THE DIRECTOR - INVESTIGATIONS 3
ANTI-DUMPING COMMISSION
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CANBERRA ACT 2601
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22 September 2026

Dear Director,

RE: Accelerated Review No. 708 - Steel reinforcing bar from Indonesia by PT The Master Steel Manufactory

RELIABILITY OF VARIABLE FACTORS ASCERTAINED

The member of the Australian industry producing like goods to the goods the subject of this accelerated review, InfraBuild (Newcastle) Pty Ltd (**InfraBuild**), refers to the latest submission of the exporter applicant for this accelerated review, PT The Master Steel Manufactory (**Master Steel**),[1] and makes the following submission in response.

InfraBuild does not consider that the purpose of an accelerated review, or the relatively limited threshold requirements governing access to that review, determines the substantive outcome of the review.

Article 9.5 of the WTO Agreement *on Implementation of Article VI of the GATT 1994* provides for an expedited review for an exporter or producer that did not export the product to the importing Member during the period of investigation, provided that the exporter or producer can demonstrate that it is not related to exporters or producers subject to the anti-dumping duties. As the Appellate Body explained in *Mexico – Definitive Anti-Dumping Measures on Beef and Rice*,[2] these conditions concern the circumstances in which a new exporter is entitled to an expedited review.

There is, however, an important distinction between eligibility for an accelerated review and the information necessary to ascertain the individual variable factors in that review. The fact that an exporter satisfies the threshold requirements for an accelerated review does not require the Commission to determine particular variable factors using a particular category of domestic sales, nor does it require the Commission to accept an asserted product mix for prospective exports where the available evidence does not establish that product mix. **In this case the applicable Australian Standard does not support the product mix proposed by Master Steel.**

[1] EPR 708/009, (5 September 2026).
[2] WT/DS295/AB/R (29 November 2005)

This distinction is particularly relevant where, as Master Steel acknowledges, it made no export sales of the goods to Australia during the review period. Master Steel submits that, in those circumstances, the Commission should determine normal value from all of Master Steel's domestic sales of like goods using the model control code structure adopted for the review. The absence of Australian export transactions, however, is also relevant to whether there is sufficient information available to establish the variable factors that would ordinarily depend upon actual Australian export transactions and the characteristics of the goods involved in those transactions.

Sufficiency of information

Part XVB of the *Customs Act 1901* expressly provides mechanisms for circumstances in which sufficient information has not been furnished or is not available to ascertain normal value or export price under the preceding provisions. Sections 269TAC and 269TAB form part of the statutory provisions governing normal value and export price respectively.

In particular, subsection 269TAC(6) permits normal value to be determined having regard to all relevant information where the Minister is satisfied that sufficient information has not been furnished or is not available to ascertain normal value under the preceding applicable subsections. Similarly, subsection 269TAB(3) provides an alternative basis for determining export price where sufficient information has not been furnished or is not available to ascertain export price under the preceding subsections.

Accordingly, while the threshold for obtaining an accelerated review reflects the particular position of a new exporter, it does not follow that the Commission must ascertain an individual variable factor on a factual basis that the Commission does not consider sufficiently supported by the available evidence.

Product mix and specification adjustments

InfraBuild notes Master Steel's reliance on Report No. 359 and, in particular, the Commission's finding in that review that, in the absence of Australian export sales, domestic sales of goods manufactured to the intended Australian standard, or a contract for supply, it was not possible reasonably to anticipate the product mix that might subsequently be exported to Australia. InfraBuild considers that proposition does lead necessarily to the conclusion advanced by Master Steel.

Applied here, the evidence before the Commission is clear, the relevant Australian standard requires rebar meeting the Grade 500 standard as the most likely and probable goods to be exported. In the recently concluded investigation[3] concerning rebar exports of straight lengths from multiple source the Commission's view of the Australian market was:

> *Importers tend to compete mainly in the higher volume, standard product offerings of 6 metre straight lengths of 500N grade*. [4]

[3] Investigation No. 655 Deformed Steel Reinforcing Bar in Lengths
[4] REP 655, p. 36.

