04 SEPTEMBER 2026

The Director, Investigations 1
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2600

BY EMAIL:
investigations1@adcommission.gov.au

Dear Director,

RE: Dumping Investigation No. 705 – Steel flat bar from Taiwan

RESPONSE TO IMPORTER SUBMISSIONS

InfraBuild NSW Pty Ltd (**InfraBuild**) is the Australian industry applicant for the publication of a dumping duty notice in respect of steel flat bar (**flat bar**) exported from Taiwan.

While the industry and exporter verification by the Anti-dumping Commission (**Commission**) is yet to commence in this matter, active importers of the goods from Taiwan, namely GP Marketing International Pty Ltd (**GP Marketing**) and Macsteel International Australia (**Macsteel**), are already proffering various factors, other than dumped Taiwanese exports, for the Commission to consider in assessment of injury and causation. InfraBuild notes that sub-section 269TAE(2B) expressly contemplates that injury may be caused by factors other than dumped imports and does not require dumping to be the sole cause of injury.

InfraBuild responds to these "other factor" claims and concerns raised by the GP Marketing and Macsteel submissions[1] in turn below:

1. InfraBuild remains a going concern

Macsteel suggests that customers turned to imports of (likely) dumped flat bar from Taiwan due to concern around InfraBuild's financial viability as a going concern. InfraBuild can confirm that it remains a financially viable going concern that is investing in capacity expansion to remain a sustainable operation for the foreseeable future.[2]

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[1] EPR 705 Folio No. 5 (*GP Marketing*) and 6 (*Macsteel*)
[2] Refer *Australian Manufacturing*, 'InfraBuild expands manufacturing capacity to boost sustainable steel production', 2 October 2025 (https://www.australianmanufacturing.com.au/infrabuild-expands-manufacturing-capacity-to-boost-sustainable-steel-production/ , accessed 2 September 2026)

We further note that the Ministerial Direction on Material Injury[3] addresses assessment of material injury on an industry 'weakened by other events':

> *...the law does not prevent judging the materiality of injury caused by a given degree of dumping or subsidisation differently,* ***depending on the current economic condition of the Australian industry suffering the injury****.*
>
> *... I direct that you consider that an industry which at one point in time is healthy and could shrug off the effects of* ***the presence of dumped or subsidised products in the market, could at another time, weakened by other events, suffer material injury from the same amount and degree of dumping or subsidisation****.* [**emphasis** added]

2. InfraBuild's supply position

Both importer submissions have raised Whyalla billet supply disruptions through the injury analysis period as a factor other than dumping causing injury to InfraBuild's flat bar sales performance. It is not a secret that imported billet has been sourced by InfraBuild in order to maintain supply of InfraBuild's broad range of steel products to its Australian customers. This is a prudent, responsible action taken by a manufacturer affected by raw material disruptions. So too are further actions taken by InfraBuild such as capital investment to increase the capacity of billet production through its steelmaking facilities, including Sydney Steel Mill where flat bar is produced.[4]

Macsteel seeks to conflate price increases of flat bar with billet supply disruptions. Their submission references an email sent in June 2026, outside the investigation period, from InfraBuild's product manager for merchant bar to its customer. Macsteel's submission notes:

> *It states that prices "are generally up ~$50* ***<u>in line with import pricing</u>****"* [**emphasis** added]

The email does not refer to price increases being driven by billet disruptions, but instead the communication from InfraBuild's product manager <u>confirms the mechanism</u> that underpins InfraBuild's price movements for flat bar, namely InfraBuild's pricing followed the direction of the lowest priced import offers being made to its customers and these are consistently made by Taiwanese flat bar exporters via importers such as Macsteel and GP Marketing.

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[3] Australian Customs Dumping Notice No.2012/24

[4] https://www.infrabuild.com/media-releases/infrabuild-to-increase-capacity-at-its-melbourne-facility-to-1mpta-and-boost-capacity-in-sydney-to-deliver-more-sustainable-steel/ (accessed 2 September 2026)

Macsteel then references another 'letter to customers', advising an 'increase of $100.00 per tonne on steel bar' effective 1 July 2026. This reference is again highly misleading as the price adjustment was not applicable to flat bar. This can be readily tested by the Commission at industry verification. Furthermore, flat bar price offers to customers are typically made around the tenth day of each month, following an indication of Taiwanese price offers into the market, as these are the price movements that determine InfraBuild's offer to customers.

