



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2020/080

Rod in coil

Exported from the People's Republic of China

Initiation of a Review of Anti-Dumping Measures No. 564

Notice under section 269ZC(4) of the Customs Act 1901

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

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

Hot-rolled rods in coils of steel, whether or not containing alloys, that have maximum cross sections that are less than 14mm.

The goods covered include all steel rods meeting the above description regardless of the particular grade or alloy content.

Goods excluded from the measures are:

Hot-rolled deformed steel reinforcing bar in coil form, commonly identified as rebar or debar, and stainless steel in coils.

The goods are generally, but not exclusively, classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*.¹

Tariff Subheading	Statistical Code	Description
7213		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF IRON OR NON-ALLOY STEEL
7213.91		Other
7213.91.00	44	Of circular cross-section measuring less than 14 mm in diameter
7227		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF OTHER ALLOY STEEL
7227.90		Other
7227.90.90	02	<i>Of circular cross-section measuring less than 14 mm in diameter</i>

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for reference only and do not form part of the goods description.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 22 April 2016 by the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Assistant Minister) following consideration of *Anti-Dumping Commission Report No. 301* (REP 301). These measures are applicable to all exporters from China.

The Anti-Dumping Commission (the Commission) is concurrently conducting a continuation inquiry in relation to the goods. The continuation inquiry was initiated on 27 July 2020 (Anti-Dumping Notice 2020/077). The anti-dumping measures are due to expire on 22 April 2021.

The current review

An application was lodged by InfraBuild (Newcastle) Pty Ltd (InfraBuild) under section 269ZA(1) of the *Customs Act 1901* (the Act) for a review of dumping duty notices in relation to the goods exported to Australia from China.

Particulars of the reasons for the decision to undertake this inquiry are shown in *Anti-Dumping Commission Consideration Report No. 564*, which has been placed on the public record.

The review period is 1 July 2019 to 30 June 2020 and covers all exporters of the goods from China. 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 that the dumping duty notice:

- i. remain unaltered; or

¹ Tariff classification 7227.90.90 (statistical code 42) was replaced by 7227.90.90 (statistical code 02) from 1 July 2015.

- ii. have effect as if different variable factors had been ascertained.

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 are no longer warranted, that party may lodge an application² no later than **2 September 2020** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Future Reviews

Under section 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.

Proposed Model Control Code structure

On 9 August 2018, the Commission advised in Anti-Dumping Notice 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.³

The table below outlines the Commission’s proposed MCC structure for this review.

Item	Category	Sub-category	Identifier	Sales data	Costs data
1	Prime	Prime	P	Mandatory	N/A
		Non-prime	N		
2	Alloy ⁴	Alloy	A	Mandatory	Mandatory
		Non-alloy	N		

Proposals to modify the proposed MCC structure outlined above should be raised as soon as is practicable, but no later than **2 September 2020**, the day submissions concerning the review of the measures are due.

Public Record

A public record must be maintained for each 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 the Commission’s office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

² In accordance with section 269ZCB of the Act.

³ Full guidance regarding the Commission’s MCC structure is provided in [Anti-Dumping Notice No. 2018/128](#) on the Commission’s website.

⁴ For the purpose of the description of this category of the MCC, ‘alloy’ here means steel containing a chemical composition that at least meets or exceeds the minimum chemical element proportions specified in Note (f) “Other alloy steel” to Chapter 72 [under Schedule 3 of the Customs Tariff Act 1995](#). For the avoidance of doubt this definition has been reproduced at Appendix 1.

Lodgment of submissions

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **2 September 2020**, addressed to:

The Director - Investigations 2
GPO Box 1632
Melbourne VIC 3001

Or email:

investigations2@adcommission.gov.au

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 submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts 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 statement of essential facts (SEF) will be placed on the public record by **14 November 2020**, or by such later date as allowed in accordance with section 269ZHI of the Act.⁵ 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 **29 December 2020** (or such later date as allowed under section 269ZHI of the Act).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2462 or investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

27 July 2020

⁵ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.

Appendix 1

f. Other alloy steel

“Steels not complying with the definition of stainless steel and containing by weight one or more of the following elements in the proportion shown:

- 0.3% or more of aluminium
- 0.0008% or more of boron
- 0.3% or more of chromium
- 0.3% or more of cobalt
- 0.4% or more of copper
- 0.4% or more of lead
- 1.65% or more of manganese
- 0.08% or more of molybdenum
- 0.3% or more of nickel
- 0.06% or more of niobium
- 0.6% or more of silicon
- 0.05% or more of titanium
- 0.3% or more of tungsten (wolfram)
- 0.1% or more of vanadium
- 0.05% or more of zirconium
- 0.1% or more of other elements (except sulphur, phosphorus, carbon and nitrogen), taken separately.”