



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Sunset reviews

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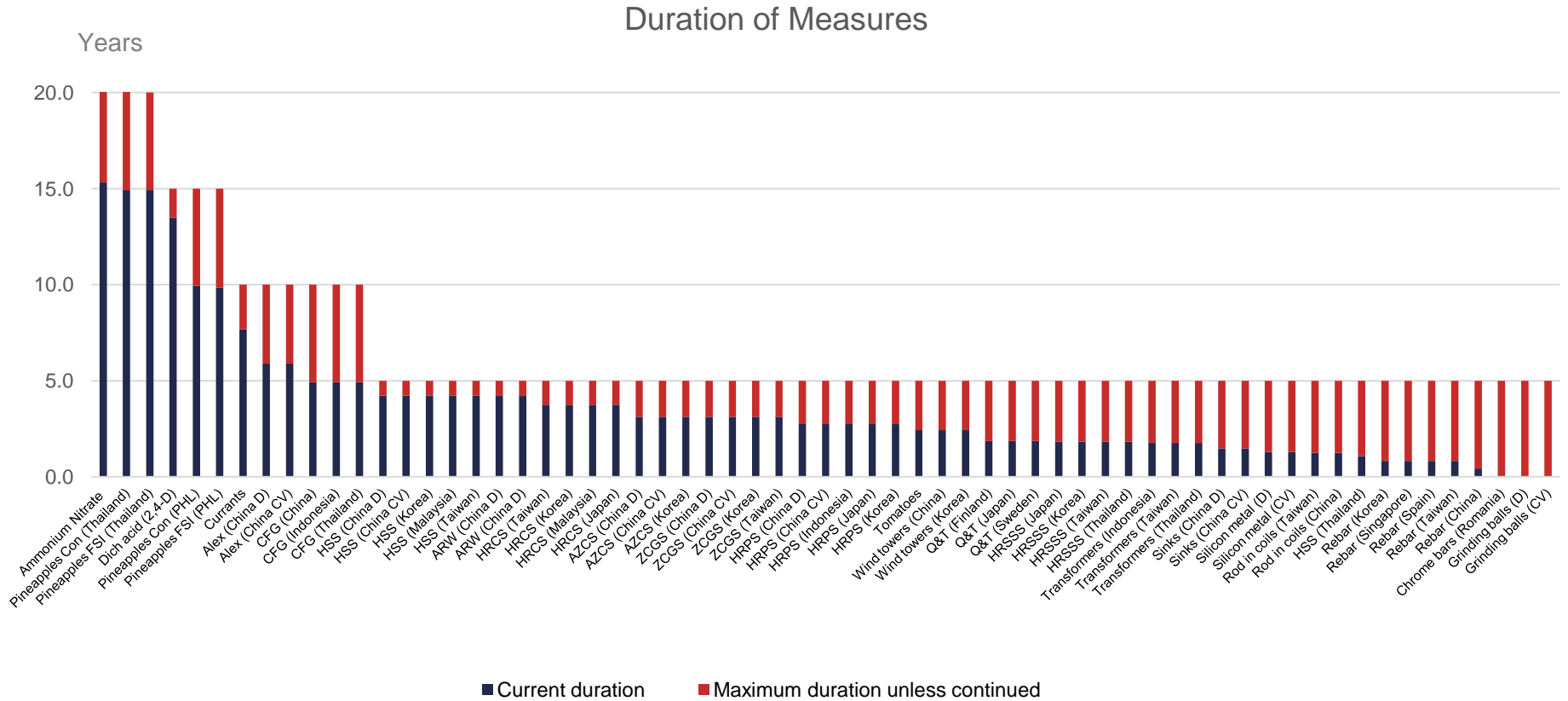
Anti-Dumping Commission, Australia

5 October 2016

Overview

- (1) Application for a continuation inquiry and standing
- (2) The legal threshold for initiating a continuation inquiry
- (3) Duration of continuation inquiries
- (4) Determining whether dumping and/or subsidisation and material injury are likely to continue or recur
- (5) Possible outcomes and calculating dumping and subsidy margins
- (6) Challenges in conducting continuation inquiries

(1) Applications for a continuation inquiry and standing



(1) Applications for a continuation inquiry and standing

- Number of continuation inquiries initiated by the Commissioner:
 - One in 2013/14
 - Two in 2014/15
 - Nine in 2015/16

