QUESTIONS RAISED BY THE EC WITH REGARD TO THE NEW ANTI-DUMPING LEGISLATION OF NEW ZEALAND
(ADP/1/Add.15 of 19 September 1988)

1. Section 188 A(1)
   (i) "Dumping" (in conjunction with Section 186 A (3))

   Under which circumstances do the New Zealand authorities consider an
   application for anti-dumping action to be receivable or protective
   measures to be justified when such an application relates to goods
   "intended to be imported" into New Zealand?

   (ii) "Industry" (in conjunction with Section 186 F)

   When determining the "industry" in a particular case, do the
   New Zealand authorities always exclude producing companies who have
   also imported the product concerned? If not, how do the authorities
   deal with such a situation?

2. Section 186 B(2) "Export price"

   On what criteria may the Minister rely for determining the export
   price when

   (a) goods are to be shipped to New Zealand and there is no known
       purchaser in New Zealand for these goods, or

   (b) there is no exporter's sales price or no price at which the
       importer or a person not associated with the importer, has
       purchased or agreed to purchase the goods?

3. Section 186 C "Normal value"

   (2)(a)(i) What are the criteria of the New Zealand authorities for
           determining whether or not there are relevant domestic
           sales with a view to determining normal value?

   (2)(a)(ii) In what situations can it be found that the sales that
             would otherwise be relevant for determining a price (for
             normal value) are not suitable for use in determining such
             a price?
What is the meaning of the words "on the assumption that the goods, instead of being exported, had been sold for home consumption in the ordinary course of trade in the country of export"?

On what criteria will the Minister determine reasonable amounts for administrative and selling costs, delivery charges, and other charges incurred in the sale?

On the basis of what criteria will the authorities of New Zealand determine that the government of the country of export determines or substantially influences the domestic price of goods in that country?

In the situations covered by this paragraph, what method does the Minister intend to use for making such adjustments as are necessary to ensure that the normal value is properly comparable with the export price of those goods?

4. Section 186 J(2) "Preliminary determination"

Does an exporter have the opportunity to request the Minister to extend the period between the initiation of an anti-dumping proceeding and the preliminary determination from 60 to 90 days in the situations envisaged by this paragraph? If so, what should an exporter do in such circumstances?

5. Section 186 L(3) "anti-dumping and countervailing duties"

In what circumstances will it be ensured that the amount of anti-dumping duty is not greater than is necessary to prevent the material injury or a reoccurrence of the material injury or to remove the threat of material injury to an industry or the material retardation of the establishment of an industry, as the case may require?

6. Section 186 M "Price undertakings"

(1) From when and until what stage of the investigation will an exporter have an opportunity for offering an undertaking?

(2) How will the level of price undertakings be determined when the amount of relief necessary to prevent the material injury is lower than the dumping margin?

7. Confidential information

How do the New Zealand authorities intend to deal with confidential information made available to them in the course of an investigation and used for dumping and injury findings?
8. Disclosure to interested parties

In general, do interested parties have access to information used by the New Zealand authorities in their decision-making process, but not published in formal decisions?