



Corporate Restructure Assessment Form

Forms 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 taken to be 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*.

See Page 9 for more details.

Applicants are encouraged to contact the Commission prior to lodgement if they wish to discuss their application or the process.

CORPORATE RESTRUCTURE ASSESSMENT FORM

As an exporter of goods subject to a notice under s 269TG and/or s 269TJ of the *Customs Act 1901* (the Act),¹ I request that the Commissioner of the Anti-Dumping Commission (the commission) assess whether the entity submitting this form, following a corporate restructure or name change, is effectively the same entity as an exporter previously examined and currently listed in the dumping commodity register (DCR) exporter table. If the commission considers that a new entity is not materially dissimilar to a previously examined exporter, I request that the applicant replace the relevant exporter in the DCR.

I believe that there are reasonable grounds for the applicant to replace the relevant exporter in the DCR:

- ☐ the applicant is a new entity whose corporate structure is the same as an exporter previously examined and listed in the DCR; or
 - ☐ the applicant is an exporter previously examined and listed in the DCR that has changed its registered and/or trading name; or
 - ☐ the applicant has undergone any other situation where a corporate restructure has taken place, and the applicant contends that it is the same entity as the exporter previously examined and listed in the DCR.
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DECLARATION

I believe that the information contained in this form:

- provides reasonable grounds for determining that this entity is effectively the same entity as an exporter previously examined and currently listed in the DCR, and
- is complete and correct.

Signature:

Name:

Position:

Company:

Date:

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

Signature requirements

Where the form is completed:

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, and/or 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 commission's client support section for advice.

NB: Where the form is completed 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.

Introduction:

This form is for entities which, following a corporate restructure or name change, is effectively the same entity as an exporter previously examined and currently listed in the dumping commodity register (DCR) exporter table.

Entities applying should be an exporter of goods subject to a notice under s 269TJ and/or s 269TG of the Act and include:

1. a new entity whose corporate structure is the same as an exporter previously examined and listed in the DCR,
2. an exporter previously examined and listed in the DCR that has changed its registered and/or trading name,
3. any other situation where a corporate restructure has taken place, and the applicant contends that it is the same entity as the exporter previously examined and listed in the DCR.

The commission may allow an entity which has undergone a corporate restructure or registered/trading name change to replace a previously examined exporter on the DCR if the commission considers that new entity is not materially dissimilar to the previously examined exporter. In effect, the new entity would receive the same dumping and/or countervailing measures applying to the previous exporter because it is in essence the same exporter.

Factors that the commission may consider include (but are not limited to) changes in:

- management
- production facilities
- suppliers, and
- customer base.

No one or several of these factors will confirm the new exporting entity is the same as the previously examined exporter. Rather, the commission will consider whether the evidence demonstrates that the new entity operates as the same business entity as the previously examined exporter. If so, the commission may assign the new entity the rate applying to its predecessor.

Timeline

The commission will aim to process this form and provide a decision within three months from the date it is received.

In this period, the commission will:

- review your Corporate Restructure Assessment form
- publish a non-confidential summary of the information you have submitted (to ensure interested parties are afforded the opportunity to provide submissions)
- review any submissions and additional information provided by interested parties, and
- assess whether the new exporter should be assigned the same duty rate as its predecessor.

The commission may make further enquiries as part of its assessment, and it is important that you respond fully and promptly. Failure to do so may extend the timeline or cause the request to be rejected.

Important instructions for preparing your response

All questions in this form must be completed. If a question is not applicable to your situation, please answer the question with “Not Applicable” and provide an explanation as to why.

Note the commission will only commence reviewing the form after the applicant has addressed every question contained in the form.

All questions must be answered in English. An English translation must be provided for documents not originally in English. To the extent that the foreign language version differs, the English translation will be given priority as a matter of interpretation in Australia.

Appendices

Some questions require attachments to be provided. The attachment numbering sequence should refer to the question answered. For example, question 13 requests a copy of an organisation chart. To facilitate reference, the chart should be labelled Attachment 13. If a second organisation chart is provided in response to the same question, it should be labelled Attachment 13.2 (the first would be labelled Attachment 13.1).

Public Record

During this assessment all interested parties are given the opportunity to defend their interests by making a submission. The commission maintains a public record of these submissions. The public record is available on the commission’s website at www.adcommission.gov.au.

**Assistance with
the application:**

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. If you cannot provide a non-confidential version, contact the commission's client support section for advice.

