



PUBLIC RECORD

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Steel Reinforcing Bar

Exported from China

**Investigation No. 322 into Alleged Subsidisation
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 22 February 2016 being 60 days after the initiation of the investigation into the alleged subsidisation of Steel Reinforcing Bar (Rebar) exported to Australia from the People's Republic of China (China).

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 23 December 2015, I initiated an investigation into the alleged subsidisation of Rebar following an application by Onesteel Manufacturing Pty Ltd (OneSteel) under section 269TB of the Act. Further details can be found in the public notice and *Anti-Dumping Notice 2015/152* 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 countervailing duty notice, if I am satisfied:

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

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:

- Onesteel's application;
- submissions received by 1 February 2016 concerning publication of the countervailing duty notice in response to the initiation of the investigation; and
- any other matters that I considered relevant, including the Government of China's (the GOC's) response to the Government questionnaire.

Based on the above information considered at day 60 of the investigation I am not making a PAD because I am not satisfied that:

- under subsection 269TD(1)(a) of the Act there appears to be sufficient grounds for the publication of a countervailing duty notice.

In particular, at the time of publication of this status report, the Commission has not completed its preliminary consideration of whether Rebar is being exported to Australia from China at subsidised prices. The Commission is currently considering information recently provided by the GOC and major exporters that would assist in determining whether Rebar is being exported at subsidised prices and therefore whether sufficient information exists to calculate preliminary subsidy margins.

Therefore, based on the above, at the time of making this report, I am unable to establish that there appears to be sufficient grounds to be satisfied that:

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

Other considerations

Relevant matters – section 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 after taking into consideration that the Commission finds there are insufficient grounds to establish subsidisation, and a causal link between subsidisation and material injury.

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 11 April 2016. Prior to the publication or in the SEF, I will advise whether 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 02 6276 1462, fax number +61 3 8539 2499 or at operations4@adcommission.gov.au.

A handwritten signature in black ink, appearing to read "Dale Seymour". The signature is written in a cursive style with a long, sweeping underline.

Dale Seymour

Commissioner
Anti-Dumping Commission

22 February 2016