QUESTION SUBMITTED BY CANADA CONCERNING
THE LEGISLATION OF AUSTRALIA

ADP/1/Add.18/Rev.1/Suppl.3

1. Page 10, part 3, item 10, Right to Require Security:

Is this provision meant to be interpreted as authorizing customs to collect securities before a preliminary finding of dumping and injury has been made in cases where an undertaking has been breached? If Canada's interpretation is correct, how does this new provision conform to the provision of the Code, Article 10:1?

2. Page 13, Export Price:

Why does Australia only consider the price paid by the importer to determine the export price, as opposed to taking the lower of the exporter's sale price or the importer's purchase price?

3. Page 18, section (1) (2), Material Injury to Industry:

Why does the legislation not include reference to "quantity of dumped goods" when determining material injury? The Anti-Dumping Code refers to "dumped" under Article 3:1.

4. Pages 19-21, sections (2) (3), Anti-Dumping Action on Behalf of a Third Country:

Canada would be interested in knowing the reasons for including a specific provision on this matter.

5. Pages 24-25, section 3 (a) (b), Consideration of Anti-Dumping Matters by the Minister:

It is specified that "the notice shall include a statement of the amount that the Minister has ascertained is or would be the normal value of the goods to which the declaration relates at the time of the publication of the notice unless, in the opinion of the Minister, the inclusion of that statement would adversely affect the business or commercial interests of any person". Notwithstanding this provision, can the authorities nonetheless inform an interested party about the normal value?

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1. **Page 10, part 3, item 10, Right to Require Security:**

   Is this provision meant to be interpreted as authorizing customs to collect securities before a preliminary finding of subsidization and injury has been made in cases where an undertaking has been breached? If Canada's interpretation is correct, how does this new provision conform to the provision of the Code, Article 5:1?

2. **Page 20, Countervailing Duties, 269 TJ (4)-(6):**

   This section of package of legislative amendments reads very much like a countermeasure against foreign subsidized imports, to be invoked in instances where Australian exports are countervailed in a foreign country. What is the intent of this new provision and what particular problem or problems is it designed to address? Are the provisions of Section 269 TJ (4)-(6) intended to operate in advance of or subsequent to dispute settlement under the Subsidies Code?

3. **Page 31, Third Country Countervailing Duties:**

   The revised legislation contains a provision whereby Australia may initiate a countervailing duty investigation on third country subsidized imports at the request of the government of a third country. How does this new provision relate to GATT Article VI, paragraph 6(b) and (c)?