



Australian Government
Department of Industry,
Innovation and Science

**Anti-Dumping
Commission**

CUSTOMS ACT 1901 - PART XVB

**REPORT
NO. 467**

**REVIEW OF ANTI-DUMPING MEASURES APPLYING TO
STEEL REINFORCING BAR
EXPORTED TO AUSTRALIA FROM
THE PEOPLE'S REPUBLIC OF CHINA**

November 2018

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ABBREVIATIONS

Abbreviation	Full title
the Act	<i>Customs Act 1901</i>
ABF	Australian Border Force
ADN	Anti-Dumping Notice
ADRP	Anti-Dumping Review Panel
ADRP Report No.84	ADRP Report No. 84 published on 5 October 2018 in relation to ADRP Review No. 2018/84 - steel reinforcing bar exported from China
then Assistant Minister	then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science
China	the People's Republic of China
the Commission	the Anti-Dumping Commission
the Commissioner	the Commissioner of the Anti-Dumping Commission
CON 467	<i>Consideration Report No. 467</i>
CTMS	cost to make and sell
current review period	1 April 2017 to 31 March 2018
EPR	electronic public record
FOB	free on board
GOC	Government of China
the goods	the goods the subject of the application
Hunan Valin	Hunan Valin Xiangtan Iron & Steel Co., Ltd.
Investigation 300 or 'original investigation'	Anti-Dumping Investigation No. 300
Liberty Steel	Liberty OneSteel (Newcastle) Pty Ltd
the Minister	the Minister for Industry, Science and Technology
NIP	non-injurious price
original investigation period	1 July 2014 to 30 June 2015
Platts	S&P Global Platts
rebar	steel reinforcing bar or "the goods"
Review 411	Review of anti-dumping measures applying to rebar exported from China by Jiangsu Shagang Group Co., Ltd

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Review 412	Review of anti-dumping measures applying to rebar exported from China by Hunan Valin Xiangtan Iron & Steel Co., Ltd
Review 423	Review of anti-dumping measures applying to rebar exported from China by Jiangsu Yonggang Group Co., Ltd
REP 300	Anti-Dumping Commission Report No. 300
REP 411/412/423	Anti-Dumping Commission Report No. 411, 412 and 423
SEF	statement of essential facts
Shagang	Jiangsu Shagang Group Co., Ltd.
USP	unsuppressed selling price
Yonggang	Jiangsu Yonggang Group Co., Ltd.
Zenith	Zenith Steel Group Co.,Ltd.

1 SUMMARY

1.1 Introduction

This report sets out the recommendations which the Commissioner of the Anti-Dumping Commission (the Commissioner) will make to the Minister for Industry, Science and Technology (the Minister) in relation to a review of the anti-dumping measures applying to certain steel reinforcing bar (rebar or the goods)¹ exported to Australia from the People's Republic of China (China).

The review was initiated in response to an application lodged by Liberty OneSteel (Newcastle) Pty Ltd (Liberty Steel) for a review of anti-dumping measures applying to rebar exported to Australia from China.

1.2 Legislative background

Division 5 of Part XVB of the *Customs Act 1901* (the Act)² sets out, among other things, the procedures to be followed by the Commissioner in dealing with an application for review of anti-dumping measures.

Division 5 empowers the Commissioner to reject or not reject an application for review of anti-dumping measures. If the Commissioner does not reject the application, he is required to publish a notice indicating that it is proposed to review the anti-dumping measures covered by the application.³

The Commissioner must, after conducting a review of the variable factors relevant to the taking of the anti-dumping measures, give the Minister a report recommending that:

- the dumping duty notice remain unaltered; or
- the dumping duty notice have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained.⁴

1.3 Findings

The Commissioner finds, in relation to exports of rebar to Australia from China during the period 1 April 2017 to 31 March 2018 (the current review period), that:

- the ascertained export price has changed;
- the ascertained normal value has changed; and
- as the non-injurious price (NIP) is not less than the normal value the Minister is not required to have regard to the "lesser duty rule".

¹ Refer to section 3.1 of this report for a full description of the goods.

² All legislative references in this SEF are to the *Customs Act 1901*, unless otherwise specified.

³ Subsection 269ZC(4).

⁴ Subsection 269ZDA(1).

