



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

**TRADE AND
INTERNATIONAL**



Dumping Investigation Application

**Trade (Anti-dumping and Countervailing Duties) Act
1988**

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1 The Applicant

*An application must be made by or on behalf of the New Zealand producers of like goods. **Like goods** are defined as goods that are like those imported in all respects or in their absence, the goods have characteristics that closely resemble those goods.*

Please give details for each of the New Zealand producers by or on whose behalf this application is made.

- 1.1. Name
- 1.2. Address
- 1.3. Telephone / Fax
- 1.4. Email
- 1.5. Contact Name / Title
- 1.6. Company Ownership

***Note:** Please provide broad details of shareholding (e.g., 100% privately owned, or 45% XYZ Corp, 55% ABC Corp).*

- 1.7. Period of company's accounting year.
- 1.8. Briefly list all goods like those imported that are produced in New Zealand and sold on the New Zealand market.

2 Other New Zealand Producers

An investigation can only proceed if the application has a minimum level of support from the industry. Therefore, if there are other NZ producers you will need to find out whether they would support or oppose an application.

The requirement is that:

- the collective output of the NZ producers who have expressed written support for the application, must be 25% or more of the total NZ production for domestic consumption (of the defined 'like' goods), measured during the most recent representative period of not less than 6 months; and
- Those producers expressing written support for the application must be responsible for at least 50% of the total production for domestic consumption of those who have expressed, in writing, support or opposition to the application (that is, those who expressed an opinion).

Written expressions from the NZ producers, of support and opposition to the application, should be attached. To show clearly the position regarding support and opposition, complete the form on the following page (Section 3).

Note: Other producers may be concerned about providing confidential information (e.g., production figures) on which the assessment of the amount of support for the application is based. In this case, you may need an independent party, to combine, in confidence information from the individual companies, or have parties send their information to the Ministry separately.

Please provide details of other known NZ producers of the like goods. If there is more than one producer complete this section separately for each relevant producer.

- 2.1. Name
- 2.2. Address
- 2.3. Telephone / Fax
- 2.4. Email
- 2.5. Briefly list all goods like those imported that are produced in New Zealand and sold on the New Zealand.

3 Summary of NZ Producers

This page establishes whether there is sufficient support for the application from NZ producers of like goods

3.1 Please provide details of total New Zealand domestic production of like goods by completing the tables below. (Specify the period)

Table 3.1: Domestic production of like goods for domestic consumption by those NZ producers (i.e., producing in NZ, regardless of ownership) who have, in writing, supported the application.

	Quantity
Producer	
Producer	
	Total A

Table 3.2: Domestic production of like goods for domestic consumption by those NZ producers who have, in writing, opposed the application.

	Quantity
Producer	
Producer	
	Total B

Table 3.3: Domestic production of like goods for domestic consumption by those NZ producers who have neither supported, nor opposed, the application.

	Quantity
Producer	
Producer	
	Total C

Table 3.4: Calculation of whether required minimum levels of support are met.

Total domestic production (Total A + Total B + Total C)	Total D
Total domestic production of those supporting or opposing the application (i.e., Total A + Total B)	Total E
Total A as a percentage of Total D (this figure must be at least 25%)	%
Total A as a % of Total E (this figure must be at least 50%)	%

4 The Goods

- 4.1 Describe the allegedly dumped goods (if possible supply pictures, brochures or catalogues).
- 4.2 Provide the tariff classification for the allegedly dumped goods.

Note: The New Zealand Customs Service can provide tariff classifications or Customs brokers/consultants can usually advise on these.

- 4.3 Describe the like goods produced by New Zealand producers (if possible supply pictures, brochures or catalogues).
- 4.4 Explain how the goods produced by the New Zealand industry are like the allegedly dumped goods including method of manufacture, physical characteristics, end use, marketing and distribution channels.

5 Allegedly Dumped Imports

Note: An application must be rejected if there is not sufficient evidence of dumping or injury. Evidence of dumping will be regarded as insufficient if the margin of dumping is de minimis (less than 2% of the export price) or the volume of imports is negligible (imports of like goods from the exporting country/s are less than 3% of total imported like goods, unless the combined exporting countries exports of less than 3% total more than 7%).

- 5.1 Name the country(s) of export of the allegedly dumped goods.

