



Customs Tariff (Anti-Dumping) Regulation 2013

Select Legislative Instrument No. 91, 2013

I, Professor Marie Bashir AC CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Customs Tariff (Anti-Dumping) Act 1975*.

Dated 30 May 2013

Marie Bashir
Administrator

By Her Excellency's Command

Jason Dean Clare
Minister for Home Affairs

OPC50237 - A

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1 Name of regulation

This regulation is the *Customs Tariff (Anti-Dumping) Regulation 2013*.

2 Commencement

This regulation commences on the commencement of Schedule 1 to the *Customs Tariff (Anti-Dumping) Amendment Act (No. 1) 2012*.

3 Authority

This regulation is made under the *Customs Tariff (Anti-Dumping) Act 1975*.

4 Definitions

In this regulation:

Act means the *Customs Tariff (Anti-Dumping) Act 1975*.

export price has the meaning given by section 269TAB of the *Customs Act 1901*.

normal value has the meaning given by section 269TAC of the *Customs Act 1901*.

5 Methods of working out interim dumping duty

- (1) For subsection 8(5BB) of the Act, this section prescribes methods for working out the amount of interim dumping duty payable on goods the subject of a notice under subsection 269TG(1) or (2) of the *Customs Act 1901*.

Combination of fixed and variable duty method

- (2) A method is:
 - (a) work out the amount of the difference between:

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- (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) if the export price of the particular goods is less than the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice, work out the amount of the difference; and
 - (c) add the amounts worked out under paragraphs (a) and (b) to obtain the interim dumping duty payable on the goods.
- (3) The amount worked out under paragraph (2)(a) must be:
- (a) ascertained as a proportion of the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice, and applied to the greater of:
 - (i) the export price of the particular goods; and
 - (ii) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; or
 - (b) applied by reference to a measure of the quantity of the particular goods; or
 - (c) applied by reference to a combination of a proportion mentioned in paragraph (a) and the quantity mentioned in paragraph (b).

Floor price duty method

- (4) A method is to work out the difference between:
- (a) the export price of the particular goods; and
 - (b) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice;
- to obtain the interim dumping duty payable on the goods.
- (5) However, subsection (4) only applies if the export price of the particular goods is less than the normal value of goods of that kind

as ascertained, or last ascertained, by the Minister for the purpose of the notice.

Fixed duty method

- (6) A method is:
- (a) work out the difference between:
 - (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) apply the amount by reference to a measure of the quantity of the particular goods to obtain the interim dumping duty payable on the goods.

Ad valorem duty method

- (7) A method is:
- (a) work out the difference between:
 - (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) express the result as a proportion of the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice and applied to the export price of the particular goods to obtain the interim dumping duty payable on the goods.

6 Methods of working out interim third country dumping duty

- (1) For subsection 9(5AB) of the Act, this section prescribes methods for working out the amount of interim third country dumping duty

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payable on goods the subject of a notice under subsection 269TH(1) or (2) of the *Customs Act 1901*.

Combination of Fixed and Variable duty method

- (2) A method is:
- (a) work out the amount of the difference between:
 - (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) if the export price of the particular goods is less than the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice, work out the amount of the difference; and
 - (c) add the amounts worked out under paragraphs (a) and (b) to obtain the interim third country dumping duty payable on the goods.
- (3) The amount worked out under paragraph (2)(a) must be:
- (a) ascertained as a proportion of the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice, and applied to the greater of:
 - (i) the export price of the particular goods; and
 - (ii) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; or
 - (b) applied by reference to a measure of the quantity of the particular goods; or
 - (c) applied by reference to a combination of a proportion mentioned in paragraph (a) and the quantity mentioned in paragraph (b).

Floor price duty method

- (4) A method is to work out the difference between:

- (a) the export price of the particular goods; and
 - (b) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice;
- to obtain the interim third country dumping duty payable on the goods.
- (5) However subsection (4) only applies if the export price of the particular goods is less than the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice.

Fixed duty method

- (6) A method is:
- (a) work out the difference between:
 - (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) apply the amount by reference to a measure of the quantity of the particular goods to obtain the interim third country dumping duty payable on the goods.

Ad valorem duty method

- (7) A method is:
- (a) work out the difference between:
 - (i) the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (ii) the normal value of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice; and
 - (b) express the result as a proportion of the export price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice and applied to the

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export price of the particular goods to obtain the interim dumping duty payable on the goods.