QUESTIONS RAISED BY THE EC WITH REGARD TO THE NEW
ANTI-DUMPING LEGISLATION OF AUSTRALIA
(ADP/1/Add.18/Rev.1/Suppl.2 of 3 October 1988)

I. ANTI-DUMPING AUTHORITY ACT 1988

1. Section 9

(a) Does section 9 also refer to the initiation of anti-dumping proceedings on the initiative of the Australian authorities when no anti-dumping complaint has been received from the domestic industry?

(b) May the Australian authorities initiate an anti-dumping proceeding on their own initiative? If so, under what circumstances?

2. Section 22

It would appear from section 22(1)(b)(I), (II) and (III) that the Authority may act in an informal manner. How will the Australian authorities ensure that the rights of defence of the interested parties are respected when the Authority acts informally?

II. CUSTOMS LEGISLATION (ANTI-DUMPING AMENDMENTS) ACT 1988

1. Section 269 T (2)

Will account be taken of costs such as R&D and royalties when calculating the costs incurred in Australia with regard to which an anti-dumping procedure may be initiated?

2. Section 269 T (3)

What are the criteria for determining whether a "substantial process" in the manufacture of the goods was carried out in Australia?

3. Section 269 T (6) (in conjunction with section 269 T B(1)(a)(II))

Under what circumstances may an anti-dumping application be made when a consignment of goods is likely to be imported into Australia?
4. **Section 269 T B(1)(c)**

What is the definition of the person who may lodge an anti-dumping application?

Does such a person need the standing of a petitioner?