1.4 Recommendations

The Commissioner recommends to the Minister that the notice in respect of the goods have effect, as if different variable factors had been ascertained, in relation to all exporters from China generally.

2 BACKGROUND

2.1 Application and initiation

On 8 March 2018, an application was lodged by Liberty Steel requesting a review of the anti-dumping measures as they apply to exports of rebar to Australia from China.

Liberty Steel claimed that certain variable factors relevant to the taking of the anti-dumping measures in relation to rebar exported to Australia from China had changed (within the period 1 January 2017 to 31 December 2017).

The Commission considered the application in accordance with sections 269ZB and 269ZC and was satisfied, on the basis of the information provided in the application and other relevant information, that:

- the application complies with section 269ZB; and
- there appear to be reasonable grounds for asserting that at least one of the variable factors relevant to the taking of the anti-dumping measures have changed.

On 3 April 2018, the Commissioner gave public notice in Anti-Dumping Notice (ADN) No. 2018/55 of his decision to initiate a review of anti-dumping measures with respect to rebar exported to Australia from China.⁵ The background relating to the initiation of this review is contained in Consideration Report No. 467 (CON 467).⁶

The current review period was set as 1 April 2017 to 31 March 2018.

2.1.1 Previous investigations

Since 2014, the Commission has conducted numerous investigations, reviews and inquiries relating to rebar. Full details can be found on the Commission’s electronic public record at www.adcommission.gov.au. The matters relevant to these reviews applications are summarised below.

1 July 2015	The Commission initiated Anti-Dumping Investigation No 300 (Investigation 300 or original investigation) into the alleged dumping of rebar exported to Australia from China following an application by OneSteel Manufacturing Pty Ltd.
16 April 2016	The then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (then Assistant Minister) published a dumping duty notice applying to rebar exported from China. Anti-Dumping Commission Report No. 300 (REP 300) refers. The dumping margin for Hunan Valin Xiangtan Iron & Steel Co., Ltd (Hunan Valin) was 15.2% and the dumping margin for Jiangsu Yonggang Group Co., Ltd (Yonggang) was 11.7%. The dumping margin for uncooperative and all other exporters was 30.0%
12 December 2016	Following a review of the then Assistant Minister’s decision by the Anti-Dumping Review Panel (ADRP), the then Assistant Minister revoked his previous decision and substituted a new decision in the same terms except with different normal values in respect of Hunan Valin and Yonggang,

⁵ Document 003, EPR 467.

⁶ Document 002, EPR 467.

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	resulting in a dumping margin of 12.3% for Hunan Valin and 11.5% for Yonggang.
19 May 2017	The Commission initiated single exporter reviews in relation to exports of the goods from China to Australia made by Jiangsu Shagang Group Co., Ltd (Shagang) (Review No. 411) and Hunan Valin (Review No. 412).
29 June 2017	The Commission initiated single exporter reviews in relation to exports of the goods from China to Australia made by Zenith Steel Group Co.,Ltd (Zenith) and Yonggang (Review No. 423). On 21 July 2017, Zenith withdrew its application for a review of measures.
20 April 2018	The then Assistant Minister amended the dumping duty notice applying to rebar exported to Australia from China by Hunan Valin, Shagang and Yonggang respectively resulting in dumping margins of 19.7% for Hunan Valin, 12.3% for Shagang and 6.1% for Yonggang. Anti-Dumping Commission Report 411, 412 and 423 (REP 411/412/423) refers. ⁷
2 October 2018	Following a review of the then Assistant Minister's decision by the ADRP, the Minister revoked the previous decision and substituted a new decision in the same terms except with different export prices for Hunan Valin, Shagang and Yonggang resulting in dumping margins of 11.8%, 3.6% and -3.3% respectively. ADRP Report No. 84 published on 5 October 2018 in relation to ADRP Review No. 2018/84 - steel reinforcing bar exported from China (ADRP Report No. 84) refers. ⁸

2.2 The current measures

The current anti-dumping measures applying to all exporters of rebar from China are combination measures i.e. a combination of fixed and variable duty.⁹

2.3 Review process

If anti-dumping measures have been taken in respect of certain goods, an affected party may consider it appropriate to review those anti-dumping measures as they affect a particular exporter of those goods or exporters of those goods generally. Accordingly, the affected party may apply for,¹⁰ or the Minister may request that the Commissioner conduct,¹¹ a review of those anti-dumping measures if one or more of the variable factors relevant to the taking of those measures has changed or the anti-dumping measures are no longer warranted.

