



ANTI-DUMPING NOTICE NO. 2019/109

Customs Act 1901
Customs (Preliminary Affirmative Determinations) Direction 2015

Hot dip galvanised steel angle

Exported to Australia
from the People's Republic of China

Investigation No. 516 into Alleged Dumping

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, Commissioner of the Anti-Dumping Commission (Commissioner), have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on **23 August 2019**, being at least 60 days after the initiation of the investigation into the alleged dumping of hot dip galvanised steel angle (the goods) exported to Australia from the People's Republic of China.¹

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).

Background

On 24 June 2019, I initiated an investigation into the alleged dumping of the goods following an application by Galintel Pty Ltd (Galintel), under section 269TB. Further details can be found in the public notice published on 24 June 2019, (refer to Anti-Dumping Notice No. 2019/079 available at www.adcommission.gov.au).

Under subsection 269TD(1), I may make a PAD at any time but 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
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

¹ All legislative references in this document are to the *Customs Act 1901* (Cth) unless otherwise specified.

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 for publishing a Status Report

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:

- Galintel's application;
- an on-site visit to Galintel;
- submissions from interested parties in response to the initiation of the investigation;
- responses to importer questionnaires;
- an on-site visit to Vincent Buda;
- an on-site visit to Vespol;
- responses to exporter questionnaires.

Please refer to the case's EPR at www.adcommission.gov.au for a public record of these documents.²

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 at this stage of the investigation 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) is conducting its preliminary consideration that the goods were dumped in Australia. The Commission is continuing its verification and analysis of the questionnaires provided by the major exporters that would assist in determining whether the goods were dumped, and calculating preliminary dumping margins.

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; and
- that dumped goods are causing material injury to the Australian industry.

Furthermore, the Commission is yet to fully complete its preliminary consideration of whether a market situation exists due to Government influence, materially distorting competitive conditions.

Whilst the Commission has begun assessing the questionnaire responses provided by the exporters, at the time of making this report, further analysis is required to adequately consider whether the goods have been exported to Australia at dumped prices or affected by specific market conditions.

² Non-confidential records of the on-site visits to Galintel, Vespol and Vincent Buda will be placed on the public record once available. Importer questionnaire responses are confidential and there is no public record version for the EPR.

Other considerations

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

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b), 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 appear to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and any material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

In accordance with the Direction, after publishing a Status Report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF). The SEF is required to be published under section 269TDAA within 110 days after the date of initiation or such longer period as allowed under section 269ZHI. The SEF is currently due to be published on 12 October 2019.³ Prior to the publication or in the SEF, I will advise whether or not a PAD has been made and the reasons for that decision.

Anti-Dumping Commission contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2451 or email at investigations2@adcommission.com.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

23 August 2019

³ As this day is a Saturday, the SEF is due to be published on the next business day, being 14 October 2019.