



ANTI-DUMPING NOTICE 2024/099

Customs Act 1901 – Part XVB

Steel Reinforcing Bar

**Exported to Australia from the Republic of Korea and
the Kingdom of Spain (except Nervacero S.A.)**

Initiation of Continuation Inquiry 660 into Anti-Dumping Measures

Notice under section 269ZHD(4) of the Customs Act 1901

1. Introduction

I, Isolde Lueckenhausen, the Acting Commissioner of the Anti-Dumping Commission (Commissioner)¹, have initiated an inquiry into whether the continuation of anti-dumping measures, in the form of a dumping duty notice, in respect of steel reinforcing bar (rebar, or the goods) exported to Australia from the Republic of Korea (ROK) and the Kingdom of Spain (Spain) (except from Nervacero S.A.) is justified.²

The anti-dumping measures are due to expire on 19 November 2025 (specified expiry day).³

2. The goods

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

Hot-rolled deformed steel reinforcing bar whether or not in coil form, commonly identified as rebar or debar, in various diameters up to and including 50 millimetres, containing indentations, ribs, grooves or other deformations produced during the rolling process. The goods include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

¹ References in this notice to the Commissioner relates to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

² Exports to Australia from Nervacero S.A. are covered under a separate notice. Any reference to Spain in this notice is taken to exclude Nervacero S.A., unless otherwise specified.

³ On and from 20 November 2025, if not continued, the anti-dumping measures would no longer apply.

The goods do not include plain round bar, stainless steel and reinforcing mesh.

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995* (Cth):⁴

Tariff Subheading	Statistical Code	Description
7213.10.00	42	Bars and rods, hot-rolled, in regularly wound coils, of iron or non-alloy steel containing indentations, ribs, grooves or other deformations produced during the rolling process.
7214.20.00	47	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling.
7227.90.10	69	Bars and rods, hot-rolled, in irregularly wound coils, of high alloy steel in 'flattened circles' and 'modified rectangles' as defined in Note 1(l) to Chapter 72 of Schedule 3 to the <i>Customs Tariff Act 1995</i> .
7227.90.90	01	Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel containing indentations, ribs, grooves or other deformations produced during the rolling process.
7227.90.90	02	Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel of circular cross-section measuring less than 14 mm in diameter.
7227.90.90	04	Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel.
7228.30.10	70	Other bars and rods not further worked than hot-rolled, hot-drawn or extruded of high alloy steel in 'flattened circles' and 'modified rectangles' as defined in Note 1(m) to Chapter 72 of Schedule 3 to the <i>Customs Tariff Act 1995</i> .
7228.30.90	40	Other bars and rods of other alloy steel containing indentations, ribs, grooves or other deformations produced during the rolling process.
7228.60.10	72	Other bars and rods of high alloy steel in 'flattened circles' and 'modified rectangles' as defined in Note 1(m) to Chapter 72 of Schedule 3 to the <i>Customs Tariff Act 1995</i> .

Table 1: Tariff subheadings relevant to the goods

3. Background to the anti-dumping measures

The anti-dumping measures were initially imposed by public notice on 19 November 2015 by the then Parliamentary Secretary to the Minister for Industry, Innovation and Science.⁵ This followed their consideration of the Commissioner's recommendation in *Anti-Dumping Commission Report No 264* (REP 264), following *Investigation 264* (the original investigation).

⁴ 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 are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods subject to the anti-dumping measures.

⁵ Anti-Dumping Notice (ADN) 2015/133.

The original investigation and the imposition of the anti-dumping measures resulted from an application made under section 269TB of the *Customs Act 1901* (Cth)⁶ by OneSteel Manufacturing Pty Ltd representing the Australian industry producing like goods to the goods subject to the anti-dumping measures.

Further history in relation to the anti-dumping measures for the ROK and Spain (except Nervacero S.A.) are at **Appendix A**.

Further details on the goods and existing measures are available on the Dumping Commodity Register on the Anti-Dumping Commission's (commission) website (www.adcommission.gov.au).

4. Application for continuation of the anti-dumping measures

Division 6A of Part XVB sets out, among other things, the procedures to be followed in dealing with an application for the continuation of anti-dumping measures.

