



28 August 2024

The Director - Investigations
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Via email investigations@adcommission.gov.au

RE: Investigation 644 and the alleged dumping of interchangeable bolted clipping system brackets

To the case manager,

We are writing to you with regards to the information presented in anti-dumping notice 2024/050 and subsequent investigation into the alleged dumping and subsidisation of interchangeable bolted clipping system brackets exported to Australia from the Peoples Republic of China.

We wish to highlight a potential omission from the information presented to the public for review, more specifically the suggested tariff classification numbers and relevant statistical codes that may apply to the brackets described in the case. Whilst we understand that tariff codes are provided by the commission as guidance only, and that prominence be placed on the goods description to establish whether the goods are under consideration, we feel it is important to provide as much detail to the public as possible. We believe that the omission of heading 8302 from the suggested tariff headings may be misleading and/or result in a misinterpretation of the facts of the case.

The definition of a bracket according to Miriam-Webster, is *“an overhanging member that projects from a structure (such as a wall) and is usually designed to support a vertical load or to strengthen an angle”* and that *prima-facie*, appears to include the brackets described in this case for use in a wide scope of applications. As you may be aware, goods are classified under a heading in schedule 3 of the Customs Tariff Act 1995 according to the Interpretative Rules set out in schedule 2 of that Act. More specifically, interpretive rule 1 provides that *“The titles of Sections, Chapters and sub-Chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings.... /*, furthermore, interpretive rule 3(a) provides that *“The heading which provides the most specific description shall be preferred to headings providing a more general description”*



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Moreover, chapter 83 includes *“Miscellaneous Articles of Base Metals”* and heading 8302 specifically states *“Base metal mountings, fittings and similar articles suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets or the like; base metal hat-racks, hat-pegs, brackets and similar fixtures; castors with mountings of base metal; automatic door closers of base metal:”* **Therefore it would appear to be clear that the goods meet the terms of heading 8302 and subheading 8302.50.00 stat code 21 makes specific mention of ‘brackets’.**

In conclusion we wish to make a recommendation to the case manager that heading 8302.50.00 (21) be included in the context of the case for public review to avoid any potential oversight or misinterpretation of the facts of the case.

We would like to welcome any feedback the case manager may have with regards to our inquiry and should you require anything more from us, please do not hesitate to contact the undersigned.

Your sincerely,

Neil McLagan

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