The Minister may initiate a review at any time. However, a review application must not be lodged earlier than 12 months after publication of the notice imposing the original anti-dumping measures or the publication of a notice declaring the outcome of the last review of the notice imposing the original anti-dumping measures.¹²

⁷ ADN 2018/49, EPR 411,412,423.

⁸ Available on the ADRP website at <https://www.adreviewpanel.gov.au>

⁹ Per subsection 5(2) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

¹⁰ Subsection 269ZA(1).

¹¹ Subsection 269ZA(3).

¹² Subsection 269ZA(2)(a).

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If an application for a review of anti-dumping measures is received and not rejected, within 110 days of the initiation of a review, or such longer time as allowed, the Commissioner must place on the public record a Statement of Essential Facts (SEF) on which he proposes to base recommendations to the Minister concerning the review of the anti-dumping measures.¹³ The Commissioner has up to 155 days, or such longer time as allowed, to conduct a review and report to the Minister on the review of the anti-dumping measures.¹⁴

During the course of a review, the Commissioner will examine whether the variable factors have changed. Variable factors are a reference to:

- the ascertained export price;
- the ascertained normal value; and
- the NIP.

In making recommendations in his final report to the Minister, the Commissioner must have regard to:¹⁵

- the application for review of the anti-dumping measures;
- any submission relating generally to the review of the anti-dumping measures to which the Commissioner has had regard for the purpose of formulating the SEF;
- the SEF; and
- any submission made in response to the SEF that is received by the Commissioner within 20 days of it being placed on the public record.

The Commissioner may also have regard to any other matter the Commissioner considered to be relevant to the review.¹⁶

In his final report the Commissioner must make a recommendation to the Minister that the notice:

- remain unaltered; or
- have effect, in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained.¹⁷

The Minister must then make a declaration within 30 days of receiving the report or, if the Minister considers there are special circumstances that prevent the declaration being made within that period, such longer period as the Minister considers appropriate¹⁸ that the notice:

- remain unaltered; or

¹³ Subsection 269ZD(1).

¹⁴ Subsection 269ZDA(1).

¹⁵ Subsection 269ZDA(3)(a).

¹⁶ Subsection 269ZDA(3)(b).

¹⁷ Subsection 269ZDA(1)(a).

¹⁸ Subsection 269ZDB(1A).

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- has effect, in relation to a particular exporter or to exporters generally, as if different variable factors had been fixed relevant to the determination of duty.¹⁹

The Minister must give notice of the decision.²⁰

2.4 Statement of essential facts

On 22 October 2018, the Commissioner placed on the public record a SEF on which he proposed to base his recommendations to the Minister in relation to this review.²¹ The submission that was received in response to the SEF is available on the electronic public record on the Commission's website.²²

¹⁹ Subsection 269ZDB(1)(a).

²⁰ Subsection 269ZDB(1).

²¹ Document 006, EPR 467.

²² Document 007, EPR 467.

3 THE GOODS AND LIKE GOODS

3.1 The goods subject to the anti-dumping measures

The goods the subject of the review 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 covered by this application include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

Goods excluded from this application are plain round bar, stainless steel and reinforcing mesh.

3.2 Tariff classification

The goods are classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*. It should be noted that the statistical codes applying to these tariff classifications were modified subsequent to the initiation of the original investigation:

- 7214.20.00 (statistical code 47);
- 7228.30.90 (statistical code 40);
- 7213.10.00 (statistical code 42);
- 7227.90.10 (statistical code 69);
- 7227.90.90 (statistical code 01, 02 and 04);
- 7228.30.10 (statistical code 70); and
- 7228.60.10 (statistical code 72).

4 EXPORT PRICE AND NORMAL VALUE

4.1 Findings

The Commission has found, in respect of exports of rebar to Australia from China that:

- the ascertained export price has changed; and
- the ascertained normal value has changed.

4.2 Uncooperative dumping margins

On initiation of the review, the Commissioner published a notice under subsection 269ZC(4) being ADN 2018/55, and in accordance with subsection 269ZC(7), the notice invited interested parties to lodge with the Commissioner within 37 days after publication of the notice, submissions concerning the review. Exporter and importer questionnaires were published on the Commission's website.

