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The Director - Investigations 1
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2600

Dumping investigation into merchant bar exported from the Taiwan

Dear Director

This submission is made on behalf of Feng Hsin Steel Co., Ltd (Feng Hsin) in response to the application by InfraBuild NSW Pty Ltd (Infrabuild) for the publication of dumping duties on merchant bar exported from Taiwan.

The purpose of this submission is to seek confirmation from the Anti-Dumping Commission (the Commission) and the applicant, the scope of goods that are covered by the investigation.

The scope of goods subject of the application

The goods subject of the application and subject to investigation as notified in ADN 2019/26 are:

Steel bars and sections in the following shapes and sizes, whether or not containing alloys:

- *“Flat bars” (Rectangular sections) that have a thickness of 4.75 millimetres (mm) or greater and have a width greater than 17 mm and less than 165 mm;*
- *“Channels” (U sections and C sections) that have a web thickness greater than 3 mm and are of a height greater than 70 mm and less than or equal to 130 mm; and*
- *“Equal angles” and “unequal angles” (L sections), that have a thickness greater than 2.5 mm with a combined leg length greater than 40 mm and less than or equal to 200 mm.*

“Flat bars” include “modified rectangles”, of which two opposite sides are convex or concave arcs, the other two sides being straight, of equal length and parallel. “Channels” include both parallel and tapered flanges. Steel sections in the dimensions described above, that have minimal processing, such as cutting, drilling or coating (other than coating or plating with zinc or a zinc alloy) do not exclude the goods from the subject of this application.

Goods specifically excluded from investigation include:





- *goods that are formed by welding or are cold-formed or slit from flat-rolled products;*
- *goods that are galvanised;*
- *goods that are of stainless steel; and*
- *goods that are in coiled form.*

A simple reading of the goods description would appear to confirm that only the shapes and sizes identified are the subject of investigation. That is, only merchant bar of flat (rectangular profile), channels and angles.

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There is no mention in the goods description or the application, of merchant bar in round or square shapes being included. The goods description would therefore appear to exclude round and square bars from the goods and like goods. This is supported by:

- the table at figure A-3.3.1 of the application (refer below) displays the profiles covered by the application, and does not show round or square sections.

Product	Size (mm)	Section
Equal Angles	25x25x3 to 100x100x12*	
Unequal Angles	65x50x5 to 125x75x12*	
Parallel Flange Channels	75x40 to 150x75*	
Flat Bar (SEF)	20x10 to 150x25	

- Infrabuild outlines the goods produced by Feng Hsin at figure A-3.3.3 of its application, which again only displays the shapes of flats, angles and channels.
- the proposed MCC categories for shapes refer only to flats, equal angles, unequal angles, parallel flange channels and tapered flange channels. Again, no mention is made of round or square bars.
- sales and cost information required by appendix A-4 and A-6.1, appears to only relate to the above MCC sub-categories as confirmed by Infrabuild in its application.
- the Commission exporter questionnaires also only make reference to the shapes identified in the goods description, with no reference to square or round bars, and
- finally, round and square sections do not appear to meet any of the dimensions referenced in the goods description.

Given the above, it would appear that round and square bars are excluded from the current merchant bar investigation. There is no reference to these shapes in any official document or notice, and no mention of the dimensions that would apply to these shapes. Feng Hsin therefore requests that the Commission clarify and confirm that square and round bars are excluded from the current merchant bar investigation.

However, if the Commission forms the view that these are covered by the current goods description, and Infrabuild has not included relevant costs and sales information for its production of like goods, the application is plainly deficient and the investigation must be terminated promptly. Alternatively, the Commission should immediately request updated cost and sales information from Infrabuild relevant to their production of like goods, and avoid making a preliminary affirmative determination due to the lack of relevant information to properly assess material injury.

Finally, if the Commission confirms that the scope of goods does include round and square bars, the Commission is requested to issue a revised notice outlining the applicable dimensions that would apply to these supplementary shapes in terms of the diameter in the case of round bars, and width in the case of square bars. This information is necessary for ensuring the Feng Hsin can submit a fully compliant exporter questionnaire response

Yours sincerely

John Bracic