



Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

**Wire Ropes exported to Australia
from the Republic of South Africa**

Investigation No. 401

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 26 June 2017, being 60 days¹ after the initiation of the investigation into the alleged dumping of wire ropes (the goods) exported to Australia from the Republic of South Africa (South Africa).

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 26 April 2017, I initiated an investigation into the alleged dumping of wire ropes following an application by Bekaert Wire Ropes Pty Ltd (trading as BBRG Australia) under section 269TB of the Act. Further details can be found in the public notice published on 26 April 2017 (refer to Anti-Dumping Notice No. 2017/58) available at www.adcommission.gov.au.

Under subsection 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied that:

- there appear to be sufficient grounds for the publication of such a notice; or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

¹ It is noted that day 60 in relation to this investigation is 25 June 2017, however as this day falls on a Sunday, the effective due date is the following business day, being 26 June 2017.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2) of the Act, had regard to:

- BBRG Australia's application;
- submissions received concerning the publication of a dumping duty notice in response to the initiation of the investigation; and
- responses to importer and exporter questionnaires.

Based on the above information, I am not making a PAD because I am not satisfied, under subsection 269TD(1)(a) of the Act, that there appears to be sufficient grounds for the publication of a dumping duty notice.

In particular, at the time of publication of this Status Report, the Anti-Dumping Commission (the Commission) has not completed its preliminary consideration of whether the goods were dumped in Australia. The Commission is currently considering information provided by the only participating importer (Haggie Reid Pty Limited) and the only cooperating exporter (Scaw South Africa (Pty) Ltd) that will assist in determining whether, and the extent to which, the goods were dumped, and in calculating preliminary dumping margins. Such information includes (but is not limited to), the arms length nature of dealings between the importer and exporter, the treatment of certain costs incurred in relation to the goods sold in Australia, adjustment claims and like goods issues.

Further, the Commission is examining competing claims as to whether the Australian industry experienced material injury and if so, whether the material injury was caused by allegedly dumped exports of the goods.

Therefore, at the time of making this report, I am unable to determine that there appear to be sufficient grounds to establish that:

- the goods exported to Australia have been dumped (at above negligible levels in accordance with section 269TDA); and
- dumped goods are causing material injury to the Australian industry.

Other considerations

Relevant matters – subsection 269TD(2)(b)

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage, because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 14 August 2017. Prior to, or in the SEF, I will advise whether or not I made a PAD subsequent to this report and the reasons for my decision.

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager on telephone number +613 8539 2409 or email at operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

26 June 2017