The Commission undertook a search of the Australian Border Force (ABF) import database in order to identify exporters of rebar from China. A small volume of rebar was exported during the current review period (approximately 3000 metric tonnes in total), with one exporter accounting for approximately 91 percent of this volume. Exporters who had applied for a review of measures in Reviews 411, 412 and 423, including the exporter who had accounted for the largest volume of rebar exported from China during the current review period, were advised of the initiation of this review. The Government of China (GOC) was also advised of the initiation of this review.

The Commission received no submissions to the initiation of this review from any exporters of rebar from China to Australia. The Commissioner is satisfied that all exporters of rebar from China to Australia did not provide the Commissioner with information relevant to this review within a reasonable period of time. The Commissioner therefore considers all exporters of rebar from China as uncooperative exporters as defined by subsection 269T(1).

Subsection 269TACAB(1) sets out the provisions for calculating export prices and normal values for uncooperative exporters. Subsection 269TACAB(1)(d) specifies that for uncooperative exporters, export prices are to be calculated under subsection 269TAB(3). Subsection 269TACAB(1)(e) specifies that normal values are to be calculated under subsection 269TAC(6).

4.3 Export Price

In SEF 467 the Commissioner proposed that the best available information to determine an export price for all uncooperative exporters under subsection 269TAB(3) was the ascertained export prices determined by the Minister on 2 October 2018 in relation to Reviews 411, 412 and 423 following ADRP Report No.84.

4.3.1 Liberty Steel's submission

In its response to SEF 467, Liberty Steel submitted that:

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- the Commission was correct in recommending to the Minister that the export price be worked out under section 269TAB(3) and the normal value be worked out under section 269TAC(6);
- due to factual errors and oversights in the ADRP Panel member's reasoning in ADRP Report No.84, the lowest ascertained export price established in Reviews 411,412 and 423 less any upwards adjustment applied in ADRP Report No. 84 should be taken as the ascertained export price under section 269TAB(3) for the current review; and
- the low volume of exports makes the approach to calculating a relevant or reliable timing adjustment factor wholly uncertain. The decision to make this discretionary upward timing adjustment to the export price in fact rewards the identified exporters' decision to not cooperate with the Commission's inquiries and review. Liberty Steel opposes the making of the timing adjustment under subsection 269TAB(3).

4.3.2 Commissioner's consideration

The Commissioner does not accept Liberty Steel's submission that the Commission should use the lowest ascertained export price established in Reviews 411,412 and 423 less any upwards adjustment applied in ADRP Report No. 84 in order to determine an export price in the current review.

The Commissioner has determined an export price under subsection 269TAB(3) after having regard to all relevant information.

The Commissioner considers that the best available, reliable and relevant information to determine an export price for uncooperative exporters of rebar from China for the current review is the ascertained export prices as per the dumping duty notice currently applying to rebar exported to Australia from China, that is, as determined by the Minister on 2 October 2018 following ADRP Report No.84 in relation to Reviews 411,412 and 423.

The ascertained export price for uncooperative exporters in the current review is based on export prices determined for a prior review period (i.e. for Reviews 411,412 and 423). The application of a timing adjustment accounts for the movement in export prices between the prior review period, and the current review period, and ensures that the export price determined under subsection TAB(3) reflects contemporaneous prices. The timing adjustment is based on the movement in Free on Board (FOB) export prices for rebar exported from China as published by S&P Global Platts (Platts). The Commissioner considers that this information is recent and relevant, and is the best information available to the Commission on which to base a timing adjustment in this instance.

The Commission disagrees that the timing adjustment "rewards the identified exporters' decision to not cooperate". Applying a timing adjustment not only ensures that the export price as calculated for the purposes for the review reflects contemporary prices but also ensures that the variable component of the duty applied following this review reflects the movements in export prices.

The Commission's analysis of FOB export prices for rebar exported from China as published by Platts indicates that the average price of rebar exported from China for the current review period 1 April 2017 to 31 March 2018 is 32.3 percent higher than it was during the review period for Reviews 411, 412 and 423 i.e. 1 April 2016 to 31

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March 2017. The movement in FOB export prices for rebar exported from China during the period 1 April 2016 to 31 March 2018 is depicted in Figure 1 below.

