



Dumping and Countervailing Duties Amendment Act 2012

Public Act 2012 No 101
Date of assent 11 December 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Dumping and Countervailing Duties Amendment Act 2012.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Dumping and Countervailing Duties Act 1988.

4 New section 14A inserted

The following section is inserted after section 14:

“14A Refund of excess anti-dumping duty paid

- “(1) An importer may apply to the Minister for a refund of excess anti-dumping duty paid in respect of goods imported during an importation period.
- “(2) Excess anti-dumping duty is paid if the total amount of anti-dumping duty in respect of all goods imported during the importation period exceeds the difference between—
- “(a) the export prices of those imported goods; and
 - “(b) the normal values of those imported goods.
- “(3) An application for a refund under subsection (1) must—
- “(a) be made no later than 6 months after the end of the importation period; and
 - “(b) be addressed to the Secretary; and
 - “(c) be in the form (if any) required by the Secretary; and
 - “(d) be accompanied by the documentary evidence specified in subsection (4); and
 - “(e) state the total amount of refund of excess anti-dumping duty sought for the importation period.
- “(4) An application for a refund must be accompanied by documentary evidence of the following matters in respect of each importation of the goods into New Zealand during the importation period:
- “(a) the date of importation; and
 - “(b) the amount of anti-dumping duty paid in respect of the goods; and
 - “(c) the export price of the goods; and
 - “(d) the normal value of the goods.
- “(5) After receiving an application, the Secretary may require the applicant to provide any further information relating to the application that the Secretary considers necessary.
- “(6) As soon as practicable after receiving an application and any further information required under subsection (5), the Secretary must provide a report to the Minister.
- “(7) If the Minister, after considering the application and Secretary’s report, is satisfied that excess anti-dumping duty has been paid by the applicant in respect of goods imported during

the importation period, the Minister may require Customs to refund that excess anti-dumping duty.

“(8) In this section, **importation period** means a period of 6 months that—

“(a) commences on 1 April and ends on 30 September in the same year; or

“(b) commences on 1 October and ends on 31 March the following year.”

Legislative history

5 December 2012	Divided from Statutes Amendment Bill (No 3) (Bill 349–2) by committee of the whole House, third reading
11 December 2012	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.
