



INSTRUCTIONS AND GUIDELINES

ANTI-DUMPING COMMISSION

Pre-Application Service Guidelines

April 2025

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Availability:	Internal and external
Subject:	Pre-Application Service Guidelines
Purpose:	To outline the Anti-Dumping Commission's (the Commission's) principles and procedures for pre-application discussion and administrative review of a draft application for dumping and/or countervailing duties
Contact:	Phone: 13 28 46 or +61 2 6213 6000 (outside Australia) Email: clientsupport@adcommission.gov.au Post to: The Commissioner of the Anti-Dumping Commission GPO BOX 2013 Canberra ACT 2601 AUSTRALIA

Summary of main points

These Instructions and Guidelines outline the purpose, required information, assessment of a draft application, principles (pre-lodgement documentation check), procedure and an example response related to a pre-application administrative screening check.

These Guidelines apply to:

- Interested parties applying for anti-dumping or countervailing duties (measures)
- Officers in the Anti-Dumping Commission

Introduction

These *Instructions and Guidelines – Pre-application service guidelines (Guidelines)* are publicly available to inform applicants about the pre-application service processes. Applicants should read the Guidelines in conjunction with other publicly available documents available on the Commission website.

The Guidelines also provide guidance to Anti-Dumping Commission (the Commission) officers conducting a pre-application discussion and an administrative screening of the documentary completeness of a draft dumping and/or countervailing application. The purpose is to ensure a consistent approach to the pre-application service, providing a clear framework for both applicants and officers.

Instructions and Guidelines

The Guidelines are divided into the following sections:

- Purpose,
- Understanding the system,
- Information required,
- Assessment of a draft application,
- Principles (pre-application/pre-lodgement discussion and administrative screening),
- Procedure, and
- Attachment 1 – Example Pre-lodgement Administrative Screening of Documents Response.

Related Policies and References

Other Instructions and Guidelines:

- [Dumping and Subsidy Manual \[PDF\]](#)
- [Dumping and Subsidy Manual \[DOCX\]](#)
- [Guidelines: applying for anti-dumping or countervailing measures \[PDF\]](#)

Approval and version history

Version	Change	Date	Approver
1.0	Original version	April 2025	David Latina - Commissioner of the Anti-Dumping Commission

Pre-application – discussion and administrative screening

1. Purpose of guidelines

This paper describes the principles and procedures for the pre-application service of a draft application for dumping and/or countervailing duties.

The pre-application service is provided by the Anti-Dumping Commission (the Commission) to advise applicants about the documentary completeness of an application before it is formally lodged in accordance with s. 269TB(1) of the *Customs Act 1901* (the Act).

The pre-application service includes two-parts: a discussion with applicants (and their representatives) regarding the application and investigation process, and an administrative screening check of the documentary completeness of an application.

It is intended to assist potential applicants by minimising the likelihood of additional information requests by the Commission once an application is formally lodged. The service also aims to mitigate the risk of a formally lodged application to be rejected due to missing or unclear information that is necessary for the assessing the merits of an application.

These guidelines are written to inform interested parties and applicants about the pre-application service process, and to assist Commission officers involved in conducting a pre-application discussion and an administrative screening process.

Please note, the Commission also has separate Instructions and Guidelines on its [website](#) to provide guidance to applicants completing the application form for the publication of dumping and/or countervailing duty notices.

2. Understanding the system

The Commission welcomes meeting with Australian industry early to:

- understand your prospective application and the issues your industry is facing,
- explain the investigative process and timeline, including the best way to make an application that will proceed as quickly as possible,
- explain the purpose of the proposed goods description and the need for it to accurately cover the kind of goods which you produce and for which you are seeking measures be applied, and
- inform applicants about the documentary completeness of their draft application.

3. Information required

Australian legislation and the World Trade Organization agreements relating to anti-dumping and countervailing duties require the submission of a significant amount of information in a formally lodged application. The information is needed to satisfy the Commissioner of the Anti-Dumping Commission that:

- the application complies with subsection 269TB(4),
- there is, or is likely to be established an Australian industry in respect of the goods,
- there appear to be reasonable grounds for the publication of a dumping and/or countervailing duty notice, within the terms set out in s. 269TC(1)(c).

‘Reasonable grounds’ is a reference to evidence of:

- dumping and/or subsidisation, and
- injury to an Australian industry caused or threatened by the dumping and/or subsidisation.

However, the Commission is not required to have before it evidence of the quality and kind necessary to support a preliminary or final determination.

4. Assessment of a draft application

A draft application can be assessed by the Commission for its documentary completeness.

