



Australian Government
 Department of Industry,
 Innovation and Science

**Anti-Dumping
 Commission**

Customs Act 1901 – Part XV B

Anti-Dumping Notice No. 2016/106

Steel Reinforcing Bar Exported from Spain

Initiation of a Review of the Anti-Dumping Measures Relating to Compañía Española de Laminación, S.L.

Notice under subsection 269ZC(5) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain steel reinforcing bar (the goods) exported to Australia from Spain. The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Compañía Española de Laminación, S.L. (Celsa Barcelona) should be varied.

The goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

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 of the goods regardless of the particular grade or alloy content or coating.

The goods are currently classified to the following tariff subheadings and statistical codes in Schedule 3 to the *Customs Tariff Act 1995*.

Tariff subheading	Statistical code
7214.20.00	47
7228.30.90	40
7213.10.00	42
7227.90.10	69
7227.90.90	01, 02, 04
7228.30.10	70
7228.60.10	72

The above tariff classifications and statistical codes may include goods that are both subject and not subject to this review. The listing of these tariff classifications and

statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods the subject of this review.

Goods imported from Spain under the above tariff subheadings are subject to a general rate of duty of 5 per cent.

Goods excluded from this dumping duty notice include plain round bar, stainless steel and reinforcing mesh.

Background to the measures

The anti-dumping measures, in the form of a dumping duty notice, were initially imposed by public notice on 19 November 2015 by the then Assistant Minister for Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the then Parliamentary Secretary) following consideration of *Anti-Dumping Commission Report No. 264*. The anti-dumping measures related to all exporters to Australia from Korea, Singapore, Spain and Taiwan (with the exception of Power Steel Co., Ltd).

Following a review by the Anti-Dumping Review Panel (ADRP), the then Parliamentary Secretary decided to revoke the original dumping duty notice and substitute another dumping duty notice in the same terms as the original notice but amended to exclude exports of the goods from Spain by Nervacero S.A. The reason for this was the ADRP's recommendation in *ADRP Report No. 34* that the dumping investigation should have been terminated insofar as it related to exports of the goods by Nervacero S.A. Notice of the then Parliamentary Secretary's decision and *ADRP Report No. 34* were published on the ADRP's website on 14 July 2016.

The current review

I initiated this review after a request was made by the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ that I review the anti-dumping measures as they affect exports of the goods to Australia from Spain by Celsa Barcelona.

The then Parliamentary Secretary's decision to exclude exports of the goods from Spain by Nervacero S.A. from the dumping duty notice affects the variable factors ascertained for Celsa Barcelona.² This is because Celsa Barcelona's dumping margin was determined with reference to (among other things) Nervacero S.A.'s export price and normal value. Given that exports of the goods by Nervacero S.A. are now excluded from the dumping duty notice, its normal value and export price should also be excluded from the calculation of Celsa Barcelona's dumping margin.

¹ The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

² The exclusion of Nervacero S.A. from the dumping duty notice does not impact on any other exporters from Spain.

PUBLIC RECORD

Particulars of the reasons for the decision to request that I undertake this review are also outlined in a notice signed the Parliamentary Secretary pursuant to subsection 269ZA(3) of the Act, which has been placed on the public record as an attachment to this notice.

The review period is 1 July 2013 to 30 June 2014. The review will examine whether the variable factors relevant to the taking of the measures in relation to Celsa Barcelona have changed.

After concluding the review, I will recommend to the Parliamentary Secretary that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained for Celsa Barcelona.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application³ no later than **21 November 2016**⁴ to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Future reviews

Under subsection 269ZA(2), an application for a review of measures must not be made earlier than 12 months after the publication of the notice implementing the original measures or the notice declaring the outcome of the last review. As noted above, the notice implementing the original measures was published in 19 November 2015. As such, no application for a review of measures may be made until 19 November 2016. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

Public record

A public record must be maintained for this review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **21 November 2016**⁵, addressed to:

³ In accordance with section 269ZCB of the Act.

⁴ The legislated due date falls on 19 November 2016, which is a Saturday, therefore the effective due date is the following business day, being 21 November 2016.

⁵ As above.

PUBLIC RECORD

The Director
Operations 3
GPO Box 1632
Melbourne VIC 3001

or email operations3@adcommission.gov.au, or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by **31 January 2017**, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZH1 of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

Report to the Parliamentary Secretary

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before **17 March 2017** (or such later date as the Parliamentary Secretary may allow).

PUBLIC RECORD

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2478 or email operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

13 October 2016



Australian Government
Department of Industry,
Innovation and Science

Customs Act 1901 – Part XVB

**Steel Reinforcing Bar Exported from Spain
Request for the Commissioner of the Anti-Dumping
Commission to Initiate a Review of the Anti-Dumping
Measures Relating to
Compañía Española de Laminación, S.L.**

Notice under subsection 269ZA(3) of the Customs Act 1901

I, CRAIG LAUNDY, the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science¹, REQUEST that the Commissioner of the Anti-Dumping Commission (Commissioner) initiate a review of the anti-dumping measures in relation to steel reinforcing bar (the goods) exported to Australia from Spain, in so far as they affect Compañía Española de Laminación, S.L (Celsa Barcelona) because the variable factors relevant to the taking of the measures in relation to Celsa Barcelona have changed. I am making this request pursuant to subsection 269ZA(3) of Division 5 of Part XVB of the *Customs Act 1901*.

The reason for making this request is to address consequential impacts arising from the decision of the former Assistant Minister for Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the former Parliamentary Secretary) to accept the recommendations of the Anti-Dumping Review Panel (ADRP) in *ADRP Report No. 34* as notified on the ADRP's website on 14 July 2016.

The former Parliamentary Secretary decided to revoke her original decision and substitute it with another decision to publish a dumping duty notice in the same terms as the original decision but amended to exclude exports of the goods from Spain by Nervacero S.A., because the dumping investigation should have been terminated insofar as it related to Nervacero S.A.

The former Parliamentary Secretary's decision to exclude exports of the goods from Spain by Nervacero S.A. from the dumping duty notice affects the variable factors ascertained for Celsa Barcelona. This is because Celsa Barcelona's dumping margin was determined with reference to (among other things) Nervacero S.A.'s export price and normal value. Given that exports of the goods

¹ The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to me. On 19 July 2016, the Prime Minister appointed me as the Assistant Minister for Industry, Innovation and Science.

PUBLIC RECORD

by Nervacero S.A. are now excluded from the dumping duty notice, its normal value and export price should also be excluded from the calculation of Celsa Barcelona's dumping margin.

As part of this request I recommend that:

- this review should be limited to examining whether the variable factors relevant to the taking of dumping duty in relation to Celsa Barcelona have changed; and
- the review period be the same as the investigation period examined as part of the Commissioner's investigation number 264, being 1 July 2013 to 30 June 2014.

Dated this 11th day of October 2016.

CRAIG LAUNDY



Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science