Note: Please disregard countries that the goods transit through on their way to New Zealand.

- 5.2 Identify whether the country(s) named above are also the country(s) origin of the goods.
- 5.3 Calculate the volume of imports to establish possible negligibility using the following table:

Table 5.1 Negligibility

	Volume (year ended)
Allegedly dumped goods	
Imports from other countries	
Total imports	
Allegedly dumped goods as a % of total imports	

Note: Import volume by Tariff Item is normally available on the Statistics NZ website

- 5.4 Where possible, provide the names and addresses of overseas producers and/or exporters of the goods.

- 5.5 Provide the names and addresses of any known importers of the goods and describe the nature of their business (e.g., agent, wholesaler, retailer etc.).
- 5.6 When (month or quarter of what year) did the goods imported first begin to cause injury to your company?

6 Export Price

The export price is the price paid by the importer for the goods, adjusted by costs incurred as a result of their exportation, and is calculated back to the ex-factory export price in the country of export.

- 6.1 Please provide the export prices of the allegedly dumped goods.

Note: Supporting evidence is required such as:

- *Invoices from the exporter to the NZ importer; quotes from an exporter; average per unit price from NZ Statistics import data if the product is closely aligned with the Tariff Item.*
- *Adjustments back to ex-factory in the country of origin should be itemised, e.g., NZ inland freight from port, Customs and port clearance charges, overseas freight, wharf handling and loading charges and documentation fees, freight from factory to port of export.*
- *An explanation of how the amounts above were established.*
- *If the type of information above is unavailable you may need to construct an export price by obtaining the first arm's length sale in New Zealand and deducting all duties, taxes, costs, charges and expenses and profit margins back to an ex-factory price in the country of origin.*
- *You may also need to construct an export price if the exporter and importer for whom you have information are related.*

- 6.2 Calculate the export price(s) for the allegedly dumped goods.

Note: A method of constructing an export price is shown in Table 6.1 (below). If there are different models or types of the product please construct a price for each one.

Table 6.1 shows the types of cost that would likely be involved if you used a deductive method to calculate an export price from a sale price in New Zealand (at a specific level of trade) back to an ex-factory price in the country of export. If your starting point is an FOB value (at point C in the Table below) then you will only have to find and deduct costs incurred by the exporter in the country of export from FOB back to the ex-factory level.

Table 6.1: Export Prices

Model/Type		
A. Price at first point of resale in New Zealand		
Less (as applicable):		
GST on retail price		
Retailer's margin		
Wholesaler's margin		
Importer's margin		
B. Subtotal: Estimated into importer's store cost		
Less (as applicable):		
Cartage from wharf to importer's store		
Importer's Customs clearance/handling costs		
Import duty (if applicable)		
Overseas freight (from country of export)		
Other (specify)		
C. Subtotal: Estimated FOB price in the country of origin/export		
Less (as applicable):		
Agent's/Broker's margin		
Wharf/handling costs (at port of export)		
Cartage from factory to wharf		
Other (specify)		
Estimate export ex-factory price in country of origin		

6.3 For each cost that you have taken into account in your calculation of the export price, please provide supporting evidence or an explanation of how it was calculated and any assumptions made.

Note: The evidence provided of export prices should to the extent possible:

- *be representative of the product types or models that make up the goods to which the application relates, where such different product types or models exist, and there are more than minor differences in the export prices between the product types and models; and*
- *relate to export prices spread over a recent one-year period.*

If it is not possible to provide either export prices that are representative of product types and models or export prices which are spread over a recent one-year period, please explain why this is not possible. If you consider export prices would not have varied significantly over the last year and so prices spread over a recent one year would not be relevant for establishing representative export prices, please explain why you consider this to be the case (e.g., the goods are highly seasonal and are only sold over a short period each year).

7 Normal Value

Normal values are the domestic prices at which goods of the type exported are normally sold in the domestic market in the country of export. These domestic sales must be for arm's length transactions in the ordinary course of trade, adjusted for costs arising after ex-factory and for any other factors required, to make a fair comparison with the export price.

7.1 Provide normal values for the goods on the basis of arm's length sales in the domestic market in the country of export.

