Application for an

accelerated review of

anti-dumping measures

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APPLICATION UNDER SECTION 269ZE OF THE *CUSTOMS ACT 1901* FOR AN ACCELERATED REVIEW OF ANTI-DUMPING MEASURES

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In accordance with section 269ZE of the *Customs Act 1901* (the Act) [[1]](#footnote-2)*,* I requestthat the Commissioner of the Anti-Dumping Commission conduct an accelerated review of a dumping duty notice and/or countervailing duty notice (the notice(s)) insofar as it affects this exporter[[2]](#footnote-3).

*NB: Only a new exporter is eligible to apply for an accelerated review. A new exporter means that, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).*

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**DECLARATION**

I believe that the information contained in this application:

* provides reasonable grounds for an accelerated review of the dumping or countervailing duty notice(s) in so far as it relates to the applicant; and
* is complete and correct.

Signature:

Name:

Position:

Company:

Date:

|  |  |
| --- | --- |
| **Signature requirements** | Where the application is made:*By a company* - the application must be signed by a director, servant or agent acting with the authority of the corporate body. *By a joint venture* - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.*On behalf of a trust* - a trustee of the trust must sign the application.*By a sole trader* - the sole trader must sign the application.*In any other case* - contact the Anti-Dumping Commission’s (the commission’s) client support section for advice.*NB: Where an application is made by an agent acting with authority on behalf of a company, joint venture, trust or sole trader, an authority to act letter must be provided with this application.*  |
| **Assistance with the application** | The commission provides a free-of-charge document checking service, available prior to formal lodgement, to assist applicants to ensure that their applications meet the documentary requirements, see “before you apply”: <https://www.industry.gov.au/anti-dumping-commission/apply-anti-dumping-or-countervailing-duties-measures>  The commission has also published guidelines to assist applicants with the completion of this application: <https://www.industry.gov.au/anti-dumping-commission/how-importers-and-exporters-can-participate-anti-dumping-system> The commission’s client support section can also provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on: **Phone**: 13 28 46 or +61 2 6213 6000 (outside Australia) **Email**: clientsupport@adcommission.gov.au Further information is available from the commission’s website at [www.adcommission.gov.au](http://www.adcommission.gov.au). |
| **Required information** | 1. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
* identify the notice(s) imposing measures that the applicant seeks an accelerated review of; and
* a description of the goods to which the notice(s) relates.
1. Provide details of the name, street and postal address, of the applicant seeking the accelerated review;
2. Provide details of the name of a contact person, including their position, telephone number and e-mail address;
3. Describe the applicant’s role in the exportation of the goods (e.g. producer or manufacturer, distributor or trader of the goods);
4. Confirm that the applicant is a ‘new exporter’, meaning, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).
5. Confirm whether the applicant has previously applied for an accelerated review in relation to the notices the subject of this application.
6. Confirm whether the applicant is related to an exporter whose exports were examined in relation to the application for publication of the notice(s), and the nature of the relationship (s 269ZE(2)(b) refers).

In determining whether the applicant is an associate of an exporter whose exports were examined in relation to the application for publication of the notices(s), answer the following (s 269TAA(4) refers):1. Are both natural persons?

If yes:1. Are they members of the same family? Or;
2. Is one of them an officer or director of a body corporate controlled, directly or indirectly, by the other?
3. Are both body corporates?

If yes:1. Are both of them controlled by a third person (whether or not a body corporate)? Or;
2. Do both of them together control, directly or indirectly, a third body corporate? Or;
3. Is the same person (whether or not a body corporate) in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them?
4. Is one of them, being a body corporate, directly or indirectly, controlled by the other (whether or not a body corporate)?
5. Is one of them, being a natural person, an employee, officer or director of the other (whether or not a body corporate)?
6. Are they members of the same partnership?

*NB: Please include appropriate evidence in support of your view that the applicant is or is not related to another company whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation). This should include an overview of your corporate structure, including entities that the applicant has an interest in and entities that have an interest in the applicant, list of directors and annual report(s) where applicable.* 1. Provide a statement setting out the basis on which you consider the particular dumping or countervailing duty notice is inappropriate, so far as the applicant is concerned.
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| **Impact of an all exporter review of measures** | Where a review of measures applies to all exporters of the goods generally (that is, not a single exporter), the changes to the notice(s) that result from the review may apply to all relevant exporters of the goods, including past applicants for an accelerated review. This means that changes to a notice as an outcome of an all-exporter review of measures may replace an earlier published outcome of an accelerated review.  |
| **Lodgement of the application** | This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:* email, preferably, using the email address clientsupport@adcommission.gov.au;
* upload to SIGBOX (SIGBOX is our secure online lodgement platform, suitable for large files or attachments - email us to arrange access), or
* post to:

The Commissioner of the Anti-Dumping CommissionGPO Box 2013Canberra ACT 2601Effective immediately:* Applications are taken to be lodged or received by the Commissioner when it is first received by a commission staff member doing duty in relation to applications.
* Staff members are on duty receiving applications from 9:00am to 5:00pm (AEST or AEDST) on business days that are not an Australian Capital Territory public holiday, or during Annual Closedown.\*

**Definitions** in this application:* ***AEST*** means Australian Eastern Standard Time.
* ***AEDST*** means Australian Eastern Daylight Savings Time
* ***business day*** means a day that is not a Saturday or Sunday.
* ***Annual Closedown*** means the 3 business days the Commission is closed between Christmas Day and New Year’s Day.

\* Public holidays are listed at: <https://www.fairwork.gov.au/employment-conditions/public-holidays> |
| **Public Record** | There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for an accelerated review will be opened and accessible on the commission’s website at [www.adcommission.gov.au](http://www.adcommission.gov.au). The public record will contain, among other things, a copy of the application, all submissions from interested parties and commission reports. At the time of making the application, the commission requests both a confidential version (for official use only) and non-confidential version (public record) of the application be submitted. Please ensure each page of the application is clearly marked “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the accelerated review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the commission’s client support section for advice. |

1. All legislative references are to the *Customs Act 1901*. [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)