



ANTI-DUMPING NOTICE NO. 2019/96

CERTAIN GRINDING BALLS EXPORTED TO AUSTRALIA FROM THE PEOPLE'S REPUBLIC OF CHINA

Initiation of a review of Anti-Dumping Measures

Notice under subsection 269ZC(4) of the Customs Act 1901¹

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated a review of the anti-dumping measures applying to certain grinding balls exported to Australia from the People's Republic of China (China). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures, as they affect exporters of the goods from China, have changed.

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)², are outlined in the table below.

Full description of the goods the subject of the application
Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22 mm to 170 mm (inclusive).
Further information
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. Goods excluded include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.
Tariff classification
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">• 7325.91.00 statistical code 26;• 7326.11.00 statistical code 29; and• 7326.90.90 statistical code 60.³

¹ Unless otherwise indicated, all legislative references are to the *Customs Act 1901*.

² Anti-Dumping Notice Nos. 2016/90 and 2016/91.

³ 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>).

Further details on the goods and existing measures is available on the Dumping Commodity Register on the Anti-Dumping Commission (Commission) website (www.adcommission.gov.au).

Background to the measures

The anti-dumping measures were initially imposed by public notice on 10 September 2016 following consideration of *Anti-Dumping Commission Report No. 316* (Anti-Dumping Notice (ADN) Nos. 2016/90 and 2016/91 refer).

The current review

On 28 June 2019, an application was lodged by Commonwealth Steel Company Pty Ltd trading as Molycop (Molycop) under subsection 269ZA(1) for a review of the anti-dumping measures in relation to the goods exported to Australia by all exporters from China. Particulars of the reasons for the decision to undertake this inquiry are shown in *Anti-Dumping Commission Consideration Report No. 520*, which has been placed on the public record.

The review period is 1 July 2018 to 30 June 2019, being the 12 months ending with the most recently completed financial quarter immediately preceding the receipt of the application. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Minister for Industry, Science and Technology (the Minister) that the dumping duty notice and / or the countervailing duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

Application to extend review to include revocation

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures described in the notice are no longer warranted, that party may lodge an application no later than **28 August 2019** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.⁴

Proposed model control code structure

On 9 August 2018, the Commission advised in ADN No. 2018/128 that a model control code (MCC) structure would be implemented in new investigations, reviews of exporters generally or continuations for cases initiated after this date.⁵ As noted in that ADN, in developing the MCC structure the Commission will have regard to differences in physical characteristics that give rise to distinguishable and material differences in price.

The Commission's **proposed** MCC structure is as follows:

⁴ In accordance with section 269ZCB.

⁵ Full guidance regarding the Commission's application of an MCC structure is provided in ADN No. 2018/128 on the Commission website, www.adcommission.gov.au.

Item	Category	Sub-category	Identifier	Sales Data	Cost data	Key category
1	Production method	Cast	C	Mandatory	Mandatory	Yes
		Forged	F			
2	Diameter	Diameter in mm	### ⁶	Mandatory	Mandatory	No
3	Product code	Internal grade/model	### ⁷	Mandatory	Optional	No

All exporters will also be requested to provide information concerning the relevant standard and grade.

The Commission welcomes submissions with respect to the proposed MCC structure. Submissions should be made as soon as is practicable, but no later than **28 August 2019**, being the day submissions concerning this review are due. Interested parties are also encouraged to make submissions on whether the proposed MCC structure should be accepted by the Commission in their particular circumstances. All submissions with respect to the proposed MCC structure will be considered by the Commission and reported in verification reports or in the Statement of Essential Facts (SEF).

Future Reviews

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties. Documents included in the public record may be examined at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1), are invited to lodge written submissions concerning this review by no later than the close of business on **28 August 2019**, addressed to:

The Director, Investigations 1
GPO Box 2013
CANBERRA ACT 2601

or email investigations1@adcommission.gov.au or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a

⁶ Use a separate identifier for each diameter, e.g. 25 mm, 30 mm, 35 mm etc. The Commission may group certain categories of diameter in formulating a final MCC.

⁷ The 'product code' category, if applicable, refers to the company's internal identifier for the model, grade or type of the goods, differentiated by the chemical composition of the grinding ball.

submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested 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". Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. A SEF will be placed on the public record by **9 November 2019**⁸, or by such later date as allowed in accordance with section 269ZHI.⁹ The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before **24 December 2019** (or such later date as allowed).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2408 or email investigations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

22 July 2019

⁸ As this date is a Saturday, the SEF will be published on the next business day (11 November 2019).

⁹ On 14 January 2017, certain powers and functions of the Minister under section 269ZHI were delegated to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.