Note: *If it is not possible to establish normal values on the above basis, please base the normal values on:*

- *Constructed values in the country of export based on the cost of production, plus reasonable amounts that would have been incurred on a domestic sale in the country of export for administrative, selling and general expenses and for profit;*
- *Sales made to a third country by the exporter, provided this amount is representative of the domestic selling price in arm's length sales in the country of export; or*
- *If none of the above is possible, establish the normal domestic value from the best information available to you.*

The following are examples of how to establish normal values.

Table 7.1 Arm's Length Sales on Exporter's Domestic Market

Model/Type	
Price at first point of resale in country of export (specify level of trade e.g. wholesale, retail)	
Less (as applicable):	
Taxation included in selling price (e.g. VAT, GST)	
Retailer's margin	
Wholesaler's margin	
Other adjustments (e.g. discounts, rebates)	
Estimated inland freight from factory to customer	
Estimated ex-factory normal value	

Table 7.2: Constructed Normal Value

Model/Type	
Cost of production (adjusted to reflect the country of origin, e.g., labour costs may be different)	
Plus: reasonable amount for administration, general and selling expenses incurred on domestic sales	
Plus: reasonable profit margin of domestic sales of the same general category of goods	
Estimated Ex-factory Normal Value	

Table 7.3: Selling Price from Exporter to a Third Country

Model/Type	
Country to which goods are sold	
Price per unit (specify if FOB, CIF etc.)	
Less (as applicable)	
Overseas freight and insurance	
Customs clearance costs in the country of export	
Inland freight from factory to wharf	
Other relevant costs	
Estimated Ex-factory Normal Value	

- 7.2 Where possible, please provide evidence supporting the normal values provided (e.g., invoices, price lists, quotes etc.)
- 7.3 Provide explanations for any adjustments made and including the basis of any assumptions made.
- 7.4 Describe any factors that you consider would affect a fair comparison being made to sales in the country of export, with the similar goods exported to New Zealand.

Note: This may include such things as differences in:

- Quantities sold
- Physical differences
- Credit terms
- Taxation
- Level of trade (wholesale, distributor, retail etc.).

Note: The evidence provided of normal values should to the extent possible:

- be representative of the product types or models that make up the goods to which the application relates, where such different product types or models exist, and there are more than minor differences in the normal values between the product types and models; **and**
- relate to normal values spread over a recent one-year period at dates that are as close as possible to the dates at which export prices in section 6 were established.

If it is not possible to provide either normal values that are representative of product types and models or normal values which are spread over a recent one-year period, please explain why this is not possible. If you consider that normal values would not have varied significantly over the last year and therefore prices spread over a recent one year would not be relevant for establishing representative normal values, please

explain why you consider this to be the case, e.g., the goods are highly seasonal and are sold over only a short period each year.

8 Dumping Margin

The dumping margin is the difference between the normal value in the country of export and the export price. It is normally calculated at the ex-factory level in the country of export/origin.

- 8.1 Calculate the dumping margin by using the format of Table 8.1. The calculation in Table 8.1 should be completed for each export price you have provided in section 6 and for the normal value you have provided in section 7 that is most comparable to that export price.

Table 8.1: Dumping Margin Calculation

Type/Model	
Normal Value (A)	
Export Price (B)	
Dumping Margin (A-B)	
Dumping Margin as % of Export Price	

- 8.2 If the dumping margin has not been calculated at the ex-factory level, for the normal value or the export price, please describe the level of trade at which the calculation has been made.

***Note:** If the overall dumping margin calculated across all product types/models and across all transactions is less than 2% of the export price it is de minimis and an investigation cannot be initiated.*

9 Material Injury

Introduction

In order to investigate claims of material injury, the Ministry must have evidence showing:

- The volume of import of the allegedly dumped goods,
- The effect of the allegedly dumped goods on prices, and
- The economic impact that the volume of imports and the price effects have on the New Zealand industry.

Note: It is important to show how dumped imports have caused material injury to the industry. You should therefore refer to specific evidence that has been provided as part of the application which shows how this has occurred. For example, a decrease in local production and sales may be causally linked to the timing of increased imports of allegedly dumped goods.

New Zealand Industry

An application must contain evidence that dumped imports have caused, or threaten to cause, material injury to a New Zealand industry. A New Zealand industry means:

- All of the New Zealand producers of like goods; or
- Such New Zealand producers of like goods whose collective output constitutes a **major proportion** of the New Zealand production of like goods.

