



Australian Government

Australian Customs and  
Border Protection Service

## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO.2012/02**

### Operation and conversion of dumping and countervailing securities

#### **Introduction**

This Australian Customs Dumping Notice (ACDN) is published to provide clarification to interested parties to investigations by the Australian Customs and Border Protection Service (Customs and Border Protection) into the alleged dumping and/or subsidisation of goods exported to Australia.

Following the recent imposition of dumping and countervailing securities on various goods, Customs and Border Protection has received numerous queries regarding the potential conversion of securities to interim duties at the conclusion of an investigation, particularly in relation to goods that were in-transit to Australia before the date of imposition of securities.

#### **Background – dumping and countervailing securities**

Customs and Border Protection may require and take provisional measures in the form of dumping and/or countervailing securities under section 42 of the *Customs Act 1901* (the Act), where the Chief Executive Officer (CEO) of the Customs and Border Protection is satisfied that it is necessary to do so in order to prevent material injury to an Australian industry occurring while an anti-dumping and/or countervailing investigation continues.

Securities may be taken by Customs and Border Protection on the date of, or at any time after, the CEO makes a preliminary affirmation determination (PAD) under section 269TD of the Act in relation to that investigation. A PAD may be made at any time not earlier than 60 days after the initiation of an investigation, where the CEO (or his or her Delegate) is satisfied that there is, or it appears there will be, sufficient grounds for the publication of a dumping duty notice and/or a countervailing duty notice.

#### **Imposition of securities**

When securities are imposed, Customs and Border Protection takes securities for all subject goods entered for home consumption on or after the date securities are commenced (as notified by Customs and Border Protection when imposing the securities). Goods are considered to be entered for home consumption in accordance with section 71A of the Act.

#### **Conversion of securities**

If, at the conclusion of an investigation, the Minister decides to publish a dumping duty notice and/or a countervailing duty notice, securities imposed during the investigation may be converted by Customs and Border Protection to interim dumping and/or countervailing duty. Securities are converted at the rate of duty applicable to the Minister's dumping duty notice and/or countervailing duty notice up to the amount of the security. The amount of duty converted to interim dumping and/or countervailing duties cannot exceed the amount of the security taken.

When securities are converted to interim duty, securities are converted only for goods the subject of the dumping duty notice and/or countervailing duty notice that were exported to Australia on or after the date that the CEO made a PAD.

Consequently, securities taken for goods that were entered for home consumption on or after the date of imposition of the securities, but exported before the date of the PAD, will not be converted to interim duty and will be cancelled.

**Further information**

Enquiries concerning this notice may be directed to the Customs liaison hotline on telephone number (02) 6275 6066, fax number (02) 6275 6888 or email [tmliaison@customs.gov.au](mailto:tmliaison@customs.gov.au).

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