The Commission cannot consider whether a formally lodged application has established ‘reasonable grounds’ unless there is sufficient information to do so. Where information is incomplete or unclear it creates doubt about whether reasonable grounds exist. To assist applicants with meeting information requirements, the Commission has staff available on request to check a draft of an application for documentary completeness.

Following the administrative documentation screening, the Commission will offer suggestions to an applicant about whether the standard of information provided could be improved so that when a formal application is lodged any requests for additional information are minimised.

This paper contains the principles and procedures for the pre-lodgement documentation check of a draft application. This stage is voluntary. There is no requirement for an applicant to submit a draft prior to formal lodgement.

Once an application is formally lodged, the Commission will assess the merits of the application in accordance with s. 269TC(1) of the Act.

5. Principles (Pre-application discussion and Pre-lodgement Administrative Screening)

Principle 1: The Commission cannot supply information to make or support an application on behalf of an Australian industry.

- The Commission's assistance, in the form of a pre-lodgement administration screening, will respond to material prepared by a potential applicant.
- The Commission's response to the submission of a draft may include suggestions about how an application may be improved, including potential information sources.

Principle 2: The pre-lodgement administrative screening of documents is informal.

- For clarity and transparency purposes, responses by the Commission will be documented and recorded. **Attachment A** provides an example response for a screening check of the documentary completeness of an application.
- Because the pre-lodgement administration screening is informal, responses are not definitive. They take the form of suggestions and guidance.

Principle 3: The pre-lodgement administration screening only addresses the information requirements of making an application.

- Usually, a pre-lodgement administration screening will result in suggestions for the provision of additional information or clarification of information.
- A pre-lodgement administration screening cannot assess the accuracy of the evidence in a draft application. The merits of the claims made in a draft application are not assessed at this stage.
- The Commission cannot determine the reliability of information in a draft application during a pre-lodgement administration screening. This task is undertaken during the application consideration phase, once the application has been formally lodged in accordance with s. 269TB(1) of the Act.

Principle 4: The Commission cannot guarantee that addressing all the issues raised in the pre-lodgement administration screening will result in an investigation being initiated.

- If supplied, the additional information itself may be inconsistent or unclear, or highlight that other information is still missing.
- Potential applicants should rely on their own inquiries or obtain additional advice in finalising their applications, to ensure that the information provided is as complete as possible and presents the strongest possible case for imposition of measures.
- Where an application has undergone a pre-lodgement documentation check, and is later submitted for formal consideration, the comments made on the draft application by the Commission, as set out in the pre-lodgement administration screening, will be forwarded to those officers who will carry out the formal examination of the application under s. 269TC of the Act.

6. Procedure

The potential applicant will be advised of:

- the date the document is received;
- the name of the contact officer in the Commission; and

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- the expected date that the outcomes of the pre-lodgement administration screening will be provided, normally within 10 days of receipt.

The pre-lodgement administration screening will be about whether responses to questions in the application form are complete and clear. At this stage in the process the Commission will not examine or provide advice about whether the application satisfies the tests of 'reasonable grounds' for the publication of a dumping duty or countervailing duty notice.

Wherever possible, the Commission will make suggestions about how an application may be improved. The response will be along the lines of **Attachment A** and will specify if the information is missing or unclear.

Pre-lodgement Administrative Screening Response

Question	Issue ¹	Would be improved by...
B-2 2 (example)	Missing	<p>If sales terms are unknown, you can improve your application with a statement about why it is unreasonable to obtain this information.</p> <ul style="list-style-type: none"> • NB It is not necessary that the sales terms be exactly known. The expected terms or conditions of export sales in the country of export may be estimated, provided that the estimation is reasonably based using terms and conditions that may be reasonably anticipated for a transaction of this type. • Some basis to support the estimation would assist its evaluation. <p>Information about terms and conditions of export sales is needed to assess whether the export price and normal value are comparable.</p>
Appendix A4	Missing	<p>Rebate and discount information is missing from appendix A4. If this is not applicable this must be specified in the application form. All rebates and discounts need to be shown and explained so the Commission can establish net selling prices to be used in injury analysis.</p>
A-5 8 (example)	Unclear	<p>Although information about the price reductions has been included in your application, their commercial operation is unclear. To avoid the need for follow up questions by the Commission (which may delay the initiation of an investigation) the following should be provided, e.g.:</p> <ul style="list-style-type: none"> • Rebates seem to operate differently from discounts. Please provide further information. • Commissions are not paid on all sales to x. Please provide information about how exceptions apply. • Etc. <p>Information about price reductions is needed to assess the application because net sales prices are required for the injury analysis.</p>

¹ Issues are classified into two groups; unclear or missing.