In particular, with respect to the Indonesian exporter, PT Putra Baja Deli (**Baja Deli**),the Commission's verified view of export grades to Australia confirmed:

> *The rebar exported to Australia by Baja Deli was of a minimum yield strength that mapped to MCC sub-category A and C, i.e. 250N and 500N, which relate to the following specifications and align with Baja Deli's ACRS accreditation.*
> - *Sub-category A 'Less than or equal to 300 MPa'.*
> - ***Sub-category C 'Greater than 480 but less than 550 MPa'**.*[5]

And further confirmed in relation to the Indonesian exporter's domestic rebar grades:

> *Baja Deli's Indonesian domestic market rebar sales were of a minimum yield strength that mapped to MCC sub-category B and C, i.e. 420B and 520.*
> - ***Sub-category B 'Greater than 300 but less than or equal to 480 MPa'**.*
> - *Sub-category C 'Greater than 480 but less than 550 MPa'.*[6] [**emphasis** added]

Based on relevant, verified evidence, rebar grades of anything less than Grade 500 (i.e. MCC category "C"), i.e. Grade 250 (i.e. MCC category "A") pool steel is exported in small quantities from Indonesia, and to the extent that it is produced and sold by Master Steel, it is conceivable and permissible for it to form part of the calculation of the weighted average ascertained normal value for the exporter.
There is however, no market acceptance, no Australian Standard inclusion and no role for Grade 420 (i.e. MCC category "B") rebar in the Australian market, and as such it cannot, on the grounds of reliability and relevance form part of the ascertained normal value for the exporter.

Previous Commission practice

InfraBuild has also considered Master Steel's reliance on previous accelerated reviews and other proceedings in which all domestic sales of like goods were used for particular purposes. Master Steel refers, among other matters, to Reports Nos. 250, 359, 514 and 676.

Previous Commission practice is relevant to the adoption of a consistent and predictable approach. It does not, however, displace the statutory requirement to determine the relevant variable factors on the information available in the particular review. Nor does the use of all domestic sales in an earlier review establish a rule that all domestic sales must be used irrespective of whether the evidence demonstrates the relevance and reliability of those domestic sales.

Accelerated review as an 'obstacle to entry'

Master Steel submits that if the evidentiary standard applied to an exporter's request for an adjustment were relaxed when the same request is made by Australian industry, the accelerated review would become 'an obstacle to entry for the exporters it was created to serve'.

InfraBuild does not accept that characterisation.

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[5] REP 655 at p65
[6] REP 655 at p66

Article 9.5 provides qualifying new exporters with access to an expedited procedure for the prompt determination of individual margins. The conditions governing access to that procedure should not be conflated with the evidentiary requirements governing the determinations made within that procedure. Put differently, Article 9.5 provides the qualifying exporter with an expedited opportunity to have its individual position determined; it does not require the investigating authority to determine a variable factor in the exporter's favour where the information necessary to make that determination reliably is unavailable.

The Commission's task remains to ascertain the relevant variable factors consistently with the Act and on the basis of the information available. Where sufficient information is unavailable to ascertain normal value or export price under the ordinary statutory methods, the Act itself provides alternative mechanisms in subsections 269TAC(6) and 269TAB(3).

Conclusion

InfraBuild does not accept that the purpose of Article 9.5, previous Commission practice, or the fact that Master Steel qualifies for an accelerated review requires the Commission to determine its variable factors using all domestic sales in circumstances where the Commission is not satisfied that the information available provides a reliable basis for the relevant determination.

In the absence of Australian export transactions during the review period, InfraBuild submits that the Commission will need to have regard to all relevant information available, including Master Steel's verified domestic sales information and the Australian standard and the Australian market's acceptance of those goods. Clearly, any goods with a minimum yield strength less than Grade 500; with the exception of small volumes of Grade 250, have no place in the Australia market.

To urgently discuss any aspect of this submission, within the limited timeframe available, please do not hesitate to contact your InfraBuild representative on record.

FOR AND ON BEHALF OF

INFRABUILD STEEL

A member of the Australian industry producing like goods