



## TRADE MEASURES MONITORING STATEMENT

### Introduction

The monitoring of anti-dumping/countervailing measures supports one of the main objectives of the Trade Measures Branch, that is to implement measures and monitor compliance. Monitoring in this context is limited to the identification of cases of circumvention and non-compliance by importers and exporters with the imposed measures. It does not cover the monitoring of the remedial effectiveness (in economic terms) of the measures for the Australian industry.

### Monitoring Selection

Monitoring of a commodity will normally be initiated from the results of the risk assessment process. However, in some circumstances, monitoring may also result from:

- a specific complaint alleging that an importer or exporter is not complying with the measures; or
- from inconsistencies identified from an analysis of import data during investigations into the review or continuation of measures.

Commodities covered by measures in the form of securities, are usually monitored for possible non-compliance during the period between the imposition of the securities and the imposition of the final measures.

Commodities covered by measures other than securities are monitored within the first 12 months after the imposition of the interim dumping or countervailing duty. Additional monitoring of the commodity will normally occur at least once more during the life of the measures, subject to additional monitoring identified by commodity risk profiles and risk management processes.

### Monitoring Procedure

The monitoring process may range from a simple “desk-top” audit to visiting the premises of importers (and sometimes exporters) to verify compliance.

During the monitoring of a particular commodity companies may be requested to provide copies of all import documents including (but not limited to):

- overseas orders and/or supply contracts
- overseas invoices
- Bills of Lading or Airway Bills
- Freight and insurance documents
- Packing lists
- Bank transaction documents
- Import declarations
- Sales invoices to the first arms-length sale in Australia.

Customs may visit companies to verify the information contained in the documents.

Customs will expect companies to lodge an amending import declaration to correct any errors found and, where necessary, pay any outstanding securities and/or interim dumping duty (IDD).

Where Customs finds that there has been an overpayment of securities or IDD, the company will be informed so that it may apply for a refund.

## Commodity Risk Profile

A commodity risk profile will help to identify those goods with the greatest risk of non-compliance by importers/exporters. The commodity risk profile is to be reviewed and updated at each significant point in the life of the measures, such as:

- changes to the type of measures (IDD instead of securities);
- completion of monitoring activity; or
- completion of investigation for review or continuation of measures.

Commodity risk profiles may be general (relating to the goods subject to measures) or specific (relating to specific importers/exporters). Goods may therefore have more than one commodity risk profile. The commodity risk profile will include consideration of at least the following factors:

- compliance history by importers/exporters;
- level of cooperation during the investigation or previous monitoring activity;
- does the tariff classification cover other goods not subject to measures;
- do other goods fall within the description of the goods;
- results of previous monitoring activities;
- has information been provided to the Branch in relation to potential non-compliance by other parties.

## Identifying Risks

Identification of risks associated with non-compliance with measures (monitoring risks) is a continuing process within the Branch. The main monitoring risks are:

- incorrect exemption type;
- incorrect country of origin code;
- misclassification and misdescription of the goods;
- new model or type of goods that may be subject to measures;
- incorrect tariff classification;
- change of name for exporter specific measures;
- failure to pay dumping/countervailing duty (old measures);
- understatement of overseas freight;
- input of incorrect Customs value
- input of incorrect dumping export price (DXP); and
- breach of a price undertaking.

## Reporting

A confidential internal report will be written following the completion of all monitoring activities. As the reports relate to the business activities of particular companies and/or individuals, **neither the report nor the outcome of the monitoring will be made public.**