

16 November 2023

Director
Investigations 4
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Email: Investigations4@adcommission.gov.au

Dear Sir/Madam

Investigation No. 632 – Continuation of measures investigation – Railway Wheels from P R China and France – Submission by BHP of 13 October 2023

We refer to the submission by BHP dated 13 October 2023 to the above investigation.

Commonwealth Steel Company Pty Ltd (“Comsteel”) notes that there are numerous redactions in the BHP submission. For the redactions contained in BHP’s 13 October 2023 submission no attempt has been made to *“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”* as required by ACDN No.2013/17 (Section 11(i)) for submissions in Dumping and Subsidisation Investigations.

Alternatively, should the BHP submission be commercially sensitive such that the redacted information could not be summarized in a non-confidential manner, it does not appear that the author has attempted to *“satisfy the CEO that there is no such way a summary can be given to allow a reasonable understanding of the substance of the information”* (ACDN 2013/17 Section 11 (ii)).

The redacted information in the BHP submission requiring non-confidential summaries are as follows:

- Introduction (b) – c.; 2 a., b., d. i. and ii., e. ii., g., n., and o.;
 - Section 2.1 Decision Review: Quality and Safety, at (a) Network Requirements: BHP’s Commitment to Safety under the headings:
 - “Safety Concerns and Monitoring” – Paragraphs 4, 5 and 8;
 - “Standards and Controls: 2019 Specification” – first sentence in Paragraph 3, first sentence in Paragraph 5;
 - “Conclusion” – Paragraphs 2 and 3.
 - (b) Historical Safety Opinions – first paragraph, third and fourth paragraph (including indented section), Paragraph 6, Paragraph 8, Table on P.9, Paragraphs 11 – 14;
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- Section 2.2 : Part (b) Analysis on Masteel's Financials – Paragraphs h. to j. and subsequent Diagrams 1 & 2 (on P.12), first paragraph on top of P.13, third paragraph, Line 2;
- 3. Conclusion – a. and c., and final paragraph, P.13.

The redaction of this information in the absence of non-confidential summaries prevents Comsteel from understanding the substance of the information redacted.

Comsteel respectfully requests the Commissioner to seek non-confidential summaries of the identified information from BHP for the purposes of the continuation of measures investigation on railway wheels exported from China and France.

If you have any questions concerning this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Kojic'.

Nikola Kojic
Head of Finance - Australia