If there is more than one New Zealand producer of like goods but not all producers support the application (see Section 3 - Summary of NZ Producers), or if there are producers who support the application but do not wish to provide the information requested below, then the information requested below should be provided in respect of those producers whose collective output constitutes a major proportion of the New Zealand production of like goods.

What constitutes a major proportion of New Zealand producers of like goods is not defined in legislation and will depend on the circumstances of each case. A major proportion, however, does not necessarily need to be more than 50 percent of total New Zealand production of like goods. However, if the information requested below is provided in respect of New Zealand producers who constitute less than 50 percent of the total New Zealand production of like goods, you should explain why you consider this proportion represents a major proportion of total New Zealand production.

The industry should provide a combined application covering the information requested below to present the position of the industry, as well as providing the

information separately for the individual producers who have provided injury information in support of the application. If producers are concerned about sharing their information with other producers you may need an independent party to coordinate and combine the data. Alternatively, each producer can send their information directly to the Ministry and we will combine it.

Threat of Material Injury

If you believe your industry is not currently being materially injured but is threatened with material injury if the dumping is not stopped, your application may be based on a **threat of material injury**.

A threat of material injury investigation takes into account the guidelines of Article 3 of the WTO Anti-dumping Agreement. These guidelines require that a determination of a threat of material injury must be based on facts and not merely on allegation, conjecture or remote possibility and must be clearly foreseen and imminent. The guidelines also require that the Ministry consider the following:

- The likelihood of substantially increased dumped imports.
- The exporter's capacity to increase dumped imports.
- Whether the prices of dumped imports are having a significant effect on prices in New Zealand such that there would likely be an increase in demand for further imports.
- Inventories of the product being investigated.

None of these factors alone will necessarily give decisive guidance on whether there is a threat of material injury, but taken together along with any other information, must lead to a conclusion that further dumped exports are imminent, and that unless protective action is taken, material injury would occur.

***Note:** If your application relates to a threat of material injury it should have enough information to permit the Ministry to assess the claims in terms of these guidelines.*

Provisional Anti-dumping Duties

Provisional anti-dumping duties can be applied at any time from 60 days after an investigation is initiated provided there is reasonable cause to believe that the goods are dumped and causing or threatening to cause material injury, and provided such action is necessary to prevent material injury being caused during the remainder of the investigation. If you think this situation applies to your industry, then you should request that provisional measures be imposed.

Import Volumes into New Zealand

The Ministry is required to assess the extent to which there has been or is likely to be a significant increase in the volume of imports of the allegedly dumped goods, either in absolute terms, or in relation to the volume manufactured by New Zealand producers, or the total New Zealand domestic market.

- 9.1 Please provide the volume (and if available the NZ dollar value) of imports of the allegedly dumped goods for the period over which you consider your industry has been injured by the goods, and for at least one year prior to the injury (see Table 9.1 below).

Note: Data should be provided for each country named in the application and for imports from all other countries. As a minimum this information should be provided for the 3 most recent years available.

Information on import volumes and values by tariff item is normally publicly available from Statistics New Zealand (<https://www.stats.govt.nz/tools/stats-infoshare>). Some import data may not be available for reasons of confidentiality – see <https://www.stats.govt.nz/about-us/legislation-policies-and-guidelines/trade-confidentiality/>.

Table 9.1 Import Volumes

Period						
	Qty	Value	Qty	Value	Qty	Value
Imports of the allegedly dumped goods – Country A						
Imports of the allegedly dumped goods – Country B						
Imports of the allegedly dumped goods – Country C						
Total Imports of the allegedly dumped goods						
Imports from other countries						
NZ Industry production of like goods for domestic sale						
Total NZ market						
Imports of allegedly dumped goods as % of NZ industry's production						
Imports of allegedly dumped goods as % of total NZ market						

- 9.2 Describe and comment on trends in import volumes of the allegedly dumped goods, in absolute terms and relative to New Zealand production and the total New Zealand market.

10 Price Effects

Price effects refer to the effects of the allegedly dumped goods on the selling prices of like goods manufactured by the NZ industry and sold on the New Zealand domestic market. The Ministry is required to consider the extent of the price undercutting, price depression and price suppression caused by dumped imports.