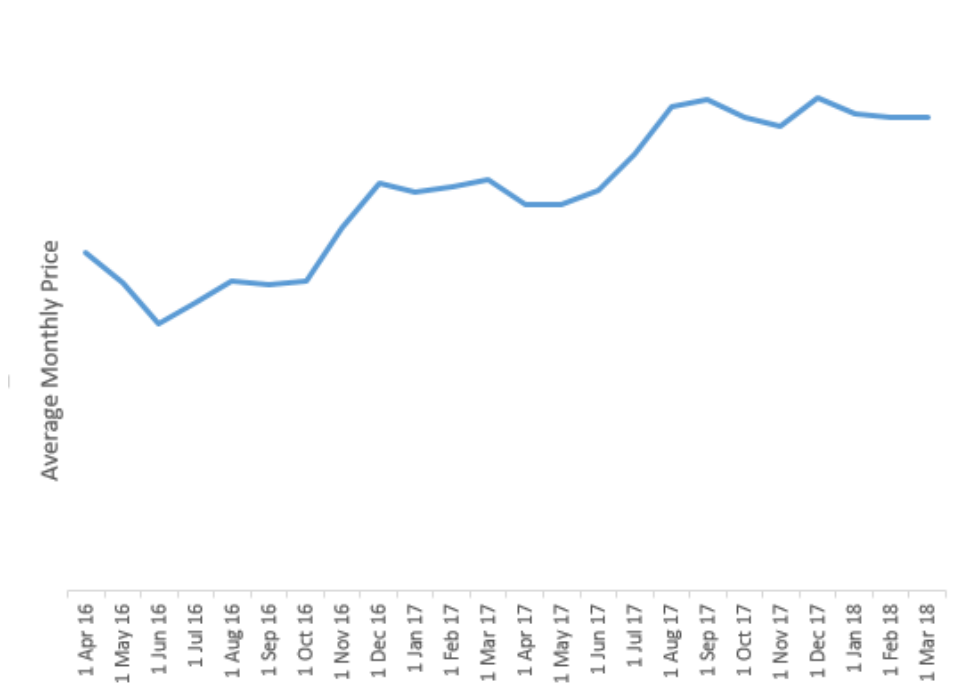


Figure 1: Rebar FOB export prices (RMB/t) - China

The Commission has therefore applied a timing adjustment by increasing the weighted average ascertained export prices determined by the Minister on 2 October 2018 (following ADRP Report No.84) by 32.3 percent to reflect the higher Chinese export prices for rebar during the current review period. Details of the export price calculations are at **Confidential Appendix 1**.

4.3.3 Normal Values

The Commissioner has determined a normal value under subsection 269TAC(6) after having regard to all relevant information.

Specifically, the Commissioner considers that the best available information to determine a normal value for uncooperative exporters of rebar from China is the normal values established by Reviews 411, 412 and 423, minus any favourable adjustments that were made at the time.

4.3.3.1 Timing adjustment

The Commissioner considers that a timing adjustment is required to the normal values determined in Reviews 411, 412 and 423 to reflect the Chinese domestic prices for rebar during the current review period.

In Investigation 300, the Commission took the view that the Latin American steel billet export prices at FOB level that is published by Platts, formed an independent and reliable basis for competitive market costs.²³

²³ Section 5.9, REP 300, Document 63, EPR 300.

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The Commission remains of the view that the Platts data is a reliable basis for establishing competitive market costs in China and has used FOB Latin American export prices of billet during the review period to determine a timing adjustment.

The Commission's analysis of Latin American FOB export prices for billet published by Platts indicates that the average billet price for the current review period 1 April 2017 to 31 March 2018 is 30.3 percent higher than it was during the review period for Reviews 411,412 and 423 i.e.1 April 2016 to 31 March 2017. The movement in Latin American FOB export prices for billet during the period 1 April 2016 and 31 March 2018 is depicted below at Figure 2.

