



Australian Government
Department of Industry,
Innovation and Science

**Anti-Dumping
Commission**

Supplementary Exporter Questionnaire



Case number: 495

Product: Steel reinforcing bar

From: Republic of Turkey

Investigation period: 1 October 2017 to 30 September 2018

Response due by: Wednesday, 15 January 2020

Case manager: Tim King

Phone: + 61 3 8593 2447

Return completed questionnaire to: investigations3@adcommission.gov.au

Anti-Dumping Commission website: www.adcommission.gov.au

TABLE OF CONTENTS

TABLE OF CONTENTS	2
BACKGROUND AND GENERAL INSTRUCTIONS.....	3
QUESTIONS.....	6
EXPORTER'S DECLARATION.....	8

BACKGROUND AND GENERAL INSTRUCTIONS

Background

On 20 June 2019, the Commissioner terminated the investigation into the alleged dumping and subsidisation of steel reinforcing bar exported to Australia from Turkey (Investigation 495). Further details of the reasons for the termination decisions can be found in Anti-Dumping Notice (ADN) No. 2019/80 and Anti-Dumping Commission Termination Report No. 495¹.

The applicant for the investigation, InfraBuild (Newcastle) Pty Ltd (formerly, Liberty OneSteel (Newcastle) Pty Ltd) (the applicant), subsequently lodged an application with the Anti-Dumping Review Panel (ADRP) for a review of the Commissioner's termination decisions. Subsection 269ZZN(b) of the *Customs Act 1901* (the Act) provides that the ADRP is able to review the Commissioner's decision, and subsection 269ZZT(1) of the Act indicates that the ADRP may either affirm or revoke a termination decision.

On 27 September 2019, the ADRP revoked the Commissioner's termination decisions. The ADRP's reasons for revoking the termination decisions are available at www.industry.gov.au.

Subsection 269ZZT(2) of the Act states that, as soon as practicable after the reviewable decision has been revoked, the Commissioner must publish a SEF². Following the publication of the SEF, the investigation resumes. Interested parties will then have 20 days within which to make submissions in response to the SEF, and the Commissioner will then provide a report to the Minister for Industry, Science, and Technology with recommendations on whether to publish a dumping duty and/or countervailing duty notice (unless the resumed investigation is terminated earlier).

The date of the publication of the SEF will depend on the outcome of the Anti-Dumping Commission's (Commission's) consideration of the ADRP's report and the Commission's consideration of what further work is necessary to address the issues identified by the ADRP.

Purpose of this questionnaire

The purpose of this questionnaire is to assist the Commission to obtain further information it considers necessary.

New submissions have been received from the applicant after the ADRP revoked the termination decision,. Public record versions of these submissions are available on the electronic public record (EPR) for this investigation. This questionnaire, in part, seeks further information to enable the Commission to consider the matters raised by the applicant.

In addition to responding to this questionnaire, interested parties may wish to also respond to the submissions made by the applicant by way of separate submission.

Response to this questionnaire

You may elect not to respond to this questionnaire. However, if you do not respond the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry).

¹ Available via www.adcommission.gov.au.

² The SEF will be published on the electronic public record for Case No. 495 available via www.adcommission.gov.au.

FOR PUBLIC RECORD

If you elect to respond to this questionnaire, the response is due by **15 January 2020**.

Should you choose to provide a response to this questionnaire, please note the following.

Confidential and non-confidential versions of response to questionnaire

You are required to lodge a “for official use only” and a “public record” version of your submission by the due date.

In submitting these versions, please ensure that each page of the information you provide is clearly marked either “**FOR OFFICIAL USE ONLY**” or “**PUBLIC RECORD**” in the header and footer.

All information provided to the Commission “for official use only” will be treated confidentially. The public record version of your submission will be placed on the public record, which all interested parties can access.

Your non-confidential (public) submission must contain sufficient detail to allow a reasonable understanding of the substance of the “for official use only” version. If, for some reason, you cannot provide a non-confidential summary, contact the case manager (see contact details on the first page of this questionnaire).

Declaration

You are required to make a declaration that the information contained in the response is complete and correct. You must return the signed declaration of an authorised company official at the end of this questionnaire with the response.

