



ANTI-DUMPING NOTICE NO. 2018/89

Wind Towers

Exported to Australia from the People's Republic of China and the Republic of Korea

Initiation of an exemption inquiry EX0067

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an exemption inquiry in relation to certain goods the subject of anti-dumping measures applying to wind towers (the goods) exported to Australia from the People's Republic of China (China) and the Republic of Korea (Korea).

The exemption category being sought is under subsection 8(7)(b) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under this provision the Assistant Minister for Science, Jobs and Innovation (the Assistant Minister)¹ may exempt goods from dumping duties where satisfied:

'that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.'

The Anti-Dumping Measures

Anti-dumping measures, in the form of a dumping duty notice, were initially imposed on wind towers by public notice on 16 April 2014² by the then Parliamentary Secretary to the Minister for Industry following consideration of the *Anti-Dumping Commission Report No. 221* (REP 221). These measures are applicable to all exporters from China and Korea.

Certain goods subject to specified Tariff Concession Orders are exempt from the dumping duties. Details of these exemptions, along with other information relating to the goods subject to anti-dumping measures can be found in the Dumping

¹ On 20 December 2017, the Prime Minister appointed the Parliamentary Secretary to the Minister for Jobs and Innovation as the Assistant Minister for Science, Jobs and Innovation. For the purposes of this inquiry the Assistant Minister is the relevant decision maker.

² Refer to Anti-Dumping Notice No. 2014/33 published on the public record for Investigation No. 221, available at www.adcommission.gov.au.

Commodity Register on the Anti-Dumping Commission's (the Commission) website at <http://www.adcommission.gov.au/measures/Pages/default.aspx>.

The Exemption Goods

The goods the subject of the exemption inquiry (the exemption goods) are certain utility scale wind tower sections having all of the following characteristics as specified in Tariff Concession Order (TC) TC 1813104:

- (a) plate steel having a thickness of NOT less than 30 mm and NOT greater than 60 mm;*
- (b) section length NOT less than 15 500 mm and NOT greater than 22 000 mm;*
- (c) section weight NOT less than 80 metric tonnes and NOT greater than 120 metric tonnes;*
- (d) outer diameter NOT less than 4 400 mm and NOT greater than 4 900 mm*

The application states that the exemption goods are classified to tariff subheading 7308.90.00 of *Schedule 3 to the Customs Tariff Act 1995*.

The exemption inquiry will examine whether the goods the subject of the application satisfy the conditions of subsection 8(7)(b) of the Dumping Duty Act.

The Current Inquiry

This inquiry is initiated after an application under subsection 8(7)(b) was received from Keppel Prince Engineering Pty Ltd and Goldwind Australia Pty Ltd.

After making inquiries of the Australian industry producing wind towers and other interested parties, I will recommend to the Assistant Minister whether the exemption goods should be exempted from the anti-dumping measures.

Public Record

There is no legislative requirement to maintain a public record for exemption inquiries. However, in the interests of transparency, a public record will be maintained. This notice, along with a non-confidential version of the application and any non-confidential submissions that are received, will be published on the public record, available at www.adcommission.gov.au.

Lodgment of Submissions

Interested parties are invited to lodge written submissions concerning this inquiry as soon as practicable and should be addressed to:

The Director
Investigations 3
GPO Box 2013
Canberra ACT 2601
AUSTRALIA

PUBLIC RECORD

or email investigations3@adcommission.gov.au, or fax to (03) 8539 2499 or +61 3 8539 2499 (outside Australia).

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests; or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "For Official Use Only".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Report to the Assistant Minister

There is no legislated timeframe for completion of the exemption inquiry process.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2445 or email to investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

1 June 2018