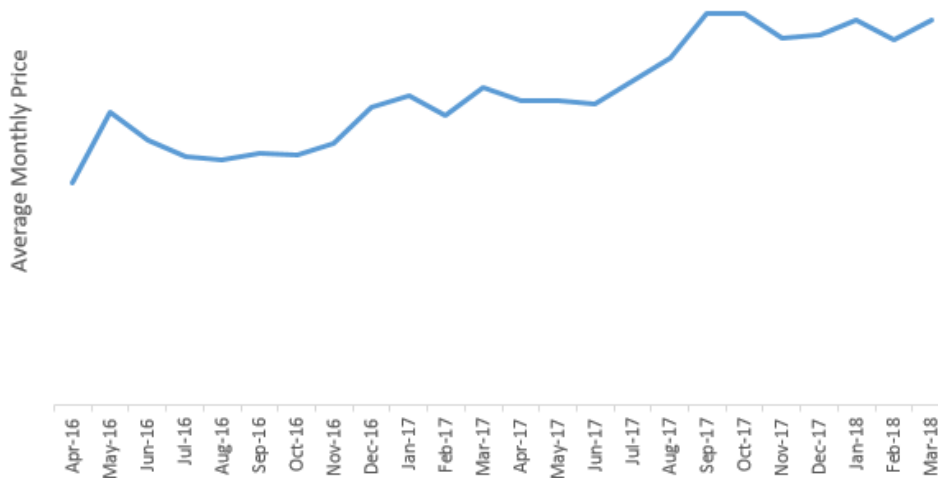


Figure 2: Billet prices – Latin American export FOB (RMB/t)

Accordingly, the Commission has adjusted the normal values determined during Reviews 411, 412 and 423 by increasing those values by 30.3 percent to reflect the higher billet prices during the current review period. Details of the normal value calculations are at **Confidential Appendix 1**.

4.3.4 Dumping Margins

The Commissioner has determined a dumping margin for all exporters of rebar from China to Australia by comparing the adjusted highest normal value established by Reviews 411, 412 and 423 with the adjusted lowest ascertained export price established by the Minister following ADRP Report No 84 in relation to Reviews 411, 412 and 423. The resultant dumping margin is **22.7%**. Details of the dumping margin calculation are at **Confidential Appendix 1**.

5 NON-INJURIOUS PRICE

5.1 Finding

The Commissioner has found that the NIP is not lower than the normal values of exported rebar from China. As the NIP is not less than the normal value of the goods, subsection 8(5B) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act) is not engaged and the Minister is not required to have mandatory consideration of the lesser duty rule.

5.2 Introduction

The NIP is defined in section 269TACA of the Act as “the minimum price necessary to prevent the injury, or a recurrence of the injury” caused by the dumped goods the subject of a dumping duty notice.

The calculation of the NIP is relevant for the purposes of the lesser duty rule under the Dumping Duty Act. The lesser duty rule requires the Minister to have regard to the desirability of specifying a lesser amount of duty than the full dumping margin where the imposition of that lesser amount is adequate to remove injury. The Minister must have regard to the desirability of fixing a lesser amount of duty if the NIP is less than the normal value of the goods.

However, pursuant to subsection 8(5BAA) of the Dumping Duty Act, the Minister is not required to have regard to the desirability of fixing a lesser amount of duty if she is satisfied that either or both of the following apply in relation to the goods the subject of the notice:

- a) the normal value of the goods was not ascertained under subsection 269TAC(1) because of the operation of subsection 269TAC(2)(a)(ii);
- b) there is an Australian industry in respect of like goods that consists of at least two small-medium enterprises, whether or not that industry consists of other enterprises.

5.3 The Commissioner’s approach to calculating a NIP

By operation of section 269T(4E), the NIP of the goods is a variable factor for the purposes of a review of measures under section 269ZA(1).

The Commission generally derives the NIP by first establishing a price at which the local industry might reasonably sell its product in a market unaffected by dumping. This is referred to as the unsuppressed selling price (USP).

Having calculated the USP, the Commission then calculates a NIP by deducting the costs incurred in getting the goods from the export FOB point (or another point if appropriate) to the relevant level of trade in Australia. The deductions normally include overseas freight, insurance, into-store costs and amounts for importer expenses and profit.

The Commission notes that in previous investigations into the dumping of rebar into Australia, the Commission established that Liberty Steel implements a market based pricing policy and that import offers from multiple sources (not just the lowest price

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offers) influence its prices.²⁴ The Commission took the view in Investigation 264 and Investigation 418, that in a market unaffected by dumping, it is reasonable to expect that Liberty Steel would be able to achieve as a minimum, selling prices that reflect undumped market parity pricing. Accordingly in REP 264 and REP 418, the Commission established the NIP as equal to the respective normal value for each exporter from the countries under investigation. As Liberty OneSteel claims that it continues to implement market based pricing,²⁵ consistent with these previous investigations, for the current review, the Commissioner considers that the NIP is equal to the respective normal values for each exporter of rebar from China. As the NIP is not less than the normal values for each exporter of rebar from China, the Minister is not required to have regard to the lesser duty rule.

