



## AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/17

### SUBMISSIONS TO DUMPING AND SUBSIDISATION INVESTIGATIONS

The anti-dumping and countervailing investigation process generally starts with an *application* from an Australian industry producing 'like goods' to those which the applicant alleges are being dumped and/or subsidised.

If an investigation is subsequently initiated, an Australian Customs Dumping Notice (ACDN) is published on the Australian Customs and Border Protection (Customs and Border Protection) website. The ACDN includes an invitation to interested parties to lodge *submissions*. A Statement of Essential Facts (SEF) is issued by Customs and Border Protection, by 110 days from initiation (or later deadline as approved by the Minister for Home Affairs), it invites interested parties to lodge *submissions*. Interested parties are any people or entities such as businesses, industry groups or academics that have an interest in the investigation and may wish to make a comment or argument about the investigation on the public record.

Once an investigation has been initiated, there are two time periods during which interested parties may make submissions, each beginning with the publication of an Australian Customs Dumping Notice (ACDN):

Submission Opportunities for Interested Parties	
First submission period	Any time up to 40 days from publication of an ACDN advising of initiation of the investigation
Second submission period	Any time up to 20 days from publication of the ACDN advising of publication of the SEF

Interested parties may lodge as many submissions as they wish during the periods submissions are open, but each submission must be made available in both For Official Use Only (i.e. confidential) and Public (i.e. for publication on the Customs and Border Protection website) versions.

Information on how to lodge an *application* is available from the Customs and Border Protection website [www.customs.gov.au/anti-dumping](http://www.customs.gov.au/anti-dumping), go to 'What action may be taken'. Below is information on how to lodge a *submission* to an anti-dumping or subsidisation investigation underway.

When a submission has been accepted and uploaded to the Electronic Public Record, a 'star' will be placed for three days on the website against the electronic public record column summary to alert interested parties there is a new document.

## **Submissions to Investigations**

1. In a submission, an interested party may support, refute, expand upon or reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.
2. Submissions may make reference to other submissions, or other information contained on the public record, by reference to the case number, document number title of document on the Electronic Public Record (EPR), and page number.
3. It is recommended that, as much as possible, any views or assertions contained in a submission be supported by relevant supporting material.
4. It is recommended that, if appropriate, headings and subheadings be used to provide clarity.
5. Every page should be numbered.

## **The process of making a submission**

6. Submissions should be provided in writing.
7. If a submission is submitted on behalf of a company or organisation, it should be on company letterhead, or on the letterhead of the consultant or agent.
8. The first page of a submission should include, at least, the following information:
  - Name of investigation; case number; goods, country(ies involved)
  - Name of the person and organisation making the submission
  - Contact details of submitter
  - Role of the party making the submission (eg Australian producer, importer, exporter, etc).
  - If submitted on behalf of a third party/client (eg if submitted by a consultant or agent), the name, contact details and role of the person and organisation submitting the submission as well as the name, contact details and role of the third party/client (organisation and/or person)
9. Submissions may be lodged by email, post or fax as per the details provided in the relevant ACDN. It is recommended that non-confidential material for the public record be provided in text-accessible PDF, Word or Excel format, (either by email or contained on an electronic device or storage facility posted with the submission). Text-accessible PDF is preferred.

## **Confidential information and the public record**

10. Submissions containing confidential information must be clearly marked "For Official Use Only."
11. Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:
  - (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or

(ii) satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

12. Interested parties must also lodge a public record version or a summary of their submission in accordance with the requirement above, which will be placed on the public record. Documents for the Public Record should be clearly marked 'Non-Confidential – For Public Record' at the beginning of the document, or in a header or footer. Watermarks should not be used. Customs and Border Protection will not consider a submission if a non-confidential summary of confidential information, or a sufficient statement of reasons for there not being a non-confidential summary (in accordance with ii above), is not provided by the deadline for submissions.
13. All non-confidential copies of submissions received from interested parties will be placed on the Customs and Border Protection website 'Electronic Public Record' (EPR) page <http://www.customs.gov.au/anti-dumping/cases/default.asp>. The EPR contains, among other things, a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry or review. All documents that are likely to influence the course of an investigation will be placed on the EPR.
14. All redacted or deleted text in documentation provided for the public record must be accompanied by a summary that contains sufficient detail to allow a reasonable understanding of the substance of the information. This may be done by providing bracketed text following any redacted text. That is, sections or text of a confidential nature contained in documents provided for the public record may be blank or blacked out. However, it is a requirement that, to enable interested parties to obtain a reasonable understanding of the substance of information in public file documents, every deletion (or blacked out text) be followed by a bracketed summary containing sufficient detail to permit a reasonable understanding of the substance of the information deleted or blacked out. For example:
  - a. *Management accounts can be extracted for individual operation segments, global business units, value centres, etc. Accounts can be [REDACTED] [Explanation of cost allocation]*NB: If such an explanation is not provided Customs and Border Protection may disregard the information in the submission.

### **Timeliness**

15. Submissions must be received by Customs and Border Protection by close of business (5.00 pm AEST) on the date indicated in the relevant ACDN. Customs and Border Protection is not obliged to have regard to a submission received by Customs and Border Protection after the deadline. Submissions lodged on, or near, the deadline often generate further submissions after the deadline. In these circumstances, extensions are usually not sought. Customs and Border Protection will take those late submissions into account to the extent that it does not prevent the timely delivery of the report to the Minister.
16. Extensions to time for making submissions may be granted in exceptional circumstances. Requests for extensions must be submitted in writing prior to the deadline and lodged as per clause 8 of this document. Copies of requests for time extensions will be placed on the EPR. If a request for an extension includes confidential data, a non-confidential version which complies with clause 14 of this

document, must be provided at the same time and will be placed on the EPR. Please contact the case manager as soon as possible if seeking an extension.

17. Information and guidance regarding the provision of documents for the Public Record has been provided in ACDN 2012/42, available from the website ([www.customs.gov.au](http://www.customs.gov.au) – anti-dumping - customs dumping notices).

**For Further Information**

Contact the International Trade Remedies Branch ([itr@customs.gov.au](mailto:itr@customs.gov.au)).

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