



Australian Government
Australian Customs and
Border Protection Service

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Industry
Assistance

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Central Office

File Number: C05/12265

MINUTE PAPER

Director
Trade Policy and Negotiation

Re: TCO 0512265

Thirty-four (34) reviews have been lodged for eligibility against TCO 0512265. (Listed Annex B)

The issue with the TCO is the wording.

RODS, POLYACETAL, POLYAMIDE, length NOT greater than 3 000 mm

The area of ambiguity is whether this applies to:

- Rods made of a combination of polyacetal *and* polyamide; OR
- Rods made of *either* polyacetal *or* polyamide

On the Tariff Advices subject to review, the decision was that the TCO requires the rods to be composed of both polyacetal and polyamide.

The applicant for the review disputes this and has included an email from the company which was the original applicant for the TCO stating that they "knew of no product which has a combination of the two polymers". (Annex A)

Examination of the file shows that the original wording requested by Rohlig Australia Pty Ltd on behalf of Cut-To-Size Plastics Pty Ltd was:

RODS, POLYACETAL (POM), POLYAMIDE (PA) IN LENGHTS (sic) OF 1000 MM AND 3000 MM

However, the submitted information on the goods consisted only of:

- one (1) page of information on the polymer "polyacetal"
- one (1) page of information on the polymer "polyamide"
- two (2) pages of screenshots of a Kompass search for "**polyacetal rods**"
- two (2) pages of screenshots of a Kompass search for "**polyamide rods**"

Having examined the file, I am of the belief that the intent was to import polyacetal rods and polyamide rods under this TCO, not polyacetal/polyamide rods.

However, the TCO does not reflect this intent. In the absence of the word "OR" between the two polymers, it is our belief that it would only cover rods that contained both the named polymers.

Over the last three years, the value of duty foregone is s47 [REDACTED] It is likely, given the statement of the original applicant, that none of these imports are for polyacetal/polymide rods.

Given the issues around intent, I am referring this to you as a matter which may benefit from consideration of possible measures to alter the TCO if this is legally possible.

s47F [REDACTED]

Manager, Nomenclature and Classification
Trade Policy and Negotiation Section

5th December 2014