



---

# ANTI-DUMPING NOTICE NO. 2020/079

*Customs Act 1901*

***Customs (Preliminary Affirmative Determinations) Direction 2015***

## **Painted steel strapping**

**Exported to Australia from the People's Republic of China and  
the Socialist Republic of Vietnam**

**Investigation No. 553 into Alleged Dumping and Subsidisation  
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 section 269TD(1) of the *Customs Act 1901* (the Act) on 27 July 2020, being 60 days after the initiation of the investigation into the alleged dumping and subsidisation of painted steel strapping (the goods) exported to Australia from the People's Republic of China (China) and the Socialist Republic of Vietnam (Vietnam).<sup>1</sup>

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, at any time from day 60 onwards during the investigation, I may make a PAD if I am satisfied of the requirements set out in section 269TD(1) of the Act.

### **Background**

On 27 May 2020, I initiated an investigation into the alleged dumping and subsidisation of painted steel strapping following an application by Signode Packaging Group Australia Pty Ltd (Signode) under section 269TB of the Act. Further details can be found in the public notice published on 31 May 2020 (refer to *Anti-Dumping Notice No. 2020/050* at [www.adcommission.gov.au](http://www.adcommission.gov.au)).

---

<sup>1</sup> Day 60 of the investigation is 26 July 2020, however as this falls on a Sunday, the earliest day a PAD can be made is the next business day, 27 July 2020.

Under section 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation under Part XVB in relation to the publication of a dumping duty or countervailing duty notice, if I am satisfied that:

- there appears 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.

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 publish a Status Report outlining the reasons why I have not made a PAD.

## **Reasons**

### *Information considered*

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2) of the Act, had regard to:

- Signode's application;
- submissions received in response to the initiation of the investigation; and
- any other matters considered relevant to this investigation.

The verification of information received from the applicant, participating foreign governments, importers and exporters has been delayed by circumstances arising from the COVID-19 pandemic.

### *Reasons for not making a PAD*

The Commission is currently examining various issues in the investigation, including:

- the alleged presence of a particular market situation in China and Vietnam such that sales in those markets are not suitable for use in determining normal value;
- appropriate adjustments required to determine normal value;<sup>2</sup> and
- the level (if any) of countervailable subsidies received by Chinese exporters.<sup>3</sup>

These issues are critical to determining whether the goods are dumped and subsidised and therefore whether there are sufficient grounds for the publication of a dumping duty notice and/or a countervailing duty notice.

Based on the above, at the time of making this report, I am unable to establish that there appear to be sufficient grounds to establish that:

---

<sup>2</sup> Chapter 3.4.3 of *Consideration Report No. 553* (CON 553) available on the Electronic Public Record at [www.adcommission.gov.au](http://www.adcommission.gov.au).

<sup>3</sup> Chapter 4.4.2 of CON 553.

- the goods exported to Australia have been dumped or subsidised (above negligible levels in accordance with section 269TDA); or
- the Australian industry producing like goods has experienced material injury.

## **Other considerations**

### *Relevant matters – section 269TD(2)(b)*

In accordance with the Direction and for the purposes of section 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided relief is not warranted at this particular time, because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped and/or subsidised, or to establish a causal link between the dumped and/or subsidised goods and material injury, for the reasons outlined above. However, I will continue to assess the need for a PAD and make one as soon as there appears to be sufficient grounds to do so based on the evidence available to me.

### *Reconsideration of making a PAD – section 269TDAA*

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 14 September 2020. Prior to the publication of the SEF, or in the SEF itself, I will advise whether a PAD is warranted subsequent to this report and the reasons for my decision.

## **Anti-Dumping Commission Contact**

Enquiries about this report may be directed to the case manager at:  
[investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au)

Dale Seymour  
Commissioner  
Anti-Dumping Commission

27 July 2020