



ANTI-DUMPING NOTICE NO. 2018/148

Certain Wind Towers

Exported to Australia from the People's Republic of China

and the Republic of Korea

Findings of exemption inquiry no. EX0067

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have completed the exemption inquiry (EX0067) in relation to certain goods which are the subject of anti-dumping measures applying to certain utility scale wind tower sections exported to Australia from the People's Republic of China (China) and the Republic of Korea (Korea).

The exemption was sought pursuant to subsection 8(7)(b) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under this provision the Minister for Industry, Science and Technology (the Minister) may exempt goods from interim dumping duty and dumping duty (the 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 certain utility scale wind tower sections by public notice on 16 April 2014 by the then Parliamentary Secretary to the Minister for Industry following consideration of *Anti-Dumping Commission Report No. 221* (REP 221). These measures are applicable to all exporters from China and Korea.

The goods subject to measures are currently classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:¹

¹ As at 20 June 2015, subsequent to the imposition of dumping duty measures, statistical code 02 pertaining to tariff sub-heading 7308.20.00 has been replaced with statistical codes 03 and 04, and statistical code 49 pertaining to tariff sub-heading 7308.90.00 has been replaced with statistical codes as listed in this report. These changes are detailed in Australian Customs Notice No. 2015/19 accessible at <https://www.homeaffairs.gov.au/>. See also the dumping commodity register at <http://www.adcommission.gov.au>.

- 7308.20.00 (statistical code 03 and 04);
- 7308.90.00 (statistical code 52, 53, 54, 55, 56, 63 and 65); and
- 8502.31.10 (statistical code 31).

The exemption goods

The goods the subject of the exemption inquiry (the exemption goods) are specified in TC 1813104, being.

SECTIONS, WIND GENERATOR TOWER, having ALL of the following:

(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 exemption goods are classified to tariff subheading 7308.90.00 of *Schedule 3 to the Customs Tariff Act 1995*.

The inquiry

An application was lodged by Keppel Prince Engineering Pty Ltd (Keppel Prince) and Goldwind Australia Pty Ltd (Goldwind) on behalf of the Australian industry.

I made a recommendation to the Minister that the exemption goods be exempted from the duties.

The Minister has accepted my recommendation and has exempted the goods the subject of the application from the duties through *Ministerial Exemption Instrument No. 5 of 2018*. The exemption takes effect from 16 May 2018.

Copies of *Exemption Inquiry Report No. EX0067* and the exemption instrument are available on the Anti-Dumping Commission's (Commission's) website (www.adcommission.gov.au).

Further Information

If importers believe that goods they are importing are exempted from dumping duty in accordance with these exemption instruments, when they or their broker enter these goods for home consumption via the Integrated Cargo System, the exemption category 'GOODS' should be selected and no dumping duties will be applied to the shipment.

Parties seeking a refund of the duties already paid should contact the Commission's client support team on 132 846 or +61 2 6213 6000 or email: clientsupport@adcommission.gov.au.

The decision to grant the exemptions does not prevent further applications for exemptions from dumping duties being considered. Parties can apply for an exemption where they believe their goods satisfy any of the conditions for exemption detailed in subsections 8(7) and 10(8) of the Dumping Duty Act. Further information on the application process can be found at the Commission website at: <http://www.adcommission.gov.au/system/csi/exemption/how-to-apply.asp>

The exemption granted as a result of this inquiry may be subject to review and may be revoked by the Minister if circumstances change.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Commission on 13 28 46 or for international callers on +61 2 6213 6000 or by email at clientsupport@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 September 2018