(1) Application for a continuation inquiry and standing

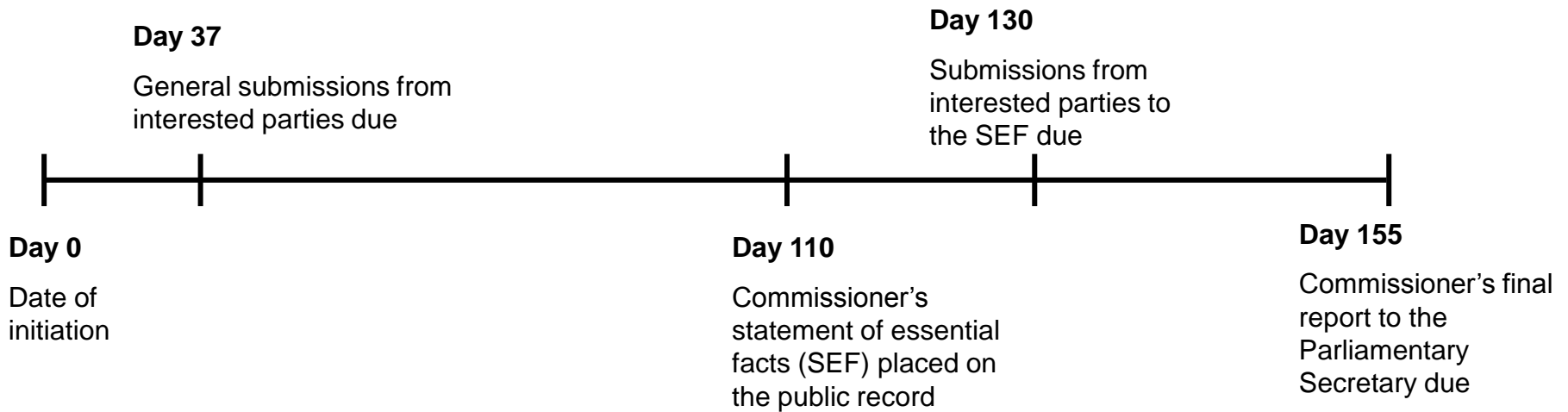
- Anti-dumping measures are in place for five years, unless they are revoked earlier.
- At least nine months before measures expire an expiry notice must be published.
 - The notice explains that measures are due to expire and invites applications for continuation of measures.
- Only the original applicant for the measures and members of the Australian industry can make an application, which must be made within 60 days of the expiry notice being published.
- If no application is made within 60 days, the measures expire on the expiry day.
- The applicant needs to show that the expiration of measures may lead to continuation of dumping or subsidisation and material injury.

(2) The legal threshold for initiating a continuation inquiry

- The Commissioner needs to consider whether the application complies with the form requirements and whether there appear to be reasonable grounds for the applicant's claims.
- If not satisfied of one or more of these matters, the application must be rejected.

(3) Duration of continuation inquiries

- 155 days to complete the continuation inquiry – the same as for investigations.
- The timeline from the date of initiation is:



(4) Determining whether dumping and/or subsidisation and material injury are likely to continue or recur

- Needs to be considered in the context of market characteristics.
- The Commission gathers information on a range of relevant factors, including:
 - volumes and values of the imported goods
 - supply and demand
 - market response to the imposition of anti-dumping measures
 - changes to the competitive environment
 - price drivers
 - state of the Australian industry
 - the effect of government policies and regulation.

(5) Possible outcomes and calculation of dumping and subsidy margins

- At the conclusion of the continuation inquiry, the Parliamentary Secretary must declare whether or not to continue the measures.
 - If the measures are not continued, the measures expire on the expiry day.
 - If the measures are continued, the Parliamentary Secretary can also declare that the notice cease to apply to a particular exporter or type of goods, or different variable factors apply to an exporter or exporters generally.
- In circumstances where the Commissioner recommends that different variable factors apply to an exporter or to exporters generally, the Commissioner will also outline the revised dumping and/or subsidy margins in the final report to the Parliamentary Secretary.

(6) Challenges in conducting continuation inquiries

- The forward looking nature of continuation inquiries makes them quite different to investigations.
- The Commission has faced difficulties in obtaining the evidence required, including where there is limited cooperation from exporters and/or importers.
- When measures have been in place for a long time, this creates further difficulties.
- Some sources of evidence the Commission has relied on are:
 - academic literature and relevant databases
 - reports produced by other anti-dumping authorities, the WTO and other relevant entities.