



Australian Government  
Department of Industry,  
Innovation and Science

Anti-Dumping  
Commission

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## **ANTI-DUMPING NOTICE NO. 2018/131\***

*Customs Act 1901 – Part XVB*

Application for an accelerated review of a dumping duty notice  
and a countervailing duty notice

Submitted by Shandong Iraeta Heavy Industry Stock Co., Ltd.

applying to certain grinding balls exported to Australia from the  
People's Republic of China.

20 August 2018

*\* This notice was renumbered on 3 September 2018 from 2018/132 to 2018/131 due to a clerical error.*

## Introduction

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain grinding balls (grinding balls, or the goods) exported to Australia from the People's Republic of China, in so far as they relate to a new exporter, Shandong Iraeta Heavy Industry Stock Co., Ltd. (the applicant).

The lodgement date of **30 July 2018** is the commencement date of the accelerated review.<sup>1</sup>

## The goods

The goods subject to anti-dumping measures (the goods), in the form of a dumping duty notice and a countervailing duty notice (the notices), are outlined in the table below.

|   |
|---|
| <b>Full description of the goods the subject of the application</b>   |
| Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22mm to 170mm (inclusive).  |
| <b>Further information</b>  |
| The goods covered include all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods regardless of the particular grade or alloy content.<br><br>Goods excluded include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.                              |
| <b>Tariff classification</b>  |
| The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the <i>Customs Tariff Act 1995</i> : <ul style="list-style-type: none"><li>• Tariff subheading 7325.91.00 stat code 26;</li><li>• Tariff subheading 7326.11.00 stat code 29; and</li><li>• Tariff subheading 7326.90.90 stat code 60.<sup>2</sup></li></ul> |

Further details on the goods and existing measures is available on the Dumping Commodity Register on the Anti-Dumping Commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

## Accelerated reviews

The legislative framework that underpins the making of, and my consideration of, an application for accelerated review of dumping duty and countervailing duty notices is contained in Divisions 1 and 6 of Part XVB of the *Customs Act 1901*.<sup>3</sup>

If I do not reject an application or terminate an accelerated review, pursuant to subsections 269ZG(1) and (2) I must, no later than 100 days after the application is lodged, provide the

<sup>1</sup> Subsection 269ZF(2) states that an application for accelerated review is taken to have been lodged when the application is first received by a Commission staff member doing duty in relation to applications for accelerated reviews. Subsection 269ZF(3) states that the day on which an application is taken to be lodged must be recorded on the application.

<sup>2</sup> The Australian Bureau of Statistics changed the statistical code from 59 to 60 on 1 January 2017. For further information see Department of Immigration and Border Protection Notice 2016/43 (<https://www.homeaffairs.gov.au/Customsnotices/Documents/2016-43.pdf>).

<sup>3</sup> Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901*.

Assistant Minister for Science, Jobs and Innovation (Assistant Minister)<sup>4</sup> a report recommending:

- (a) that the dumping duty notice and countervailing duty notice the subject of the application remain unaltered; or
- (b) that the dumping duty notice and countervailing duty notice the subject of the application be altered so as to apply to the applicant as if different variable factors had been fixed;

and set out my reasons for so recommending.

In relation to this application, this recommendation must be made no later than **7 November 2018**.

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of transparency, a public record will be maintained. This notice, along with a non-confidential version of the application, response to the exporter questionnaire and any non-confidential submissions that are received, will be published on the public record, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## Submissions

Written submissions concerning this accelerated review must be lodged by **19 September 2018** via email to [Investigations3@adcommission.gov.au](mailto:Investigations3@adcommission.gov.au).

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 me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "**FOR OFFICIAL USE ONLY**" on each page. A non-confidential version, or a summary, of the submission must also be lodged, clearly marked "**PUBLIC RECORD**" on each page.

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<sup>4</sup> On 20 December 2017, the Prime Minister appointed the Parliamentary Secretary to the Minister for Jobs and Innovation as the Assistant Minister for Science, Jobs and Innovation.

## Circumstances in which an accelerated review may be sought

Section 269ZE sets out the circumstances in which an accelerated review may be sought. If the circumstances of subsection 269ZE(2) are met, I may reject the application.

| Requirement   | Finding   |
|---|---|
| <p>Applicant meets the definition of new exporter<sup>5</sup> (subsection 269ZE(1))</p> <p>To fall within the definition of a new exporter, the period within which the applicant must not have exported the goods to Australia is <b>1 October 2014 to 30 September 2015</b> (the investigation period for the original investigation).</p>  | <p>There is no evidence of exports by the applicant during the investigation period for the original investigation (Investigation No. 316). A search of the Department of Home Affairs import database did not reveal the applicant as a supplier of the goods during this period.</p> <p>The applicant further claimed in the application that the grinding ball department of their company was established in October 2015, which was after the investigation period for the original investigation.</p> <p>Accordingly, I consider that the applicant should be considered a new exporter for the purposes of the accelerated review.</p> |
| <p>Declaration has not already been made in respect of the applicant under subsection 269ZG(3)(b) (subsection 269ZE(1))</p>   | <p>No such declaration has been made.</p>   |
| <p>The applicant did not refuse to co-operate, in relation to the application for publication of the notices (subsection 269ZE(2)(a))</p>   | <p>There is no evidence of exports by the applicant during the investigation period for the original investigation and, therefore, cooperation was not sought from the applicant during the original investigation as the applicant would not have been identified as an exporter during the investigation period. Accordingly, the applicant did not refuse to cooperate with the original investigation.</p>  |
| <p>The applicant is not related to an exporter whose exports were examined in relation to the application for publication of the notices (subsection 269ZE(2)(b))</p> <p><i>Subsection 269ZE(4) provides that, for the purposes of section 269ZE, an exporter is taken to be related to another exporter if the two exporters are associates of one another under subsection 269TAA(4).</i></p> | <p>The Commission examined publicly available company information and reviewed information from the original investigation to ascertain the existence of any relationship or connection between the applicant and an exporter whose exports were examined during the original investigation.</p> <p>The Commission found no evidence to suggest that the applicant was related to an exporter whose exports were examined during the original investigation.</p>  |

