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## Australian Industry Questionnaire

### Response to an Application for an Exemption from anti-dumping measures under the *Customs Tariff (Anti-Dumping) Act 1975*

#### 1 About this exemption inquiry

##### 1.1 Introduction

The Anti-Dumping Commission (the Commission) requests your response to an application for exemption from anti-dumping measures under the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act).

Paragraph 8(7)(b) of the Dumping Duty Act provides a discretion for the Minister (or his or her delegate) to exempt goods from anti-dumping measures, where he or she is satisfied;

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

The Commissioner has initiated an exemption inquiry by *Anti-Dumping Notice No. 2017/141* (ADN 2017/141) following an application from Keppel Prince Engineering Pty Ltd (Keppel or the applicant) for exemption from anti-dumping measures in respect of wind towers as described at Section 1.5 of this questionnaire (the exemption goods).

##### 1.2 Your role in this exemption inquiry

You have been identified from Investigation 221 (the original investigation) as an Australian producer of the goods.

The Commission seeks your assistance with this exemption inquiry by responding to the questions in this form. The Commission will use the information you provide to make a recommendation as to whether an exemption from dumping duty should be granted by the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary).<sup>1</sup>

Specifically, the information provided by Australian wind tower producers will assist the Commission in assessing whether the Minister should exercise his discretion to exempt the goods when a Tariff Concession Order is in force.

##### 1.3 Measures on wind generator tower sections

Anti-dumping measures, in the form of a dumping duty notice, were initially imposed on wind towers by public notice on 16 April 2014<sup>2</sup> after the Parliamentary Secretary accepted the findings and recommendations in REP 221. The anti-dumping measures that currently apply

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<sup>1</sup> The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, and accordingly, the Parliamentary Secretary is the relevant decision maker. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

<sup>2</sup> Refer ADN 2014/33 published on the Investigation 221 public record [www.adcommission.gov.au](http://www.adcommission.gov.au)

area dumping duty notice in respect of all exporters of wind tower sections to Australia from the People's Republic of the China (China) and the Republic of Korea (Korea).

ADN No. 2014/33 contains details of the measures, including a description of the goods subject to the measures.

#### **1.4 Exemption Provisions**

The Dumping Duty Act provides a discretion for the Minister to exempt goods from dumping duty if one of the criteria in subsection 8(7) is met. The relevant parts of subsections 8(7) for this current inquiry are detailed below.

##### ***Subsection 8(7)***

*The Minister may, by notice in writing, exempt goods from interim dumping duty and dumping duty if he or she is satisfied:*

...

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

The exemption provisions are subject to the discretion of the Parliamentary Secretary and an exemption is not automatically granted, even where one of the criteria in the relevant provisions is met.

#### **1.5 The goods subject to this exemption inquiry**

The goods subject to this exemption inquiry (the exemption goods) are wind generator tower sections, having all of the following:

- (a) plate steel having a thickness of NOT less than 33 mm and NOT greater than 60 mm;*
- (b) section length NOT less than 14 100 mm and NOT greater than 16 250 mm;*
- (c) section weight NOT less than 60 metric tonnes and NOT greater than 105 metric tonnes;*
- (d) diameter NOT less than 4 299 mm and NOT greater than 4 650 mm.*

The exemption goods are classified under tariff subheading 7308.90.00 (statistical code 49), in Schedule 3 of the *Customs Tariff Act 1995*.

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

#### **1.6 Goods produced by the Australian industry**

The applicant provided evidence that a Tariff Concession Order exists for the subject goods (TC 1761480).

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### 1.7 Due date for response

We request that you complete your response and return it to the Commission by **23 November 2017**.

Responses may be lodged either by mail or by email to the following:

The Director – Investigations 4

*by email:* [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au)

*by post:* Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601  
AUSTRALIA

*by fax:* (03) 8539 2499 or +61 3 8539 2499 (outside Australia).

### 1.8 Verification of the information that you provide

The Commission may seek to verify some or all of the information that you provide. The Commission may request evidence, such as quotations and offers of sale, to support any claims you make. The Commission will also utilise data and information obtained during the original investigation.

An onsite visit by the Commission may be required in some cases. A report will be prepared of visits conducted and a non-confidential version will be placed on the public record.

There is no legislative timeframe for completion of an exemption inquiry, however a recommendation to the Parliamentary Secretary will be made as soon as practicable after obtaining all the relevant information.

### 1.9 Confidential and non-confidential submissions

We request that you also lodge a non-confidential version of your response suitable for placement on the public record.

Please ensure that each page of any response you provide is clearly marked either “FOR OFFICIAL USE ONLY” (for the confidential version of your response) or “PUBLIC RECORD” (for the non-confidential version of your response).

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

### 1.10 Outline of information required by the Response

|               |                                   |
|---------------|-----------------------------------|
| <b>Part A</b> | Company information               |
| <b>Part B</b> | Response to exemption application |
| <b>Part C</b> | Tariff Concession Order (TCO)     |
| <b>Part D</b> | Revocation of TCO                 |
| <b>Part E</b> | Additional comments               |
| <b>Part F</b> | Your declaration                  |

## **2 Response to Exemption Application**

### **PART A – Company Information**

**A.1** Please provide the following company contact information;

|  |  |
|--|--|
| <b>Name:</b>                             |  |
| <b>Position in company:</b>              |  |
| <b>Address:</b>                          |  |
| <b>Telephone:</b>                        |  |
| <b>E-mail address of contact person:</b> |  |

### **PART B – Response to Exemption Application**

**B.1** Does your company oppose or not oppose the request for an exemption?

- Oppose
- Not oppose

If your company does **not oppose** the request for an exemption, you do not need to complete all parts of the questionnaire. Please state your reasons why, answering the questions that are relevant to your reasons for not opposing the request, sign and return the form as soon as possible.

### **PART C – Tariff Concession Order (TCO)**

**C.1** Is your company aware that the TCO is applicable to the goods?

If **no**, go to Part D – Revocation of TCO.

**C.2** Did your company object to the making of the TCO?

If **yes**, please include a copy of your objection made to the Australian Department of Immigration and Border Protection Service (Department of Immigration and Border Protection).

Please also include any available product literature in respect of the substitutable goods on which your objection was based.

If **no**, go to Part D – Revocation of TCO.

**C.3** If you answered **yes** at C.2, please outline why your objection to the TCO was unsuccessful.

### **PART D – Revocation of TCO**

**D.1** Does your company intend to seek revocation of the TCO?

If **no**, go to Part E – Additional Comments.

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For more information, please see the Department of Immigration and Border Protection website(<http://www.border.gov.au/Busi/domestic-manufacturers-and-importers>), which includes the approved form required for seeking revocation.

- D.2** Please include a copy of your request for revocation made to the Department of Immigration and Border Protection.
- Please also include any available product literature in respect of the substitutable goods on which your revocation request is based.

**PART E – Additional Comments**

- F.1** Even with the TCO in force, are there other reasons which you consider relevant to the Minister exercising his or her discretion to not exempt the goods?
- F2.** Provide any additional comments including any other information that will assist the Commission in making a recommendation to the Parliamentary Secretary regarding this application for exemption.

**PART F – Declaration**

I hereby declare that.....(company) has completed this response to an application for exemption and, having made due inquiry, certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position in company:** \_\_\_\_\_

**Date:** \_\_\_\_\_