



Application for a duty assessment

There are strict legislative requirements regarding when an application for a duty assessment can be lodged. It is highly recommended that you lodge your application well before the end of the six month period available for lodgement (at least one month before but preferably longer). This will provide you with the opportunity to resubmit your application, within the legislated timeframe, should any deficiencies be identified and the initial application rejected.

APPLICATION UNDER SECTION 269V OF THE *CUSTOMS ACT 1901* FOR A DUMPING AND/OR COUNTERVAILING DUTY ASSESSMENT

As an importer of goods on which interim dumping and/or countervailing duty has been paid, and in accordance with section 269V of the *Customs Act 1901* (the Act)¹, I request that the Deputy Commissioner of the Anti-Dumping Commission (Deputy Commissioner)² conduct a duty assessment to determine the final liability of those goods to duty.

DECLARATION

I declare that to the best of my knowledge:

- the total amount of duty payable in respect of the goods subject to this application is less than the total amount of interim duty that has been paid on those goods;
- that all interim duties payable on the goods have been paid; and
- the application is complete and correct.

Signature:

Name:

Position:

Company:

Date:

¹ All legislative references are to the *Customs Act 1901*.

² The former Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science delegated his powers and functions under section 269Y of the Act to the Commissioner of the Anti-Dumping Commission (Commissioner). The former Commissioner delegated his powers and functions under Division 4 of Part XVB of the Act in Delegation Instrument No. 1 on 15 December 2016 to the Commission's officials holding, occupying or performing the duties of the position of Senior Executive Service Band 1 - currently referred to as Deputy Commissioners of the Anti-Dumping Commission.

**Signature
requirement**

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 body corporate.

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/apply-anti-dumping-or-countervailing-duties-measures>

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the Corporations Act 2001), may obtain assistance, at no charge, from the Department of Industry, Science and Resources' International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au/ITRA, email us at itra@industry.gov.au, or telephone the ITRA Service Hotline on +61 2 6213 7267.

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.

The commission has a template in Microsoft Excel format that should be used to supply information for a duty assessment application. This template can be accessed here:

- [Duty assessment calculation spreadsheet](#) or
- [Applying for a duty assessment](#)

**Required
information**

1. Provide details of the current anti-dumping measure(s) that imposed the interim duty on the goods imported into Australia, including:

- identify the notice(s) imposing the measures on the goods the subject of this application.

NB: This information may be found on the commission's website.

2. What is the importation period the subject of this application for a duty assessment?

NB: An importation period is defined under s 269T(1). Guidance may be found on the commission's website (see Dumping Commodity Register), however applicants should refer to the Act to inform themselves of the appropriate importation period.

An application for a duty assessment must be received by the commission no later than six (6) months after the end of the particular importation period in which the goods the subject of the application were entered for home consumption (s 269V(2)(a) refers).

3. Provide a full description of the goods the subject of this application in each consignment imported during the importation period (s 269W(1)(a) refers).

*NB: An application **must** contain all consignments (from all exporters) of the goods imported during the importation period by the applicant, even if no interim duty was paid.*

4. Provide details of the name, ABN/ACN, street and postal address, of the applicant seeking the duty assessment.

5. Provide details of the name of a contact person, including their position, telephone number and e-mail address.

6. Describe the applicant's role in the importation of the goods (e.g. producer or manufacturer, importer or trader of the goods).

NB: In order to apply for a duty assessment, you must be an importer of goods on which interim duty has been paid. 'Importer' is defined under s 269T(1).

7. In respect of the goods to which this application relates, what amount of interim duty was paid on each consignment during the importation period (s 269W(1)(b) relates)? Enter this information into the relevant columns in the Duty Assessment Spreadsheet.

8. In respect of the goods and the importation period to which this application relates, by what amount does the applicant contend that the total amount of duty payable is less than the amount of interim duty paid (s 269V(2)(b) and s 269W(1)(e) refers)? Enter this information into the relevant columns in the Duty Assessment Spreadsheet.

9. If an interim dumping duty has been imposed, what amount, in the opinion of the applicant, are:

- the normal value; and
- the export price

of the goods the subject of this application in each consignment during the importation period (s 269W(1)(c) refers)? Enter this information into the relevant columns in the Duty Assessment Spreadsheet.

NB: Please see 'Supporting evidence' for further information to satisfy this requirement.

10. If an interim countervailing duty has been imposed, what amount, in the opinion of the applicant, are:

- the countervailable subsidy received on the goods the subject of this application; and
- the export price of the goods the subject of this application

in each consignment during the importation period (s 269W(1)(d) refers)?
Enter this information into the relevant columns in the Duty Assessment Spreadsheet.

NB: Please see 'Supporting evidence' for further information to satisfy this requirement.

Supporting evidence

In support of the applicant's opinion in relation to Required Information Item 9 and Item 10, provide **either**:

- sufficient evidence to establish that the applicant's opinion of these amounts (normal value, export price, amount of countervailable subsidy) is correct (s 269W(1A)(a) refers);

NB: In order to satisfy this requirement, detailed sales and cost data is required from each exporter that you purchased the goods from during the importation period. If relying on s 269W(1A)(a), the commission recommends that you request each exporter to complete an exporter questionnaire to reduce the chance of rejection. Examples of questionnaires can be found on the commission's website. For further assistance contact the commission's client support team. Where confidentiality is a concern you may wish to consider meeting the requirements of 269(W)(1A)(b) instead.

or

- **BOTH** of the following:
 - evidence the applicant has to establish that the applicant's opinion of these amounts (normal value, export price, amount of countervailable subsidy) is correct (s 269(W)(1A)(b)(i) refers);

NB: it is expected that you would have some evidence on which to base your opinion.

For export price: evidence may include invoices, bills of lading, proof of payment, import declarations, etc. This should be provided for each consignment.

For normal value: provide all evidence you have to demonstrate that your opinion of normal value is correct. This may include correspondence with your exporters.

For the amount of countervailable subsidy received: provide all evidence you have to demonstrate that your opinion of the amount of countervailable subsidy received is correct. This may include correspondence with your exporters.

AND

- a commitment that someone else will give the Deputy Commissioner further evidence within 30 days after lodgement, or such longer period as the Deputy Commissioner allows, so that the Deputy Commissioner will then have sufficient evidence to establish that the applicant's opinion of these amounts is correct (s 269W(1A)(b)(ii) refers).

NB: Shortly after an application is received the commission will generally send each exporter identified in the application form an exporter questionnaire to assist them in providing the required information. However, this commitment must be fulfilled regardless of whether or not the exporter receives a questionnaire from the commission. It is important that you identify all exporters you purchased the goods from during the importation period in your application. Please provide contact details for the exporters.

Where an interim duty on the goods the subject of this application was calculated using the export price of the goods worked out as the difference between:

- the price at which the importer of the goods (i.e. the applicant) sold them, in the condition in which they were imported, to someone who was not an associate of the applicant; and
- the prescribed deductions, as defined in subsection 269TAB(2), relating to the goods

then the supporting evidence must include such information to establish the aforementioned points used to calculate the export price (s 269W(1B) refers).

NB: The supporting evidence may include: evidence to establish the applicant's selling prices (invoices, proof of payment) and importation costs, profit and loss report(s) to demonstrate selling, general and administrative expenses and calculation of profit. These represent a non-exhaustive indication; further evidence can be supplied and may be requested.

**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:

- 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 Commission
GPO Box 2013
Canberra ACT 2601

Effective 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>