In accordance with section 269ZHB(1), I published a notice on the commission's website on 19 September 2024 advising that the anti-dumping measures on the goods are due to expire on 19 November 2025.⁷ The notice invited the following persons to apply for the continuation of the anti-dumping measures:

- the person whose application under section 269TB resulted in the anti-dumping measures (section 269ZHB(1)(b)(i))
- persons representing the whole or a portion of the Australian industry producing like goods to the goods covered by the anti-dumping measures (section 269ZHB(1)(b)(ii)).

On 12 November 2024, an application for the continuation of the anti-dumping measures was received from InfraBuild (Newcastle) Pty Ltd (InfraBuild Newcastle). A non-confidential version of the application is available on the commission's Electronic Public Record (EPR) available at www.adcommission.gov.au.

Having regard to the application, the original investigation, and previous cases in relation to the goods, I am satisfied that InfraBuild Newcastle represents a portion of the Australian industry producing like goods to the goods covered by the anti-dumping measures.

In its application, InfraBuild Newcastle outlined that itself and 2 related entities (InfraBuild NSW Pty Ltd and The Australian Steel Company (Operations) Pty Ltd) are producers of the goods. These 3 entities participated in the previous continuation, *Continuation Inquiry 546*.⁸

⁶ All legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

⁷ ADN 2024/057.

⁸ ADN 2020/020, pp 3-4.

Like goods is defined under section 269T(1). Sections 269T(2), 269T(3), 269T(4), and 269T(4A) are used to determine whether the like goods are produced in Australia and whether there is an Australian industry.

5. Consideration of application under section 269ZHD(1)

Pursuant to section 269ZHD(1), I must reject an application for the continuation of anti-dumping measures if I am not satisfied of one or more of the matters referred to in section 269ZHD(2).

The first matter, under section 269ZHD(2)(a), is whether the application complies with section 269ZHC.

The second matter, under section 269ZHD(2)(b), is that there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures to which the application relates might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the anti-dumping measures are intended to prevent.

6. Assessment under section 269ZHD(2)(a) – compliance with section 269ZHC

I consider that the application complies with the requirements of section 269ZHC because it:

- is in writing
- is in a form approved by me for the purposes of this section
- contains the information that the form requires
- is signed in the manner indicated by the form.

The application was lodged in a manner approved under section 269SMS, being by email to the commission's email address provided in the instrument under section 269SMS.⁹

7. Assessment under section 269ZHD(2)(b) – reasonable grounds

Applicant's claims

In its application, InfraBuild Newcastle claims, among other things, that:

- exports have continued from the ROK and Spain at material volumes
- exports have continued from the ROK and Spain at dumped prices
- strong demand for rebar in Australia makes it attractive to exporters
- exporters from all sources have maintained distribution links to Australia
- exporters from all sources have excess capacity for rebar and crude steel production
- the Australian market for rebar is price sensitive
- the Australian industry's prices for rebar in Australia are mainly influenced by price competition from imports

⁹ A copy of the instrument can be found on the commission's website at www.adcommission.gov.au.

- the Australian industry's prices have been undercut by imports from the ROK and Spain
- the Australian industry has experienced injury in the form of:
 - lost sales
 - reduced market share
 - price depression
 - price suppression
 - lost profits
 - reduced profitability
 - lost revenue
 - reduced return on investment
 - reduced capacity utilisation.

InfraBuild Newcastle considers that these factors indicate that it is likely that dumped exports from the ROK and Spain will continue or recur, and that the Australian industry is likely to continue to experience material injury as a result if the anti-dumping measures expire.

Information that InfraBuild Newcastle provided in application

As part of its application, InfraBuild Newcastle provided the following information and data:

- volume of imports of rebar into Australia
- assessment of patterns of trade for the Celsa group of companies
- a list of companies from the ROK and Spain with current Australasian Certification Authority for Reinforcing and Structural Steel (ACRS) certification
- information on overcapacity in the global steel industry, and steelmaking capacity in the ROK, Spain, and the People's Republic of China
- information on trade measures in other jurisdictions
- information on the demand drivers for rebar in Australia
- estimations of the dumping margins for exports from the ROK and Spain
- financial information relating to the economic condition of the Australian industry
- information on the effects of imports from the ROK and Spain on the Australian industry's prices and volumes.

