



Customs Amendment (Anti-Dumping Improvements) Regulation 2015

Select Legislative Instrument No. 15, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 26 February 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Ian Macfarlane
Minister for Industry and Science

OPC60914 - A

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
<i>Customs Regulations 1926</i>		<i>2</i>

1 Name

This is the *Customs Amendment (Anti-Dumping Improvements) Regulation 2015*.

2 Commencement

This instrument commences on the 30th day after it is registered.

3 Authority

This instrument is made under the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs Regulations 1926

1 After regulation 183

Insert:

183A Circumvention activities

- (1) For subsection 269ZDBB(6) of the Act, the circumstances set out in subregulation (2) of this regulation are prescribed.

Slight modification of goods exported to Australia

- (2) The following circumstances apply:
- (a) goods (the ***circumvention goods***) are exported to Australia from a foreign country in respect of which the notice applies;
 - (b) before that export, the circumvention goods are slightly modified;
 - (c) the use or purpose of the circumvention goods is the same before, and after, they are so slightly modified;
 - (d) had the circumvention goods not been so slightly modified, they would have been the subject of the notice;
 - (e) section 8 or 10 of the *Customs Tariff (Anti-Dumping) Act 1975*, as the case requires, does not apply to the export of the circumvention goods to Australia.
- (3) For the purpose of determining whether a circumvention good is slightly modified, the Commissioner must compare the circumvention good and the good the subject of the notice, having regard to any factor that the Commissioner considers relevant, including any of the following factors:
- (a) each good's general physical characteristics;
 - (b) each good's end use;
 - (c) the interchangeability of each good;
 - (d) differences in the processes used to produce each good;
 - (e) differences in the cost to produce each good;
 - (f) the cost of modification;
 - (g) customer preferences and expectations relating to each good;
 - (h) the way in which each good is marketed;

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- (i) channels of trade and distribution for each good;
 - (j) patterns of trade for each good;
 - (k) changes in the pricing of each good;
 - (l) changes in the export volumes for each good;
 - (m) tariff classifications and statistical codes for each good.