Macsteel further raises the extension to InfraBuild's lead time for long lead time orders from a nominal 3 months to 4 months in the June 2026 (outside the investigation period) email to customers. InfraBuild provides by way of update, the August 2026 email to customers from the product manager for merchant bar advising that the lead time for the long lead time orders has reverted back to 3 months.[5] We note that delays of one month are also not unusual for imported goods periodically affected by shipping delays or port congestion.

3. Undercutting analysis

The importers have pointed out the obvious, that comparison of Australian industry's free-into-store (**FIS**) prices to Australian customers and export free-on-board (**FOB**) prices of the goods from Taiwan are at different levels of trade and cannot form the basis of undercutting analysis. InfraBuild further notes that the Commission's estimated FOB export price for Taiwan was '*slightly lower than InfraBuild's estimate*'[6].

InfraBuild welcomes the importers' cooperation in this investigation, noting GP Marketing's statement that '*an importer's records are the primary evidence and the applicant's characterisations are secondary*'[7], and trusts that both GP Marketing and Macsteel have provided a complete listing of their on-sales of the goods at the FIS level to the Commission to facilitate a verified analysis of actual (not constructed) price undercutting of Taiwanese flat bar in the Australian market.

4. BlueScope market share of like goods

GP Marketing claims that InfraBuild excluded like goods produced by BlueScope (BSL) in the application market analysis on the basis that it was not '*convenient to analyse*'.

To be clear, InfraBuild does not have access to volume data of like goods produced by BlueScope. We fully expect that the Commission will seek to quantify the contribution of like goods sales by BlueScope into the Australian market in the course of the investigation.

[5] Refer CONFIDENTIAL ATTACHMENT 1
[6] EPR 705 Folio No. 2 *Consideration Report* at p18
[7] EPR 705 Folio No. 5 at p2

5. Market share injury in a declining market

Macsteel has asserted that InfraBuild cannot simultaneously claim a declining market for flat bar is being caused by increasing volumes of fabricated structural steel (containing flat bar) and also contend that its lost sales are caused by flat bar from Taiwan. InfraBuild does not agree that these are contradictory statements.

The Commission's preliminary estimate of the size of the Australian market for flat bar[8] shows a contraction in the total market from the period ending March 2024 to the period ending March 2026. Imports of fabricated structural steel containing some flat bar may have contributed to this contraction in market size for all market participants, including importers.

However, InfraBuild's share of the contracting market has also reduced with the Commission finding:

> *Imports from Taiwan appear to have increased across the injury analysis period, resulting in the Australian industry losing market share in the PE March 2026 by which stage it is below that of the start of the injury analysis period.*

It is clear that InfraBuild was losing sales and market share (albeit in a contracting market) to Taiwanese imports. This is a classic example of the volume effects of dumped imports on a domestic industry.

6. Imports from origins other than Taiwan

Both GP Marketing and Macsteel have asked that the Commission assess the impact of imports of flat bar from sources other than Taiwan as a factor other than dumping causing injury.

InfraBuild acknowledges that it has not been able to discern, by source, imports of flat bar under tariff code 7214.91.00.49 due to the application of "NO COUNTRY DETAILS" confidentiality restrictions by the Australian Bureau of Statistics since November 2024. The Commission, however, has been able to use '*the more reliable*' detailed ABF import database information along with InfraBuild's sales data to form the view that '*imports from all other countries remained relatively stable during the injury analysis period and are a <u>small proportion</u> of the market*'[9].

7. InfraBuild production and sales by region

The importers have raised concerns that InfraBuild may not compete for customer sales in particular States, such as Western Australia, as delivery costs from the production facility for

[8] EPR 705 Folio No. 2 *Consideration report* at p15

[9] EPR 705 Folio No. 2 *Consideration Report* at p15

flat bar (Sydney) are prohibitive and called on the Commission to perform a regional injury analysis.