For the reasons set out above, I consider that the application complies with subsection 269ZE(1). As there are presently no grounds to reject the application under subsection 269ZE(2), I have not rejected it.

<sup>5</sup> A new exporter is defined in subsection 269T(1) as, in relation to the goods the subject of the application for a dumping or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application. Subsection 269T(1) also defines 'application' in relation to a dumping duty notice or a countervailing duty notice as meaning an application for the publication of such a notice.

## Application for accelerated review – compliance with section 269ZF

Subsection 269ZF(1) requires that an application for accelerated review must:

- be in writing and be lodged in a manner approved under section 269SMS (subsection 269ZF(1));
- contain a description of the goods to which the dumping duty notice and the countervailing duty notice relates (subsection 269ZF(1)(a)); and
- contain a statement of the basis on which the exporter considers that the particular notice is inappropriate so far as the exporter is concerned (subsection 269ZF(1)(b)).

| Requirement   | Finding  |
|---|--|
| Lodged with the Commissioner in writing and in a manner approved under section 269SMS   | The application was in writing and lodged in a manner approved in an instrument made under section 269SMS, being by email to the Commission's nominated email address.   |
| Contains a description of the goods to which the dumping duty notice and countervailing duty notice relate  | The application contained a description of the goods to which the notices relate.  |
| Contains a statement of the basis on which the applicant considers that the particular notice is inappropriate in so far as the exporter is concerned | <p>The applicant claims that the notices are inappropriate as it did not export the goods during the original investigation period which established the current measures. The applicant also claims that its relevant domestic steel billet prices and the status of its steel billet suppliers may be different to those during the original investigation period.</p> <p>The Commission further examined relevant benchmark steel billet prices. The Commission found that the changes in the steel billet prices subsequent to those examined in the original investigation appear consistent with the claims made by the applicant.</p> |

Based on the information submitted by the applicant, I consider that the application complies with subsection 269ZF(1).

### Conclusion

I am satisfied that, on the basis of currently available information in the application:

- the circumstances in which an accelerated review can be sought under subsection 269ZE(1) have been satisfied;
- the conditions for rejection under subsection 269ZE(2) are not satisfied; and
- the application satisfies the requirements of section 269ZF.

In view of the above, I have decided that the application should not be rejected. My decision has been made on the basis of all currently available information. If, during the accelerated review, evidence becomes available that satisfies me that the requirements of either subsection 269ZE(2) or subsection 269ZE(3) are met, I may reject the application or terminate the accelerated review.

The review period for the accelerated review is set as **1 July 2017 to 30 June 2018**.

## Securities

When an application for an accelerated review of a dumping duty notice or countervailing duty notice is lodged, subsection 269ZH(a) provides that no interim duty can be collected from the applicant in respect of consignments of goods, to which the application relates, entered for home consumption after the application is lodged and until the completion of the review.

However, pursuant to subsection 269ZH(b), the Commonwealth may require and take securities under section 42 in respect of interim dumping duty and interim countervailing duty that may be payable on importation of the goods to which the application relates.

I declare that the Commonwealth will require and take securities, as shown in the confidential table at **Confidential Attachment 2**, under section 42 from **30 July 2018** in respect of interim dumping duty and interim countervailing duty that may be payable on the importation of the goods to which the application under subsection 269ZE(1) relates.

The interim dumping duty that has been determined is an amount that has been worked out in accordance with the combination fixed and variable duty method pursuant to subsection 5(2) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

The interim countervailing duty that has been determined is an amount that has been ascertained as a proportion of the export price of the goods pursuant to subsection 10(3B)(a) of the *Customs Tariff (Anti-Dumping) Act 1975*.

## Contact

Enquiries about this notice may be directed to the Case Manager by email to [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au), or telephone number +61 3 8539 2520.

Dale Seymour

Commissioner of the Anti-Dumping Commission

20<sup>th</sup> day of August 2018

## Appendices and attachments

|                                  |  |
|----------------------------------|--|
| <b>Confidential Attachment 1</b> | Department of Home Affairs Import Data   |
| <b>Confidential Attachment 2</b> | Confidential Table 1 – Ascertained variable factors and rates of duty for the collection of securities |
| <b>Confidential Attachment 3</b> | Platts Steel Billet Prices   |