Price Undercutting

Price undercutting occurs when the allegedly dumped goods are sold on the New Zealand market at the relevant level of trade at lower prices than the like goods manufactured by the New Zealand industry.

The relevant level of trade at which prices should be compared is the point at which the allegedly dumped goods first compete with like goods produced in New Zealand. The relevant level of trade for domestically produced like goods is normally at ex-factory (i.e., at the factory door), and for the imports is normally either ex-wharf in New Zealand or ex-importer's store.

- 10.1 Outline the extent to which the allegedly dumped goods are undercutting the prices of the domestically produced like goods.

Note: To the extent possible, information on price undercutting should be provided for each model or product type and for each exporter named in the application. The format of Table 10.1 below may assist you in providing this information.

Table 10.1: Price Undercutting

Type/Model	
NZ producer's price per unit (state level of trade e.g. ex-factory, ex-warehouse)	
Price of the allegedly dumped goods per unit (state level of trade, e.g. ex-wharf, ex-importer's store)	
Amount of price undercutting	
Price undercutting as % of NZ producer's price	

Price Depression

Price depression occurs when the New Zealand industry's domestic selling prices are reduced because of the allegedly dumped goods.

- 10.2 Outline the extent to which the allegedly dumped goods are causing price depression. Supporting evidence, preferably in the form of average ex-

factory selling prices per unit (net of discounts and rebates), should be provided. The format of Table 10.2 below may assist you in providing this information.

Table 10.2: Price Depression

Type/Model	Period		
Average selling prices per unit net of discounts and rebates (state basis of sales, e.g. ex-factory, FIS)			

Note: If information about average selling prices is not available, provide other supporting evidence (e.g., price lists, or invoices etc. and explain how this information shows depression of prices).

Price Suppression

Price suppression occurs when price increases that would otherwise have taken place do not occur because of the allegedly dumped goods. This could mean that, for example, cost increases are not fully recovered.

10.3 Outline the extent to which the allegedly dumped goods have caused prices to be suppressed. Supporting evidence preferably in the form of financial data showing average cost per unit relative to average selling prices per unit, should be provided. The format of Table 10.3 below may assist you in providing this information.

Table 10.3 Price Suppression

Type/Model	Period		
Average selling prices per unit net of discounts and rebates (state basis of sales, e.g. ex-factory, FIS)			
Cost of production per unit			
Selling and administration costs per unit			
Total costs per unit			
Total costs as % of average selling price			

Note: If information on average selling prices and costs is not available, please provide other supporting evidence, e.g., details of increases in production costs and selling and administration costs and any information on your pricing policies and history.

11 Economic Impact

The information provided in this section of the application should cover a period sufficient to show the economic impact of the allegedly dumped goods and should include at least one year's data prior to the claimed onset of injury. As a minimum, the information should cover at least the most recent 3 years for which data is available.

To the extent possible, the information should only relate to the industry's production and sale of like goods in New Zealand.

If there is more than one New Zealand producer the information in this section should be provided both separately for each producer and, to the extent possible, in amalgamated form, for all producers. If amalgamated information covers different accounting years, please identify the different accounting years for each producer.

Injury Summary

11.1. Complete the following injury summary for domestic sales of like goods, if possible by month or by quarter.

Table 11.1 Injury Summary

Period			
Output			
Sales Volume			
Sales Revenue			
Cost of Production			
Gross Profit			
Selling and Administration Expenses			
Earnings Before Interest and Tax (EBIT)			
Per Unit			
Sales Revenue			
Cost of Production			
Gross Profit			
Selling and Administration Expenses			
EBIT			

11.2 Complete the following cost of production summary.

Table 11.2: Cost of Production Summary

Variable costs (specify)			
Fixed costs (specify)			

Output

11.3. Please comment on the trends in the industry's output shown in the injury summary at paragraph 11.1 and explain how any decline in output is linked to competition from the allegedly dumped imports.

Sales

11.4. Provide any relevant details available of any decline in the industry's domestic sales of like goods that are additional to the data shown in the injury summary at paragraph 11.1.

- 11.5. Please comment on the trends in the industry's sales volume and revenue and explain how any decline in sales is due to competition from the allegedly dumped imports.
- 11.6. Give copies of any correspondence or cancelled orders from the industry's customers showing they are buying the allegedly dumped goods.