The importers' concerns are unfounded. InfraBuild sells flat bar, along with a range of other long steel products produced in its Sydney, Laverton and Newcastle facilities, to customers in all Australian states and territories and competes with imported goods in all regions of Australia.

8. "Stability of supply" from Taiwan

GP Marketing has noted the '*long-established and stable*' (albeit at dumped prices) nature of the presence of Taiwanese flat bar in the Australian market and has referenced the termination outcome of the investigation relating to merchant bar[10], which included flat bar, certain angles and channels. They have pointed to the Commission's finding that, despite determining dumping margins of between 9.9% and 20.5% for the Taiwanese exporters, '*the injury, if any, to the Australian industry that has been, or may be, caused by dumped exports of the goods to Australia from Taiwan is negligible'*[11].

The importers may well be buoyed by this prior outcome, especially given the Commission's current estimate of a 13.8%[12] dumping margin for the Taiwanese exporters.

InfraBuild notes that the injury analysis period for *Investigation No. 584* was from 1 April 2017 to 31 March 2021. The injury analysis period for *Investigation No. 705* commences 1 April 2022, a period well clear of the prior investigation concerning a different set of goods.

9. Imports of the goods by InfraBuild's distribution channel

InfraBuild does not have visibility of the import records of its downstream, distributor customers, as there is an arms length arrangement between InfraBuild and its customers, whether related or unrelated. Customers in InfraBuild's distribution channel are not captive customers that are required to purchase solely from InfraBuild, they may choose to import or purchase from other importers as they seek to compete with importers for end customer sales in the Australian market.

It is, however, InfraBuild's understanding that the majority of imports of flat bar by these related customers are to supplement the range produced by InfraBuild. That is, their imports of flat bar consist predominantly of large flat bars (>150mm width) or small/thin flat bars (<4.75mm thickness) outside the range produced by InfraBuild and described by the goods description. This can be readily verified by the Commission's view of the ABF import data or

[10] Investigation No. 584 *Merchant Bar from Taiwan*
[11] TER 584 at p5
[12] EPR 705 Folio No. 2 *Consideration Report* at p20

through verification of the on-sales to these distribution businesses by importers such as GP Marketing and Macsteel (if relevant) that are cooperating in this investigation.

Conclusion

The submissions lodged by GP Marketing and Macsteel do not undermine the basis for the initiation of this investigation nor do they establish that factors other than dumped imports from Taiwan have broken the causal relationship between those imports and the injury experienced by the Australian industry.

As contemplated by subsection 269TAE(2B), the existence of other factors affecting the Australian industry does not preclude a finding that dumped imports have caused material injury. Rather, the relevant question is whether the dumped imports have contributed to the injury observed. The information presently before the Commission indicates that imports from Taiwan increased over the injury analysis period, gained market share, and displaced sales of the Australian industry in circumstances where InfraBuild's share of the Australian market declined. The Commission has also observed that imports from other countries remained relatively stable and constituted only a small proportion of the market, further focusing attention on the role of Taiwanese imports in the market developments under examination.

The various matters raised by the importers, including InfraBuild's financial position, billet supply disruptions, market contraction, regional sales patterns, downstream imports by distribution customers, and the existence of alternative supply sources, are either unsupported by evidence, misconstrued, or are matters that can readily be examined and verified by the Commission during the course of its investigation. Importantly, none of these matters alters the fact that Taiwanese flat bar exporters continued to supply the Australian market at prices the Commission has (prima facie) estimated to be dumped, nor do they explain the loss of market share experienced by the Australian industry to the same extent as the growth in Taiwanese imports.

InfraBuild welcomes the Commission's verification of all relevant industry, importer and exporter information. InfraBuild is confident that a verified examination of the evidence will confirm that dumped exports of flat bar from Taiwan have had significant adverse volume and price effects on the Australian industry.

Please do not hesitate to contact your InfraBuild representative on record with any questions.

FOR AND ON BEHALF OF THE

AUSTRALIAN INDUSTRY APPLICANT