The commission provides a free-of-charge document checking service, available prior to formal lodgement, to assist in ensuring that forms meet the documentary requirements. See "before you apply" at <https://www.industry.gov.au/anti-dumping-commission/apply-anti-dumping-or-countervailing-duties-measures>

The commission has also published guidelines to assist with the completion of this form. See <https://www.industry.gov.au/anti-dumping-commission/apply-anti-dumping-or-countervailing-duties-measures>

The commission's client support section can provide information about dumping and countervailing procedures and the information required by the 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.

**General
information:**

1. Identify the goods relevant to this form.
2. Identify the name and Dumping Specification Number (DSN) of the exporter previously examined and relevant to this application. This can be accessed within the [Dumping Commodity Register](#) for the relevant goods.
3. Please nominate a contact person within your company:
Name:
Position in the company:
Telephone:
E-mail address:
4. If you have appointed a representative, provide their contact details:
Name:
Address:
Telephone:
E-mail address:

In nominating a representative, you are granting authority to the commission to discuss matters relating to the case with the nominated representative, including your company's confidential information.

5. Please provide the location of:
 - a. your company's financial records
 - b. your company's production records
 - c. your company's production plant manufacturing the goods under consideration.
6. What is the legal name of your business? Provide evidence of the legal name (e.g. provide the company registration information).
7. Does your company trade under a different name and/or brand? If yes, provide details. Provide evidence of the trading name.
8. Was your company ever known by a different legal and/or trading name? If yes, provide details. Provide evidence of all previous names.
9. Is your company part of a group (e.g. parent company with subsidiaries, common ownership, joint-ventures)? If yes, provide:
 - (a) a diagram showing the complete ownership structure
 - (b) a list of all related companies and its functions, and
 - (c) evidence of this corporate structure (E.g. corporate registry records).

**Corporate
restructure
information:**

10. Is your company or parent company publicly listed? If yes, please provide:
 - (a) the stock exchange where it is listed, and
 - (b) any principal shareholders
 - (c) evidence of a and b.If no, please provide:
 - (d) a list of all principal shareholders and the shareholding percentages² and detail any changes to shareholders since your organisation's corporate restructure
 - (e) evidence of d.
11. What is the overall nature of your company's business? Include details of the products that your company manufactures and sells and the market your company sells to. Provide evidence of the nature of your company's business (e.g. marketing material etc.).
12. If your business does not perform all the following functions in relation to the goods under consideration, then please provide names and addresses of the companies which perform each function:
 - (a) produce or manufacture
 - (b) sell in the domestic market
 - (c) export to Australia, and
 - (d) export to countries other than Australia
 - (e) evidence of a-d.
13. Provide your company's internal organisation chart.
14. Describe the functions performed by each group within the organisation.
15. Does your company produce brochures, pamphlets, or other promotional material? If yes, please provide them.
16. When was your organisation's corporate restructure completed? Provide evidence of the corporate restructure.
17. Provide details on the nature of your organisation's corporate restructure.
18. Prior to the restructuring, what was the relationship between your organisation and the exporter that holds the existing duty rate for the goods (the organisation previously assessed by the commission)? Provide evidence of this relationship.

² Principal shareholders are those who are able to cast, or control the casting of, 5% or more of the maximum amount of votes that could be cast at a general meeting of your company.

19. Following the restructuring, what is the corporate relationship between your organisation and the exporter that holds the existing duty rate? Provide evidence of this relationship.
20. Provide a list of your current board of directors and any changes since your organisation's corporate restructure.
21. Provide details of any changes regarding which entity operates the production facilities/manufactures the goods since your organisation's corporate restructure.
22. Does the exporter that holds the existing duty rate currently manufacture the goods? Please state if the company with an existing duty currently manufactures the goods but is now under/in partnership with another company, or any other similar type of agreement. Provide evidence of this relationship.
23. Provide details on whether the customer base for the goods has changed since your organisation's corporate restructure.
24. Provide details on any changes to the distribution or sale of the goods since your organisation's corporate restructure within the following markets.
 - Domestic market:
 - Australian market:
25. Does your organisation and the exporter that holds the existing duty rate share staff or any other services or facilities?

Sales evidence required:

Please provide two sample sales from the last 3 months following your organisation's corporate restructure. The commission requires a domestic sale and an Australian sale of the goods with the following documents:

- Commercial invoices (must include names of each party in transaction, linking manufacturer to customer)
- Packing list
- Bill of lading
- Sales order/contract
- Mill certificate, and a
- Certificate of origin.

Lodgement of the application:

This form, 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; or
- 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

Forms 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 forms.

Staff members are on duty receiving forms 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 form:

- 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>