

25 June 2021

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

**BY EMAIL:**  
**investigations1@adcommission.gov.au**

Dear Director,

**Dumping Investigation No. 584 concerning Merchant Bar exported from Taiwan**

**AUSTRALIAN INDUSTRY RESPONSE TO EXPORTER SUBMISSION**

InfraBuild NSW Pty Limited (**InfraBuild**), refers to the submission of the exporter from Taiwan, Feng Hsin Steel Co., Ltd (**Feng Hsin**), following publication of ADN 2021/073<sup>1</sup> being a public notice under section 269TC(4) of the *Customs Act 1901*.

With respect, we are at a loss to understand the source of the exporter's confusion concerning the description of the goods under consideration – the description does not include reference to “round” or “square” bars. Therefore, we fail to see why it would be incumbent upon us to specifically exclude all cross-sectional shapes of goods that do not come within our description i.e. “squares”, “rounds”, “hexagons”, “triangles”, “ovals” etc.

We observe that the exporter helpfully recited our goods description, and reproduced the graphic of the profiles meeting the description of the goods under consideration. There is no reference to “round” or “square” bars in either of these citations. Furthermore, in *Consideration Report No. 584*, when assessing the size of the Australian market, the Commission ...*also excluded any goods which included terms which would indicate they are not the goods (e.g. any descriptions including the terms “zinc”, “galv” or “dipped” were excluded on the basis they were galvanised products, as were products which included the terms “round”, “stainless”, “cold” etc.).*<sup>2</sup> (emphasis added)

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<sup>1</sup> EPR 584/003 (31 May 2021).

<sup>2</sup> EPR 584/002, p. 16.



It may be that the exporter has become aware of transactions (via their importers) identified by the Commission as meeting the goods description for verification, but in fact being “round” or “square” bars. This is no doubt a function of the breadth of some of the applicable tariff classification codes, for example 7214.99.00 (statistical code 50). No doubt the respective importers will identify these transactions as potentially, “not the goods”, and the Commission will verify the accuracy of this claim.

Therefore, we do not consider it necessary for InfraBuild to provide costs and sales information for “square” and “round bars”, and regard this issue beyond any doubt. Therefore, there is no basis for the exporter to contend that the Commission *...avoid making a preliminary affirmative determination due to the lack of relevant information to properly assess material injury...<sup>3</sup>* within the prescribed statutory timeframe, and we would welcome the Commission’s consideration of this matter on or after 30 July 2021.

Please do not hesitate to contact your InfraBuild Steel representative on record with any questions.

FOR AND ON BEHALF OF THE

**AUSTRALIAN INDUSTRY APPLICANT**

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<sup>3</sup> EPR 584/004, p. 2.