



Anti-Dumping Commission
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Australia

Mr Hidenori Kusanagi
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JAPAN

via email: hidenori-kusanagi@jfe-bs.co.jp

Dear Mr Kusanagi

I refer to the response by JFE Bars & Shapes Corporation (JFE) to the exporter questionnaire received by the Anti-Dumping Commission (the Commission) on 8 February 2019 as well as its responses to the two (2) associated deficiency advice letters on 22 February 2019 and 7 March 2019 respectively in relation to Review 499. The Commission has completed an assessment to determine whether the responses to the exporter questionnaire and the deficiency advice letters are sufficient.

I note the following:

- JFE has provided a response to the exporter questionnaire within the legislated period.
- The Commission identified deficiencies in JFE's responses to the exporter questionnaire as detailed in the first deficiency advice dated 15 February 2019. The Commission requested that these deficiencies be addressed by 22 February 2019.
- On 22 February 2019, the Commission received JFE's response to the first deficiency advice and considered that the deficiencies had not been adequately addressed.
- The Commission provided JFE with a second deficiency advice dated 27 February 2019. This advice gave JFE another opportunity to rectify the deficiencies by 7 March 2019. This letter clearly stated that no further extension of time would be granted to JFE should a sufficient response to the deficiencies not be provided.
- On 7 March 2019, the Commission received JFE's response to the second deficiency advice, noting that a significant portion of the deficiencies had not been adequately addressed.

Pursuant to subsection 6(b) of the *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction), JFE's response contains deficiencies

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that could not, in my view, be quickly and easily rectified in a further response. These deficiencies are identified at Attachment A.

In this instance, I consider that:

- the nature and scope of the deficiencies are extensive. The information provided in the response to the exporter questionnaire is not complete, relevant and accurate such that it is capable of verification. As a result, the Commission is unable to reliably determine an individual dumping and subsidy margin for JFE based on the information it has provided; and
- based on JFE's response to date, further time to provide a supplementary response would significantly impede the proper conduct of this case in a timely and efficient manner.

On the basis of the above, for the purposes of Review of Measures No. 499, JFE will be considered an uncooperative exporter pursuant to subsection 269T(1) of the Act and I will rely on all other relevant information available in making recommendations and findings in relation to JFE.

If you would like to discuss any of the matters raised in this letter, please contact the case manager via email at invesgations2@adcommission.gov.au

Yours sincerely

Dale Seymour
Commissioner
Anti-Dumping Commission

25 March 2019