



**Australian Government**  
**Department of Industry,  
Innovation and Science**

**Anti-Dumping  
Commission**

Application for an  
accelerated review of  
anti-dumping measures

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APPLICATION UNDER SECTION 269ZE OF THE *CUSTOMS ACT 1901* FOR AN ACCELERATED REVIEW OF ANTI-DUMPING MEASURES

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In accordance with section 269ZE of the *Customs Act 1901* (the Act), I request that the Commissioner of the Anti-Dumping Commission conduct an accelerated review of a dumping duty notice and/or countervailing duty notice (the notice(s)) insofar as it affects this exporter.<sup>1</sup>

*NB: Only a new exporter is eligible to apply for an accelerated review. A new exporter means that, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).*

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**DECLARATION**

I believe that the information contained in this application:

- provides reasonable grounds for an accelerated review of the dumping or countervailing duty notice(s) in so far as it relates to the applicant; and
- is complete and correct.

Signature

: 

Name

: Agustinus

Position

: Director of Sale and Marketing

Company

: PT. TOYOGIRI IRON STEEL

Date

: 4<sup>th</sup> June 2018

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<sup>1</sup>All legislative references are to the *Customs Act 1901*.

**Signature requirements**

Where the application is made:

*By a company* - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

*By a joint venture* - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

*On behalf of a trust* - a trustee of the trust must sign the application.

*By a sole trader* - the sole trader must sign the application.

*In any other case* - contact the Anti-Dumping Commission's (Commission's) client support section for advice.

*NB: Where an application is made by an agent acting with authority on behalf of a company, joint venture, trust or sole trader, an authority to act letter must be provided with this application.*

**Assistance with the application**

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

**Phone:** 13 28 46 or +61 2 6213 6000 (outside Australia)

**Fax:** (03) 8539 2499 or +61 38539 2499 (outside Australia)

**Email:** [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Other information is available from the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

**Required information**

1. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
  - identify the notice(s) imposing measures that the applicant seeks an accelerated review of; and
  - a description of the goods to which the notice(s) relates.
2. Provide details of the name, street and postal address, of the applicant seeking the accelerated review;
3. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address;
4. Describe the applicant's role in the exportation of the goods (e.g. producer or manufacturer, distributor or trader of the goods);
5. Confirm that the applicant is a 'new exporter', meaning, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).
6. Confirm whether the applicant has previously applied for an accelerated review in relation to the notices the subject of this application.
7. Confirm whether the applicant is related to an exporter whose exports were examined in relation to the application for publication of the notice(s), and the nature of the relationship (s 269ZE(2)(b) refers).

In determining whether the applicant is an associate of an exporter whose exports were examined in relation to the application for publication of the notice(s), answer the following (s 269TAA(4) refers):

- (a) Are both natural persons?  
If yes:  
(i) Are they members of the same family? Or;  
(ii) Is one of them an officer or director of a body corporate controlled, directly or indirectly, by the other?
- (b) Are both body corporates?  
If yes:  
(i) Are both of them controlled by a third person (whether or not a body corporate)? Or;  
(ii) Do both of them together control, directly or indirectly, a third body corporate? Or;  
(iii) Is the same person (whether or not a body corporate) in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them?
- (c) Is one of them, being a body corporate, directly or indirectly, controlled by the other (whether or not a body corporate)?
- (d) Is one of them, being a natural person, an employee, officer or director of the other (whether or not a body corporate)?
- (e) Are they members of the same partnership?

*NB: Please include appropriate evidence in support of your view that the applicant is or is not related to another company whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation). This should include an overview of your corporate structure, including entities that the applicant has an interest in and entities that have an interest in the applicant, list of directors and annual report(s) where applicable.*

8. Provide a statement setting out the basis on which you consider the particular dumping or countervailing duty notice is inappropriate, so far as the applicant is concerned.

**Impact of an all exporter review of measures**

Where a review of measures applies to all exporters of the goods generally (that is, not a single exporter), the changes to the notice(s) that result from the review may apply to all relevant exporters of the goods, including past applicants for an accelerated review. This means that changes to a notice as an outcome of an all exporter review of measures may replace an earlier published outcome of an accelerated review.

**Lodgement of the application**

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au), or
- pre-paid post to:

The Commissioner of the Anti-Dumping Commission  
GPO Box 2013

Canberra ACT2601, or

- facsimile, using the number (03) 8539 2499 or +61 3 8539 2499  
**(outside Australia)**

## **Public Record**

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for an accelerated review will be opened and accessible on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au). The public record will contain, among other things, a copy of the application, all submissions from interested parties and Commission reports.

At the time of making the application, the Commission requests both a confidential version (for official use only) and non-confidential version (public record) of the application be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the accelerated review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

Jakarta, 4<sup>th</sup> June 2018

To :  
The Commissioner of the Australian Anti-Dumping Commission

Subject : Application for an accelerated review in respect of certain Steel Reinforcing Bar exported to Australia by PT. TOYOGIRI IRON STEEL.