Market Share

- 11.7. Provide evidence of the size of the New Zealand market, preferably by volume but otherwise by value, over the period covered by the injury summary at paragraph 11.1.
- 11.8. Compare and comment on the changes in market share of the domestic industry with the share held by imports of the allegedly dumped goods and imports from other sources.

Profits

- 11.9. Explain how the gross profit and EBIT earned on domestic sales of like goods shown in the injury summary at paragraph 11.1. have been affected by the allegedly dumped goods.

Productivity

- 11.10. Show how productivity has been affected over the period covered by the injury summary at paragraph 11.1, on a monthly or quarterly basis if possible.
- 11.11. State the basis used for measuring productivity (e.g., production per worker).

Return on Investments

- 11.12. Show return on shareholders' funds or return on assets or a similarly appropriate measure of return on investment over the period covered by the injury summary at paragraph 11.1 and explain how it has been affected by the allegedly dumped goods.
- 11.13. Provide details of how any allocation of shareholders' funds or assets has been made to like goods.

Use of Production Capacity

- 11.14. Provide the industry's production capacity over the period covered by the injury summary at paragraph 11.1, if possible on a monthly or quarterly basis, for the like goods. Explain the basis for your assessment of

production capacity, e.g., machine capacity, number of shifts. State the units of measurement, e.g., tonnes, square metres.

11.15. What has been the industry's capacity utilisation rate for the period for which capacity has been provided? Explain how it has been affected by the allegedly dumped goods.

Other Adverse Effects

Please give evidence, over the period covered by the injury summary at paragraph 11.1, to support claims of injurious effects (actual or potential) in any of the following areas:

- Cashflow
- Inventories
- Employment
- Wages
- Growth
- Ability to raise capital
- Investments

11.16. Comment on the impact made by the alleged margin of dumping and any other factors affecting domestic prices

12 Other Causes of Injury

Please comment on factors other than the allegedly dumped goods that have injured or are injuring the industry. These factors could include:

12.1 The volume and prices of like goods that are not sold at dumped prices

12.2 Reduction in demand or changes in the pattern of consumption

12.3 Restrictive trade practices of, and competition between, overseas and New Zealand producers

12.4 Developments in technology

12.5 The export performance of the New Zealand industry

12.6 If the industry has exported like goods over the period covered by the injury summary in paragraph 11.1, provide a schedule over this period showing the quantity, dollar value, cost of production, gross profit, selling and administration expenses and EBIT relating to these sales, if possible by month or by quarter.

Imports by the Industry

If the industry has imported the allegedly dumped goods in the past 3 years, please provide:

- 12.7 A full description of the goods
- 12.8 Details of each shipment (including dates of importation, supplier, country of origin, values for duty, CIF values, and volume)
- 12.9 Commentary on why the industry imported the subject goods.

13 Declaration

Note: The application should be attached to the following declaration.

Trade (Anti-dumping and Countervailing Duties) Act 1988

I hereby apply for the initiation of an investigation into the dumping of [*specify product*] from [*specify country(s) of origin*].

In support of this application, in accordance with section 10(2), I attach evidence of:

- i. dumping
- ii. material injury to the industry
- iii. a causal link between the alleged dumping and the material injury, and
- iv. such information as is reasonably available to me in relation to the matters referred to in section 10(3) of the Trade (Anti-dumping and Countervailing Duties) Act 1988.

This application is made [by] [on behalf of] the New Zealand industry producing like goods to those subject to the application, and is supported by producers of like goods whose collective output constitutes:

- a. at least 25% of the total New Zealand production of like goods produced for domestic consumption (during the most recent representative period, being not less than six months); **and**
- b. more than 50% of the total production of like goods produced for domestic consumption by those New Zealand producers who have, in writing, expressed support for or opposition to the application.

Signed:

Position:

Date:

Checklist

Use this list to check that you have addressed the information requirements of the Act.

