



ANTI-DUMPING NOTICE NO. 2014/68

Clarification for the submission process for reinvestigations

Purpose

The purpose of this Anti-Dumping Notice (ADN) is to provide interested parties with clarification in relation to the submission process for reinvestigations that are conducted by the Anti-Dumping Commission (the Commission).

Background

In June 2013, legislative amendments commenced to establish a new merits review framework, including establishing the Anti-Dumping Review Panel (Review Panel), in relation to anti-dumping decisions.

These amendments represented a significant variation to the previous merits review framework (ADN 2013/42 refers).

Reinvestigations – overview of process

Currently, under the merits review framework, the Review Panel can request that the Commissioner of the Anti-Dumping Commission (the Commissioner) undertake a reinvestigation of a specific finding or findings made during an anti-dumping investigation, within a specified timeframe.

Following the completion of a reinvestigation, the Commissioner must provide his reinvestigation report directly to the Review Panel. Subsequently, the Review Panel has 30 days to prepare its recommendations and report to the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary). This is a significant change to the merit review process, as previously the Commissioner reported reinvestigation findings and made recommendations to the relevant Ministerial decision-maker.

The Parliamentary Secretary has 30 days to make a decision regarding the Review Panel's recommendations and report, unless extended.

The Commissioner's reinvestigation reports will only be published once the Parliamentary Secretary has made a final decision. These reports will be published on the Review Panel's website at www.adreviewpanel.gov.au.

Submissions

A number of interested parties have sought clarification regarding whether submissions will be accepted by the Commission during a reinvestigation. The Commission advises that under the current merit review framework submissions made to a reinvestigation will not be, accepted or considered, as:

- The Commission can only consider “relevant information” (as defined in section 269ZZK of the *Customs Act 1901*) during reinvestigations. This means that no new information can be considered.
- There is no legislative requirement to invite submissions during reinvestigations.
- Interested parties have several opportunities to make submissions to the merits review process (and anti-dumping investigations), generally.
 - Interested parties that disagree with the Commission’s findings made during an anti-dumping investigation can contest these findings when seeking a review by the Review Panel. These interested parties also have several opportunities to make submissions during the Commission’s original investigation process.
 - Interested parties have an opportunity to make submissions to the Review Panel, within 30 days from the public notice advising the commencement of a review. The Review Panel will consider these submissions when making a decision whether to direct the Commissioner to conduct a reinvestigation, and in making its final recommendations to the Parliamentary Secretary.

Current reinvestigations

The Commission is currently conducting reinvestigations into findings made for the following anti-dumping investigations:

- prepared or preserved tomatoes exported from Italy; and
- wind towers exported from the Republic of Korea and the People’s Republic of China.

These reinvestigations are part of the Review Panel’s reviews of decisions by the Parliamentary Secretary to impose dumping duties.

Submissions to these reinvestigations **will not** be accepted or considered by the Commission, for the reasons detailed above.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Client Engagement Section on telephone number 1300 884 159 or +61 2 6275 6066 (outside Australia), facsimile number 1300 882 506 or +61 2 6275 6888 (outside Australia) or email at clientsupport@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

14 August 2014