



Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

**Alloy Round Steel Bar exported from
the People's Republic of China**

Investigation No. 384

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 11 March 2017, being 60 days after the initiation of the investigation into the alleged dumping of alloy round steel bar (the goods) exported to Australia from China.

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 10 January 2017, I initiated an investigation into the alleged dumping of alloy round steel bar following an application by OneSteel Manufacturing Pty Ltd (subject to a Deed of Company Arrangement) (OneSteel) under section 269TB of the Act. Further details can be found in the public notice published on 10 January 2017 (refer to Anti-Dumping Notice No. 2017/02 at www.adcommission.gov.au).

Under subsection 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied:

- that there appear to be sufficient grounds for the publication of such a notice; or
- that it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2) of the Act, had regard to:

- OneSteel's application;
- submissions received by 16 February 2017 concerning the publication of a dumping duty notice in response to the initiation of the investigation; and
- responses to importer and exporter questionnaires.

Based on the above information, I am not making a PAD because I am not satisfied, under subsection 269TD(1)(a) of the Act, that there appears to be sufficient grounds for the publication of a dumping duty notice.

In particular, at the time of publication of this Status Report, the Anti-Dumping Commission (the Commission) has not completed its preliminary consideration that the goods were dumped in Australia. The Commission is currently considering information provided by the major exporters that would assist in determining whether the goods were dumped, and in calculating preliminary dumping margins. Further, the Commission is examining competing claims as to the scope of the goods description, including a claim that certain types of alloy round bars (for example, those which have been heat treated) should not be included. The Commission considers that the outcome of its examination is likely to have an impact on its assessment of material injury and causation.

Therefore, at the time of making this report, I am unable to establish that there appear to be sufficient grounds to establish that:

- the goods exported to Australia have been dumped (at above negligible levels in accordance with section 269TDA); and
- that dumped goods are causing material injury to the Australian industry.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 30 April 2017. Prior to, or in the SEF, I will advise whether or not I made a PAD subsequent to this report and the reasons for my decision.

Anti-Dumping Commission Contact

Enquiries about this Status Report may be directed to the case manager on telephone number 03 8539 2477 or email at operations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

14 March 2017