



Australian Government  
Department of Industry and Science

Anti-Dumping  
Commission

# Australia's views on anti-circumvention investigations

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Australia

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# Australia's anti-circumvention framework (1)

## Prescribed circumvention activities and legislative timeframe

- Australia's anti-circumvention framework is based on circumvention activities prescribed in the legislation or through regulation (currently six).
- Most anti-circumvention inquiries are subject to a 155 day legislative timeframe (100 days for expedited anti-circumvention inquiry into the avoidance of the intended effect of duty)

## Commencement of an anti-circumvention inquiry

- An Australian industry that manufactures like goods can apply for an anti-circumvention inquiry. Alternatively, the Parliamentary Secretary to the Minister for Industry and Science can self-initiate in certain circumstances.

# Australia's anti-circumvention framework (2)

## Process

- An anti-circumvention inquiry is an evidence-based and transparent process.
- As Commissioner I am required to seek submissions, maintain a public file and publish a statement of essential facts. A statement of essential facts is not required for an expedited anti-circumvention inquiry.

## Possible outcomes

- The Parliamentary Secretary can decide whether the notice imposing anti-dumping measures remains unaltered or alter the notice specifying these alterations.
- The Parliamentary Secretary's decision is subject to review by the Anti-Dumping Review Panel (independent, merits review).

# Different types of anti-circumvention activity in Australia

## Circumvention activities prescribed by legislation

- Assembly of parts in Australia
- Assembly of parts in a third country
- Export of goods through one or more third countries
- Arrangements between exporters
- Avoidance of intended effect of duty

## Circumvention activities prescribed through regulation

- Slight modification of goods

# Current practice – Australia's first anti-circumvention inquiry

- As at 31 March 2015, there has only been one anti-circumvention application lodged with the Commission.
  - This application sought an inquiry into the avoidance of the intended effect of duty.
- Five importers identified by the applicant were found to be avoiding the intended effect of the duty by selling the goods without increasing the price commensurate with the total amount of duty payable.

# The Anti-Dumping Information Service

- The Anti-Dumping Information Service (ADIS) will be introduced as part of a package of reforms to Australia's anti-dumping system.
- The ADIS will provide economic and market analysis information that will be critical to identifying circumvention activity earlier in the investigation process.