The commission's assessment of the application

The commission has examined the application, together with other available information, to determine whether there appears to be reasonable grounds for asserting that the expiration of the anti-dumping measures to which the application relates might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

The commission has examined information it obtained from the Australian Border Force (ABF) import database and has found that exporters from the ROK have continued to export the goods to Australia since the imposition of the anti-dumping measures. The commission considers that this indicates that exporters in the ROK have maintained distribution links into the Australian market.

ABF import data shows that exports subject to anti-dumping measures (except Nervacero S.A.) from Spain have not occurred since the Jun-21 quarter. The commission considers that the information provided by InfraBuild Newcastle in its application indicates that exports from Spain are likely to resume if the anti-dumping measures expire.

The commission's assessment of patterns of trade for the Celsa group of companies (which includes CELSA Barcelona, an exporter from Spain covered by the anti-dumping measures) indicates that the Celsa group could shift exports to CELSA Barcelona from CELSA Huta Otsrowiec (a related entity in the Republic of Poland) if the anti-dumping measures expire.

CELSA Barcelona also maintains ACRS certification for calendar year 2024.¹⁰

Further, there is evidence of excess steelmaking capacity in Spain, providing an incentive for exporters from Spain to increase exports.

For both the ROK and Spain, an increase in construction activity means that the Australian market for rebar remains attractive.

Several reviews of the anti-dumping measures applying to the goods have been undertaken since the anti-dumping measures were initially imposed in November 2015. In these reviews, the commission established the existence of dumping in respect of the goods exported from the ROK and Spain. The commission recommended changes or adjustments to the prevailing anti-dumping measures as necessary to reflect the findings from the reviews.¹¹

InfraBuild Newcastle also provided its own estimates which show that dumping has continued or is likely to recur for exports from the ROK and Spain.

Financial data provided by InfraBuild Newcastle in support of its application indicates that the Australian industry has experienced a decrease in its economic condition, including:

- reduced sales volume and market share in Financial Year (FY) 2024
- the appearance of price depression
- a reduction in profit and profitability in FY 2024.

Commissioner's conclusion – reasonable grounds

I have had regard to the application, InfraBuild Newcastle's claims, and other additional information as set out in this notice.

I am satisfied that, in accordance with section 269ZHD(2)(b), there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

¹⁰ An ACRS accreditation is not mandatory in the Australian market, however the market considers it desirable for mills to be certified by the ACRS scheme.

¹¹ Refer **Table 3** in Appendix A.

8. Commissioner's conclusion – section 269ZHD(1)

Based on the above findings, in section 6 and 7, the application complies with section 269ZHD(1). I have therefore decided to not reject the application.

9. This continuation inquiry

For this inquiry, I will examine the period from 1 October 2023 to 30 September 2024 (the inquiry period) to determine whether dumping has occurred, and whether the variable factors relevant to the determination of duty have changed.

Following this inquiry and in accordance with section 269ZHF(1) of the Act, the Commissioner will give the Minister for Industry and Science (Minister) a report recommending that the notice either:

- (i) remain unaltered
- (ii) cease to apply to a particular exporter or to a particular kind of goods
- (iii) have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained, or
- (iv) expire on the specified expiry day.

10. Proposed model control code structure

The commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.¹²

Table 2 outlines the commission’s proposed MCC structure for this inquiry.

Item	Category	Sub-category	Identifier	Sales data	Cost data
1	Prime	Prime	P	Mandatory	Mandatory
		Non-prime	N		
2	Minimum yield strength specified by product standard (in megapascals or 'MPa')	Less than or equal to 300 MPa	A	Mandatory	Mandatory
		Greater than 300 MPa and less than or equal to 480 MPa	B		
		Greater than 480 MPa and less than 550 MPa	C		
		Greater than or equal to 550 MPa	D		
3	Finished form	Length or straight	S	Mandatory	Mandatory
		Coil	C		
4	Nominal diameter (in millimetres or 'mm')	Less than 12 mm	A	Mandatory	Optional
		Greater than or equal to 12 mm and less than or equal to 16 mm	B		
		Greater than 16 mm and less than or equal to 32 mm	C		
		Greater than 32 mm and less than or equal to 50 mm	D		
5	Length (in metres or 'm')	Less than or equal to 6 m	1	Mandatory	Optional
		Greater than 6 m and less than or equal to 12 m	2		
		Greater than 12 m	3		
		Coil	C		
6	Deformation pattern	Threaded	T	Mandatory	Optional
		Non-threaded	N		

