

INVESTIGATION 370

FILE NOTE

FIW Steel Sdn Bhd

Assessment of Exporter Questionnaire Response

1. Background

Public notification of the initiation of this investigation was made on 7 October 2016 in Anti-Dumping Notice (ADN) No. 2016/105. The background relating to the initiation of this investigation is contained in Consideration Report 370 (CON 370).

FIW Steel Sdn Bhd (FIW Steel) has been identified as an exporter of the zinc coated (galvanised) steel in the Australian Border Force (ABF) import database. The Anti-Dumping Commission (the Commission) notified FIW Steel of the initiation of the investigation and sought its cooperation through the completion of an exporter questionnaire.

2. Facts of this case

FIW Steel expressed its intention to cooperate with the investigation and the Commission provided FIW Steel with the Commission's Exporter Questionnaire (EQ) to on 12 October 2016 with a due date to respond by 13 November 2016. On receipt of the response to exporter's questionnaire, the Commission noted number of deficiency in the REQ and provided a list to FIW Steel.

The assessment team has noted that despite giving number of opportunities, FIW Steel's final response dated 2 February 2017 remained significantly deficient. The assessment team was not able to calculate CTMS for each different model (PCN's) and therefore was also not able to ascertain reliable value and volume of domestic sales models that were in the Ordinary course of trade (OCOT). The Commission was also not able to ascertain if the domestic sales 'like' models sold in the domestic market were sufficient (at least 5%) such that those models can be used in calculate normal value. The Commission was also not able to calculate the FIW Steels OCOT profit.

Section 6, 8 and 9 of Customs (Extensions of Time and Non-cooperation) Direction 2015 and Section 269T(1) provides the ground for an exporter to be deemed non-cooperative if relevant and sufficient information is not provided within the legislated period.

3. Conclusion

Based on the above assessment, the Commission has found that despite providing details of deficiencies and allowing numerous opportunities to FIW Steel to provide the Commission with a reliable information, the information provided by FIW Steel remains significantly deficient as outlined above.

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Given the major deficiency in the response, the Commission at this stage will not be able consider the information provided by FIW Steel to Calculate FIW Steel's normal value and dumping margin. Therefore, FIW Steel may be regarded as an 'uncooperative exporter' for the purpose of this investigation.

subsection 269TACAB(1) sets out the provisions for calculating export prices and normal values for uncooperative exporters. The Act specifies that for uncooperative exporters, export prices are to be calculated under subsection 269TAB(3) and normal values are to be calculated under subsection 269TAC(6). The dumping margins for uncooperative exporters were to be established in accordance with paragraph 269TACB(2)(a) of the Act.

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Appendices

Confidential Appendix 1

List of Deficiencies sent to FIW Steel