



ANTI-DUMPING NOTICE NO. 2021/63

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Quenched and tempered steel plate exported to Australia from the United States of America

Investigation No. 578 into alleged dumping

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission, have not made a preliminary affirmative determination (PAD) under section 269TD(1) of the *Customs Act 1901* (Cth)¹ on 14 May 2021, being 60 days after the initiation of the investigation into the alleged dumping of quenched and tempered (Q&T) steel plate (the goods) exported to Australia from the United States of America (USA).

This report along with its findings reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification.

I may make a PAD at any time from day 60 onwards of the investigation if I am satisfied the requirements of section 269TD(1) are met.

Background

On 15 March 2021, I initiated an investigation into the alleged dumping of Q&T steel plate following an application by Bisalloy Steels Pty Ltd (Bisalloy) under section 269TB. Further details can be found in the public notice published on 15 March 2021 (refer to Anti-Dumping Notice No. 2021/31 at www.adcommission.gov.au).²

Under section 269TD(1), I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for 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

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

² Refer to the electronic public record for case 578, document no. [03](#).

- that 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 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 section 269TD(2), had regard to:

- Bisalloy's application;
- the Australian Border Force (ABF) import database;
- the importer questionnaire response received from SSAB Swedish Steel Pty Ltd; and
- any other matters that I considered relevant.

The Anti-Dumping Commission (the Commission) is currently examining various issues in the investigation, including:

- export prices and normal values of the goods exported from the USA;
- volumes of the goods exported from the USA;
- the Australian market size for the goods and the market share held by interested parties; and
- whether the goods exported from the USA, if dumped at above negligible levels, have caused or are causing material injury to the Australian industry.

Presently, information available to the Commission at day 60 of the investigation, in connection with these issues, is not yet sufficient to ascertain;

- if the goods exported to Australia have been dumped (above negligible levels in accordance with section 269TDA); and
- whether those goods, if dumped at above negligible levels, have caused or are causing material injury to the Australian industry producing like goods.

I also note that the investigation has been delayed by specific circumstances arising from the COVID-19 pandemic.

Other considerations

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

In accordance with the Direction and for the purposes of section 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 yet warranted to make a PAD, at this particular time, because I am not yet 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. However, I will continue to assess the need for a PAD and make one as soon as possible, assuming I attain the requisite level of satisfaction on the basis of the evidence available to me.

Reconsideration of making a PAD – section 269TDAA

The Direction requires me to reconsider whether or not to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA. The SEF is due to be published on **3 July 2021**.³ Prior to the publication or in the SEF, I will advise whether I made a PAD 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 on telephone number +61 3 8539 2440 or at investigations1@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

14 May 2021

³ As this day is a Saturday, the SEF will be published on the next working day, 5 July 2021.