²⁴ Section 8.5.1, Final Report 264 (Document 98, EPR 264); section 7.7, Final Report 300 (Document 63, EPR 300); section 9.5.1, Final Report 418 (Document 68, EPR 418).

²⁵ Document 001, EPR 495.

6 FINDINGS AND PROPOSED RECOMMENDATIONS

6.1 Findings

The Commissioner has found, in relation to exports of rebar to Australia from China that:

- the ascertained export price has changed;
- the ascertained normal value has changed; and
- as the NIP is not less than the normal value of exported rebar from China, the Minister is not required to consider the desirability of fixing a lesser rate of duty.

6.2 Retrospective declaration

In its submission to SEF 467, Liberty Steel stated that subsection 269ZDB(6) permits the Minister to make a declaration which has limited retrospective effect, enabling the Minister to “backdate” the declaration to the date of publication of the initiation notice under section 269ZC. It claimed that it observes the practise of exporters increasing their volume of exports to Australia, following the publication of an initiation notice but before a declaration is made under section 269ZDB in circumstances where there is an expectation of an increase in future duty liabilities. It submitted that following the end of the 37 day period for a response to an exporter questionnaire, exporters will have formed a view of the new variable factors and in effect have constructive notice of their future duty liability. Accordingly, as a matter of practice the Commission should recommend to the Minister that any new declaration made under subsection 269ZDB(1) should specify the date of which exporter questionnaires were due, as the date on which the declaration is taken to have had effect. Such a practice would ensure that the interests of the exporter and the interests of Australian industry are fairly balanced.

6.2.1 Commissioner’s consideration

There is no evidence of a sudden increase in imports of rebar from China since the initiation of this review. **Confidential Appendix 3** contains the Commission’s analysis of import volumes of rebar from China since initiation of this review.

The Commissioner recommends that the changes to the variable factors take effect from the date of publication of the notice specifying the changes. Such an approach balances the interests of Australian importers of rebar (in having some certainty regarding duty liabilities) and that of Australian industry producing like goods.

6.3 Proposed form of duty

The current anti-dumping measures are in the form of a combination duty, i.e. a combination of fixed and variable duty. The Commission considers that the combination duty method continues to be the most appropriate form of duty in the current circumstances.

A summary of the variable factors as they apply to all exporters from China is at **Confidential Appendix 2** – Summary of variable factors.

6.4 Recommendations

The Commissioner recommends that the Minister **declare** that:

- in accordance with subsection 269ZDB(1)(a)(iii), with effect from the day following publication of the notice declaring the outcome of the review, and for the purposes of the Act and the Dumping Duty Act, the dumping duty notice is taken to have effect in relation to all Chinese exporters of rebar, as if different variable factors as set out in **Confidential Appendix 2**, had been fixed relevant to the determination of duty.

The Commissioner recommends that the Minister **be satisfied** that:

- in accordance with subsection 269TAB(3), that sufficient information has not been furnished, and is not available, to enable the export price of rebar exported to Australia from China by the category of 'uncooperative and all other exporters' to be determined under subsection 269TAB(1);
- in accordance with subsection 269TAC(6), sufficient information has not been furnished or is not available to enable the normal value of rebar exported to Australia from China by the category of 'uncooperative and all other exporters' to be ascertained under the preceding subsections of 269TAC (other than subsection 269TAC(5D)); and

The Commissioner recommends that the Minister **determine** that:

- pursuant to subsection 269TAB(3), the export prices of rebar exported to Australia by all exporters from China, are as set out in **Confidential Appendix 2**, having regard to all relevant information; and
- pursuant to subsection 269TAC(6), normal values for all exporters of rebar from China, are as set out in **Confidential Appendix 2**, having regard to all relevant information.

APPENDICES

Confidential Appendix 1	Uncooperative rate – Analysis and export price, normal value and dumping margin calculations
Confidential Appendix 2	Summary of variable factors
Confidential Appendix 3	Analysis of import volumes of rebar from China