Dear Commissioner,

We have been asked to act for PT. Toyogiri Iron Steel, a manufacturer and exporter of certain Steel Reinforcing Bar from Indonesia.

PT. Toyogiri Iron Steel is a producer of varied Steel Reinforcing Bar from Indonesia, and seeks to export its products to Australia.

We are instructed to lodge this application for an accelerated review of the dumping duty and countervailing duty notices (Anti-Dumping Notice 2018/10) (**Notices**) in respect of certain steel reinforcing bar exported to Australia by PT. Toyogiri Iron Steel (**Application**).

Please find the enclosed application for an accelerated review of the variable factor apply to the export of steel reinforcing bar exported to Australia by PT. Toyogiri Iron Steel, prompting an accelerated review of the current anti-dumping and countervailing duty as it apply to PT. Toyogiri Iron Steel by the Australian anti-dumping commission.

If you have any question concerning this application, please contact me through the email or phone number on this page.

Your sincerely



**Agustinus**  
Director of Sales



APPLICATION FOR ACCELERATED REVIEW FOR PT. TOYOGIRI IRON STEEL

PT. Toyogiri Iron Steel seeks an accelerated review of the dumping duty and countervailing duty notices (Anti-Dumping Notice 2018/10).

1. GROUNDS OF APPLICATION

PT. Toyogiri Iron Steel seeks the review on the basis that it complies with the following requirements under the Customs Act, 1901(Act):

1.1 Section 269ZE (1) of the Act (There is a relevant duty notice).

1.2 Section 269ZF of the Act (There must be a written application for an accelerated review addressing the type of goods, and the basis the duty doesn't apply),

1.3 A Commission staff member doing duty must received the application for accelerated review before it is deemed to have been lodged.

PT. Toyogiri Iron Steel confirms that it has not been previously investigated and is not related to an exporter who exported steel reinforcing bar before. As a result, the conditions for rejection of the application under Section 269ZE(2) of the Act are not met and the Commissioner should not reject this application.

**Description of the Goods subject to the Dumping Duty and Countervailing Duty Notices**

The Goods subject to the Notices are described in REP 418 (**Reports**) as follows:

*Hot-rolled deformed steel reinforcing bar whether or not in coil form, commonly identified as rebar or debar, in various diameters up to and including 50 millimetres, containing indentations, ribs, grooves or other deformations produced during the rolling process.*

*The goods covered by this application include all steel reinforcing bar meeting the above description regardless of the particular grade, alloy content or coating.*

*Goods excluded from this application are plain round bar, stainless steel and reinforcing mesh.*

## 2. REASONS FOR REVIEW

PT. Toyogiri iron steel seeks an accelerated review of the current anti- dumping and countervailing duty by the Commission in respect of the Goods exported from the Republic of Indonesia under subsection 269ZE(I)(a) of the Act.

### PT. Toyogiri iron steel as new exporter

2.1 PT. Toyogiri iron steel is a “new exporter” within the meaning of Section 269T(1) of the Customs Act 1901 (Act).

Division 6 of the Act provides a statutory entitlement for a “new exporter” to apply for an accelerated review of a dumping or countervailing duty notice in so far as it affects that exporter. As a result of the Notices, PT. Toyogiri iron steel is currently subject to the country-wide combined dumping duty and countervailing duty rate of 9.3% (**Duties**).

A “new exporter” is:

*in relation to goods the subject of an application for a dumping duty notice or a countervailing duty notice or like goods, ... an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application.*

*(Section 269T(1) of the Act)*

An “investigation period” is:

*in relation to an application for a dumping duty notice or a countervailing duty notice in respect of goods, ... a period specified by the Commissioner in a notice under subsection 269TC(4) to be the investigation period in relation to the application.*

Subsection 268TC(4) of the Act requires the Commissioner to specify the period of investigation in relation to an application in a public notice that initiates the investigation. In this case the investigation period specified by the Commissioner was 01 April 2016 to 31 March 2017.

PT. Toyogiri iron steel is a “new exporter” as it did not export the GUC or like goods to Australia at any time during the investigation period.



2.2 PT. Toyogiri iron steel did not refuse to cooperate and is not related to an exporter subject to the Notices

An application for an accelerated review may be rejected if the Commissioner is satisfied that the exporter:

- a) was not investigated in the investigation relating to publication of the notice because that exporter refused to cooperate; or
- b) is related to an exporter whose exports were examined in relation to the application for publication of that notice.

PT. Toyogiri iron steel was not investigated during the dumping and subsidy investigation because it did not export the GUC to Australia during the investigation period.

PT. Toyogiri iron steel also confirms that it is not related to any exporter subject to the Notices. Accordingly, PT. Toyogiri iron steel submits that there are no grounds for its application for an accelerated review to be rejected.