The Trade (Anti-dumping and Countervailing Duties) Act 1988 (in section 10(3)) requires that a properly documented application include the following information where it is reasonably available:

- The names of the New Zealand producers making the application and the names of all known New Zealand producers of like goods.
- A description of the volume and value of the domestic production of the like goods both by the producers making the application and all other known New Zealand producers.
- A complete description of allegedly dumped goods.
- The names of countries of origin or export of the allegedly dumped goods.
- The names of the exporters or overseas producers of the allegedly dumped goods.
- The names of companies or persons known to be importing the allegedly dumped goods.
- Normal values of the allegedly dumped goods when destined for consumption in the domestic markets of the countries of origin or export (or, where appropriate, either the prices based on a constructed value or the price at which the goods are sold from countries of origin for export to third countries).
- The export prices of the allegedly dumped goods.
- The import volumes into New Zealand of the allegedly dumped goods.
- The effects that the imports of the allegedly dumped goods have had, or will have, on prices of the like goods in New Zealand.
- The consequent impact of those imports on the industry.
- Relevant factors affecting the industry that may have a bearing on the information required under the last two items above.

Reminders

Please make sure you compile your application using the numbering system used in this application form.

- Have you covered everything in the checklist?
- Have you attached the evidence in support of your claims and calculations?
- Have you prepared a non-confidential summary or version of your application, which will be placed on the Public File for any interested party to see, if an investigation is initiated?

Please keep a copy of your application as you will need to refer to it if further questions arise during the assessment of the application document and if a dumping investigation is initiated.

Please either post or email the application to:

The Manager
Trade and International
Ministry of Business, Innovation and
Employment
PO Box 1473
Wellington, 6140
New Zealand

OR

The Manager
Trade and International
Ministry of Business, Innovation and
Employment
15 Stout Street
Wellington
Email: TradeRemedies@mbie.govt.nz

Glossary

Arm's Length

A transaction is at arm's length if the price is not affected by any relationship between the buyer and the seller, or if there is no compensation or reimbursement other than price.

Causal Link

The demonstration of a relationship between the imports of the allegedly dumped goods and the material injury suffered by the New Zealand industry.

Constructed Values

Where the price in the ordinary course of trade cannot be used as a normal value in the country of export, a constructed value can be used. A constructed value includes the cost of production and reasonable amounts that would be incurred on a domestic sale in the country of export for administration and selling costs, delivery charges, and other charges incurred in the sale, and an amount for profit.

Country of Export/Country of Origin

The country the goods are exported from is the country of export. The country of origin may be different if there is no process of manufacture or packing carried out in the country of export.

Dumping

The situation where the export price of the goods imported into New Zealand is less than the normal value of the goods in the country of export.

Dumping Margin

The difference between the normal value in the country of export and the export price.

EBIT - Earnings before Interest and Tax

Earnings refer to the operating surplus arising from normal operations, excluding extraordinary items and distributions to and contributions from owners.

Export Price

The price the importer in New Zealand pays for the goods, adjusted by the costs related to exportation.

FOB

FOB is an international commercial term (Incoterm) for Free-on-Board. It is the value of the goods at the point that they have been cleared by the Customs Authority in the Country of Origin and the main cost of carriage is not paid by the seller.

Gross Profit

The surplus resulting from the deduction of the cost of manufacture from sales over a given period. The cost of manufacture includes manufacturing overheads, but excludes selling, administration and financial expenses.

Like Goods

In relation to any goods, like goods means other goods that are like those goods in all respects; or in the absence of such goods, goods which have characteristics closely resembling those goods.

Net profit

For the purposes of this application form, net profit has the same meaning as EBIT.

Normal Value

The price which the allegedly dumped goods sell for in the ordinary course of trade in the country of export, or their constructed value (see previously) or their price to a third country.

Price Depression

This occurs when selling prices in New Zealand are reduced because of allegedly dumped goods.

Price Suppression

This occurs when price increases which otherwise would have taken place do not occur because of the dumped goods. This could mean that, for example, cost increases are not fully recovered.

Price Undercutting

This occurs when the allegedly dumped product is sold on the New Zealand market at the relevant level of trade, at lower prices than the like goods produced by the New Zealand industry.

Related Party

A person shall be deemed to be related to another person if:

- One of them directly or indirectly controls the other; or
- Both of them are directly or indirectly controlled by a third person; or
- Together they directly or indirectly control a third person.

A person controls another person if they are in a position, whether legally or operationally, to exercise restraint or direction over the other person.

WTO

World Trade Organization.