



Anti-Dumping Notice No. 2024/029

Customs Act 1901 – Part XVB

Steel Rod in Coil

Exported to Australia from the People's Republic of China

Initiation of Anti-Circumvention Inquiry No 643

Public notice under section 269ZDBE(4) of the Customs Act 1901¹

I, Isolde Lueckenhausen, the Acting Commissioner² of the Anti-Dumping Commission (the commission), have initiated an anti-circumvention inquiry in relation to steel rod in coil (the goods) exported to Australia from the People's Republic of China (China). I have initiated the inquiry pursuant to section 269ZDBE.

This follows an application made under section 269ZDBC by InfraBuild (Newcastle) Pty Ltd (InfraBuild or the applicant), a producer of like goods in Australia. InfraBuild claims that a circumvention activity involving a slight modification of the goods exported to Australia from China has occurred, within the meaning of section 48(2) of the *Customs International (Obligations) Regulation 2015* (the Regulation).

A non-confidential version of the application which contains the basis of the alleged circumvention activity is available on the public record.³

In accordance with section 269ZDBE(2), I have decided to initiate the inquiry on the basis of being satisfied of the following:

- the application complies with section 269ZDBD and
- there appear to be reasonable grounds for asserting that one or more circumvention activities in relation to the original notices have occurred.

Particulars of the reasons for the decision to initiate this inquiry are outlined in *Anti-Dumping Commission Consideration Report No. 643*, which has been placed on the commission's public record.

¹ All legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

² References in this document to individuals holding positions within the commission are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

³ Available on the commission's website at www.adcommission.gov.au.

The commission has assisted me in initiating this inquiry and will assist the Commissioner in undertaking this inquiry, pursuant to the commission’s function specified in section 269SMD.

The original notice

The anti-dumping measures, in the form of a dumping duty notice (the original notice), were imposed on 22 April 2016 by the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science after consideration of *Anti-Dumping Commission Report No. 301*.⁴ The dumping duty notice applies to all exporters of rod in coil from China.

On 12 April 2021, the then Minister for Industry, Science and Technology, having considered *Anti-Dumping Commission Report No. 562*, accepted the Commissioner’s recommendation to continue the anti-dumping measures for a further five years.⁵

The goods the subject of the original notices

The goods subject to the anti-dumping measures and this inquiry are:

Hot-rolled rods in coils of steel, whether or not containing alloys, that have maximum cross sections that are less than 14mm. The goods covered include all steel rods meeting the above description regardless of the particular grade or alloy content.

Goods excluded from the measures are:

Hot-rolled deformed steel reinforcing bar in coil form, commonly identified as rebar or debar, and stainless steel in coils.

The goods are generally, but not exclusively, classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*.

Tariff Subheading	Statistical Code	Description
7213		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF IRON OR NON-ALLOY STEEL
7213.91		Other
7213.91.00	44	Of circular cross-section measuring less than 14 mm in diameter
7227		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF OTHER ALLOY STEEL
7227.90		Other
7227.90.90	02	Of circular cross-section measuring less than 14 mm in diameter

Table 1: General tariff classification for the goods

⁴ [Report No. 301](#) is available on the commission’s website.

⁵ [Report No. 562](#) is available on the commission’s website.

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for reference only and do not form part of the goods description.

The alleged circumvention goods

The goods subject to the application include steel rods that have been modified into mesh sheets having, by weight, a carbon content of less than or equal to 0.20%. The alleged circumvention goods are classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*:

Tariff Subheading	Statistical Code	Description
7314		CLOTH (INCLUDING ENDLESS BANDS), GRILL, NETTING AND FENCING OF IRON OR STEEL WIRE; EXPANDED METAL OF IRON OR STEEL:
7314.1		Woven cloth:
7314.20.00	24	Grill, netting and fencing, welded at the intersection, of wire with a maximum cross-sectional dimension of 3 mm or more and having a mesh size of 100 cm ² or more

Table 2: General tariff classification for the alleged circumvention goods

Conduct of the inquiry

The anti-circumvention inquiry will examine whether circumvention activities in relation to the original notices have occurred, in accordance with section 269ZDBE(6)(c) and section 48(2) of the Regulation.

Exports to Australia from 1 January 2015 will be examined in order to determine whether the alleged circumvention activity has occurred.

After concluding the inquiry, the Commissioner will recommend to the Minister that the original duty notice:

- remain unaltered or
- be altered because the Commissioner is satisfied that circumvention activities in relation to the original notice have occurred.

Public Record

The Commissioner must maintain a public record for each inquiry. 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 Case Manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Lodgement of submissions

In accordance with section 269ZDBE(6)(e), interested parties, as defined by section 269T(1), are invited to lodge written submissions concerning this inquiry, no later than the close of business on **17 June 2024**⁶, addressed to:

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

or email investigations4@adcommission.gov.au, or fax to +61 3 8539 2499.

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that the Commissioner is not obliged to have regard to a submission received after the date mentioned above if to do so would, in the Commissioner's opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record.

The public record must contain, among other things, a copy of all submissions from interested parties.

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 the Commissioner 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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable the Commissioner to report to the Minister within the legislative timeframe. In accordance with section 269ZDBE(6)(f), a SEF will be placed on the public record by

⁶ As 15 June 2024 is a Saturday, the due date becomes the next business day (17 June 2024).

27 August 2024, or such later date as allowed in accordance with section 269ZHI of the Act.⁷

The SEF will set out the essential facts on which the Commissioner propose to base a recommendation to the Minister. The SEF will invite interested parties to respond to the issues raised within 20 days of the SEF being placed on the public record, in accordance with section 269ZDBE(6)(g).

Report to the Minister

Submissions received in response to the SEF will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before **11 October 2024** (or such later date as allowed in accordance with section 269ZHI).

The Minister must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Minister considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager by email to investigations4@adcommission.gov.au.

Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission

9 May 2024

⁷ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.