



Australian Government
Department of Industry,
Science and Resources

Anti-Dumping Commission

Application for an
anti-circumvention inquiry into
avoidance of the intended effect of
duty

APPLICATION UNDER SECTION 269ZDBC OF THE *CUSTOMS ACT 1901* FOR AN ANTI-CIRCUMVENTION INQUIRY INTO AVOIDANCE OF THE INTENDED EFFECT OF DUTY

In accordance with subsection 269ZDBC(1A) of the *Customs Act 1901* (Act) ¹, I request that the Commissioner of the Anti-Dumping Commission conduct an anti-circumvention inquiry in relation to a notice published under subsections 269TG(2) or 269TJ(2) of the Act, in respect of the goods the subject of that notice.

I consider that there are reasonable grounds to assert that circumvention activity has occurred that is avoiding the intended effect of duty.

This application is made by a person representing, or representing a portion of, the Australian industry producing like goods, which considers that the circumvention activity in relation to the notice has occurred.

I consider that it may be appropriate to alter the notice because of the circumvention activity.

I confirm that:

- This application does not describe any other kind of circumvention activity in relation to the notice detailed above; and
- I have not made an application, which has resulted in an anti-circumvention inquiry into avoidance of the intended effect of duty, in respect of the notice detailed above, within the previous 12-month period from the date of this application.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for the conduct of an anti-circumvention inquiry; and
- is complete and correct to the best of my knowledge and belief.

Signature:

Name:

Position:

Company:

ABN:

Date:

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

About this form

Section 269ZDBD(1)(b) of the Act requires that an application under section 269ZDBC(1) of the Act for an anti-circumvention inquiry into the avoidance of the intended effect of duty must be in a form approved by the Commissioner under section 269SMS(1) for those purposes. This is the approved form.

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 body corporate.

By a joint venture: a director, servant, 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 (for anti-circumvention inquiries):

<https://www.industry.gov.au/anti-dumping-commission/apply-anti-circumvention-inquiry>

The commission's client support section can 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

Information is available from the commission website at www.adcommission.gov.au.

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.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the inquiry.
2. Provide details of the name of a contact person, including their position, telephone number and e-mail address.
3. Provide known names, addresses and telephone numbers of other parties likely to have an interest in this matter, e.g., Australian manufacturers, importers, exporters and end users.
4. Provide a description of the kind of goods that are the subject of the original notice.
5. Provide a description of the original notice, including:
 - whether the notice was a dumping and/or countervailing notice;
 - the tariff classification/s of the goods;
 - the countries and/or exporters covered by the notice; and
 - the date of publication of the notice.
6. Provide a detailed statement regarding the circumvention activity that you consider that has occurred and which is resulting in avoidance of the intended effect of duty in relation to the original notice. You must provide evidence to support your view that there are reasonable grounds for asserting that the circumvention activity has occurred that is avoiding the intended effect of duty in relation to the notice.
7. Provide a description of the alterations to the original notice that you consider should be made.

Please refer to the '*Instructions and Guidelines for applicants: Application for an anti-circumvention inquiry into avoidance of the intended effect of duty*' for further information on completing questions 6 and 7.

Provision of data

Industry financial data must, wherever possible, be submitted in an electronic format:

- The data should be submitted on a media format compatible with Microsoft Windows.
- Microsoft Excel, or an Excel compatible format, is required.
- If the data cannot be presented electronically, please contact the commission's Client Engagement and Business Support Section for advice.

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>

Public Record

During an inquiry all interested parties are given the opportunity to defend their interests, by making a submission. The commission maintains a public record of the non-confidential versions of submissions made to the inquiry. The public record is available on the commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must 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 inquiry, 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 Engagement and Business Support Section for advice.