Table 2: Proposed MCC structure

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than 23 January 2025.

¹² Guidance on the Commission’s approach to model matching is in the Dumping and Subsidy Manual, available at www.adcommission.gov.au.

Interested parties are encouraged to make a submission on whether any proposed modifications to the MCC structure should be accepted by the commission. Any changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

11. Public record

The Commissioner must maintain a public record for this inquiry. The EPR hosted on the commission's website contains, among other things, a copy of all non-confidential submissions from interested parties. Documents hosted on the EPR can be provided upon request to interested parties.

12. Submissions

Interested parties, as defined in section 269T(1), are invited to lodge written submissions concerning the continuation of the anti-dumping measures, no later than **23 January 2025**.¹³

The commission's preference is to receive submissions by email to investigations@adcommission.gov.au.

Submissions may also be addressed to:

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

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 indicated above if to do so would, in the Commissioner's opinion, prevent the timely placement of the SEF on the public record.

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.

¹³ 37 days provided for under section 269ZHE(2)(ii) of the Act, plus additional time to account for a reduced activity period and public holidays over Christmas and New Year period.

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**).

13. 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. The Commissioner will place the SEF on the public record on or before 29 March 2025, that is, within 110 days after the publication of this notice, or by such later date as the Commissioner may allow in accordance with section 269ZHI(3).

The SEF will set out the essential facts on which the Commissioner proposes to base a recommendation to the Minister.

Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record. Submissions received in response to the SEF within 20 days of the SEF being placed on the public record will be taken into account in completing the Commissioner's report and recommendation to the Minister.

14. Report to the Minister

The Commissioner will make a recommendation to the Minister in a report on or before 13 May 2025, that is, within 155 days after the date of publication of this notice, or by such later date as the Commissioner may allow in accordance with section 269ZHI(3).

The Minister must make a declaration within 30 days after receiving the report, or if the Minister considers there are special circumstances, such longer period, ending before the specified expiry day, as the Minister considers appropriate. If the Minister receives the report less than 30 days before the specified expiry day, the Minister must make the declaration before that day.

15. The Commission Contact

Enquiries about this notice may be directed to investigations@adcommission.gov.au.

Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission

9 December 2024

History of anti-dumping measures – ROK and Spain (except Nervacero S.A.)

Table 3 provides a summary of cases which have resulted in a change to the anti-dumping measures involving the goods exported to Australia from the ROK and Spain (except Nervacero S.A). This table does not include accelerated reviews or duty assessments.

Case number	Notice number	Date notice published	Findings
Investigation 264	2015/133	19 November 2015	Anti-dumping measures were imposed on all exports of rebar to Australia from the ROK, Singapore, Spain, and Taiwan. Power Steel Co Ltd was excluded from the measures. REP 264 refers.
ADRP Review 2016/34	N/A	14 July 2016	Nervacero S.A. was excluded from the anti-dumping measures resulting from Investigation 264. <i>ADRP Report No 34</i> refers.
Review 486	2019/054	29 May 2019	The variable factors were changed for all exporters from the ROK. <i>Anti-Dumping Commission Report No 486 and 489</i> refers.
Continuation Inquiry 546	2020/111	6 November 2020	The anti-dumping measures resulting from Investigation 264 were continued for a further 5 years. <i>Anti-Dumping Commission Report No 546</i> refers.
Review 566	2021/150	15 December 2021	The variable factors were changed for all exporters from the ROK and Spain (except Nervacero S.A.). <i>Anti-Dumping Commission Report No 566</i> refers.

Table 3: History of the anti-dumping measures for the ROK and Spain