



*Customs Act 1901 – Part XVB*

# **ANTI-DUMPING NOTICE NO 2022/083**

## **Grinding Balls**

**Exported to Australia from the People’s Republic of China**

**Initiation of Review of Anti-Dumping Measures No 608**

*Notice under section 269ZC(4) of the Customs Act 1901 (Cth)*

### **Introduction**

I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission (the Commissioner) have initiated a review of the anti-dumping measures applying to grinding balls (the goods) exported to Australia from the People’s Republic of China (China). The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect exporters of the goods from China have changed.

### **The goods**

The goods subject to anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice (the notices), are outlined in the tables below. Further details on the goods and existing measures, including certain goods exempted from the measures, are available on the Dumping Commodity Register on the Anti-Dumping Commission (commission) website [www.adcommission.gov.au](http://www.adcommission.gov.au).

<b>Full description of the goods the subject of the notices</b>
Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22 mm to 170 mm (inclusive).
<b>Further information in relation to the goods</b>
The goods covered include all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods, regardless of the particular grade or alloy content. Goods that are excluded include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.

**Table 1: Goods description**

Tariff classification
The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the <i>Customs Tariff Act 1995</i> : <ul style="list-style-type: none"> <li>• 7325.91.00 statistical code 26</li> <li>• 7326.11.00 statistical code 29, and</li> <li>• 7326.90.90 statistical code 60.</li> </ul>

**Table 2: Tariff classifications of the goods**

### **History of the measures**

Case	Anti-Dumping Duty Notice (ADN) No	ADN published	Country of export	Outcome
316 (Investigation)	2016/090 and 2016/091	9 September 2016	China	Measures imposed
EX0052 (Exemption)	2017/106	20 July 2017	China	Exemption not granted
476 (Accelerated Review)	2018/117	20 August 2018	China	New exporter received individual measures
491 (Accelerated Review)	2018/137	10 September 2018	China	Review terminated
502 (Accelerated Review)	2019/038	4 April 2019	China	New exporter received individual measures
511 (Accelerated Review)	2019/097	22 July 2019	China	Review terminated
512 (Accelerated Review)	2019/098	26 August 2019	China	New exporter received individual measures
520 (Review)	2020/117	12 November 2020	China	Measures varied
533 (Accelerated Review)	2020/015	3 March 2020	China	New exporter received individual measures
569 (Continuation)	2021/095	10 September 2021	China	Measures continued for a further 5 years
596 (Review)	2022/003	18 February 2022	China	Pending

**Table 3: History of measures**

### **The current review**

An application was lodged by Commonwealth Steel Company Pty Ltd, trading as Molycop under section 269ZA(1) of the *Customs Act 1901* (Cth) (the Act)<sup>1</sup> for a review of the anti-dumping measures in relation to grinding balls exported to Australia from China. I decided not to reject the application.

The reasons for my decision not to reject the application for review are set out in *Anti-Dumping Commission Review of Measures Application Consideration Assessment No 608*, which has been placed on the public record.

The review period is 1 July 2021 to 30 June 2022 and relates to all exporters of the goods from China. The review will examine whether the variable factors relevant to the taking of the measures have changed.

<sup>1</sup> Unless otherwise indicated, all legislative references in this notice are to the *Customs Act 1901*.

After conducting the review, I will recommend to the Minister that the notices:

- (i) remain unaltered, or
- (ii) have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that the anti-dumping measures are no longer warranted, that party may lodge an application<sup>2</sup> no later than **16 September 2022** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

### **Proposed model control code structure**

The commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.<sup>3</sup> In developing the MCC structure, the commission will have regard to differences in physical characteristics that give rise to distinguishable and material differences in price.

The table below outlines the commission's proposed MCC structure for this review.

Item	Category	Sub-category	Identifier	Sales Data	Cost Data
1	Production method	Cast	C	Mandatory	Mandatory
		Forged	F		
2	Diameter	Diameter in mm	### <sup>4</sup>	Mandatory	Mandatory
3	Product code	Internal grade/model	### <sup>5</sup>	Mandatory	Optional

**Table 4: MCC structure**

Interested parties may make submissions on the proposed MCC structure and whether proposed modifications to the MCC structure should be accepted by the commission. Any proposed changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than **16 September 2022**, the day submissions concerning the review of the measures are due.

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<sup>2</sup> In accordance with section 269ZCB.

<sup>3</sup> Guidance on the commission's approach to model matching is in the Dumping and Subsidy Manual, available on the commission's website

<sup>4</sup> Use a separate identifier for each diameter, eg 25 mm, 30 mm, 35 mm etc. The commission may group certain categories of diameter in formulating a final MCC.

<sup>5</sup> The 'product code' category, if applicable, refers to the company's internal identifier for the model, grade or type of the goods, differentiated by the chemical composition of the grinding ball.

## **Future reviews**

Under section 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. 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 or the countervailing duty notice that is the subject of this review cannot be made for a period of 12 months.

## **Public record**

I must maintain a public record for each 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 by contacting the commission on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

## **Lodgment of submissions**

Interested parties, as defined by section 269T(1), are invited to lodge written submissions concerning this review, no later than **16 September 2022** by email to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au) or alternatively addressed to:

The Director  
Investigations  
Anti-Dumping Commission  
GPO Box 2013  
CANBERRA ACT 2601

Interested parties wishing to participate in the review must ensure that they lodge submissions 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 SEF 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 'OFFICIAL: Sensitive'.

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

## **Statement of Essential Facts**

Interested parties must observe the dates specified in this notice for lodging submissions to enable me to report to the Minister within the legislative timeframe. I intend to place a SEF on the public record by **28 November 2022**, or by such later date as allowed in accordance with section 269ZH1. The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. I invite interested parties to lodge

submissions in response to the SEF within 20 days of me placing the SEF on the public record.

**Report to the Minister**

I will take into account submissions received in response to the SEF in preparing my report and recommendation to the Minister. I intend to make my recommendation to the Minister in a report provided on or before **12 January 2023**, (or such later date as allowed under section 269ZHI of the Act).

**Anti-Dumping Commission contact**

You may enquire about this notice by email at [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

Dr Bradley Armstrong PSM  
Commissioner  
Anti-Dumping Commission

10 August 2022