACS proposes to review the NVs and NIFOBs in respect of PVC exported from Thailand.

Australian Customs Notice No. 93/152, titled "Reviews of Anti-Dumping and Countervailing Measures, Pre 1 January 1993 - Including s. 269TAD of the Customs Act 1901" provides more information about the re-ascertainment of the normal values in accordance with s. 269TAD.

Procedures

The ACS has written to all known interested parties advising of the review. Any party not contacted, and wishing to have its views considered, may lodge a submission.

Interested parties should lodge submissions no later than the close of business 11 February 1998 with:

The Director
Dumping Operations 3
Customs House
5 Constitution Ave,
CANBERRA ACT 2601

Any submissions provided in confidence must be clearly marked "confidential". The confidential material must be accompanied by two copies of a non-confidential summary, otherwise a statement is to be provided explaining why this is not possible.

The attention of interested parties is drawn to the World Trade Organisation 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."

The above procedures for dealing with confidential information are reflected in s. 269ZJ of the Customs Act.

ACDN 96/004 provides further details about confidentiality and the public file system.

One copy of the non-confidential version will be placed on the public file to be made available to interested parties. The public file may be examined at:

Dumping Office Management
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

To access the public file contact Fred Varela on (02) 6275 6057.

The dates specified in this Notice for lodging submissions must be observed to enable ACS to make a decision within 85 days. In this investigation the due date for the finding is 31 March 1998. Interested parties may seek an extension

for lodgement of a submission provided the request is in writing and is reasonable and practical given the circumstances of the investigation.

Parties responding by 11 February 1998 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 25 February 1998. The ACS may not be in a position to consider any submission lodged later than 25 February 1998.

Any inquiries about this Notice should be directed to Lawrie Nock on (02) 6275 6393 or Alastair Paterson (02) 6275 6399 or by fax on (02) 6275 6990.

(G M Harrison)
National Manager Dumping
FOR CHIEF EXECUTIVE OFFICER
CANBERRA, ACT
5 January 1997
(Dumping Operations - C97/09481)