Responses to questions

Responses to questions should:

- be as accurate and complete as possible, and attach all relevant supporting documents, even where not specifically requested in this questionnaire;
- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations; and
- show any amounts in the currency in which they were originally denominated.

Please note that answers such as “Not Applicable” or an answer that only refers to an exhibit or an attachment may not be considered by the Commission to be adequate. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, rather than merely pointing to supporting documents of varying degrees of relevance and reliability as your answer.

Previous responses

The Commission recognises that, in previous responses to questionnaires, you have provided numerous responses to questions and that you may have provided further information in response to matters arising from the verification of your exporter questionnaire response. In drafting this

FOR PUBLIC RECORD

questionnaire, the Commission has sought to ensure that it is not duplicating a request for documents or information that may have been previously provided.

However, where responses to specific questions and/or requested documents have previously been provided, and your response or supporting documents are unaltered and remain current, you may refer to previous responses provided to the Commission. Please clearly identify where documents previously provided have been replaced with updated documents.

If you choose to reference previous questionnaire responses or evidence provided, please ensure these references are clear and consistent throughout.

Lodgement

Lodgement by email is preferred. The email address for lodgement is shown on the front cover of this questionnaire. If you lodge by email, you are still required to provide a “for official use only” and “public record” version of your submission by the due date.

You may also lodge your response by mailing it to the address shown on the front cover of this questionnaire. For questions requiring a response in a Microsoft Excel spreadsheet that cannot be emailed, please provide those spreadsheets on a CD-ROM or on a USB device.

Future questions and verification

Please note that after receiving the response to this questionnaire, the Commission may seek additional information from your company or seek to verify the information provided.

QUESTIONS

1. Reference is made to the applicant's submission dated 6 December 2019³ and the applicant's comments in relation to the findings made by the investigating authority of the Trade Practices Section of the Malaysian Ministry of International Trade and Industry. In a Preliminary Determination Report published on 5 September 2019 (copy attached) by the Malaysian investigating authority, the following statement was made in relation to determining the normal value for Çolakoglu:

"the IA selected sales to all customers based on the same product codes sold to Malaysia during the POI" (emphasis added)⁴

Can you please provide the following information in relation to this finding made by the Malaysian investigating authority:

- a. outline in detail the methodology utilised by the Malaysian investigating authority in matching export product codes to domestic product codes;

Çolakoğlu notes that the Malaysian Ministry of International Trade and Industry ("MITI") calculated dumping margin based on a broad like goods identification and product matching method, based on the HS codes. That is, the MITI identified Çolakoğlu's domestic sales of reinforcing bar during the investigation period fell under HS codes 7214200011, 7214200012, 7214200013 and 7214200014, whilst Çolakoğlu's exports to Malaysia during the investigation period fell under HS codes 7214200012, 7214200013 and 7214200014. Accordingly, in the dumping margin calculation, MITI simply excluded domestic sales under HS code 7214200011 and calculated one single weighted average normal value based Çolakoğlu's domestic sales under HS codes 7214200012, 7214200013 and 7214200014, and compared this weighted average normal value to the single weighted average export price of Colakoglu's exports of the goods under investigation to Malaysia during the investigation period.

This approach is different to the Commission's adoption of the detailed MCC structure to perform model matching. Çolakoğlu's own product codes (as identified in Çolakoğlu's response to the Commission's Exporter Questionnaire at C-3) were only used to identify the total "universe" of the goods under consideration and the relevant domestic sales, and to determine which sales fell under the relevant HS codes.

- b. specify the domestic product codes and the export product codes used to match sales for establishing the normal value; and

As explained above, the MITI used HS code as the basis for matching domestic products with the exported goods.

³ EPR document number 40

⁴ See page 20 of the Malaysian Preliminary Report

FOR PUBLIC RECORD

- c. specify the relevant grades of those export and domestic sales product codes used to establish the normal value and the export value.

As explained above, the MITI used HS code as the basis for matching domestic products with the exported goods, without any consideration as to grades.

EXPORTER'S DECLARATION

I hereby declare that olakoglu Metalurji A.S. have completed the attached questionnaire and, having made due inquiry, certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

Name: Oğuz Kaan Meriçelli

Signature:



Position in company: Customs Control Manager

Date: 15.01.2020