

20 September 2021

The Director, Investigations
Anti-Dumping Commission
GPO BOX 2013
CANBERRA ACT 2600

BY EMAIL:
investigations@adcommission.gov.au

Dear Director,

Dumping Investigation No. 584 concerning Merchant Bar exported from Taiwan

AUSTRALIAN INDUSTRY SUBMISSION: RESPONSE TO EXPORTER QUESTIONNAIRE OF E-SHENG

InfraBuild NSW Pty Limited (**InfraBuild**), refers to the recent response to *Exporter Questionnaire* of **E-Sheng Steel Co., Ltd (E-Sheng)** published on the *Electronic Public Record* on 16 September 2021.¹

Response to Exporter Questionnaire is in non-compliance with subsection 269ZJ(2)² and unless remedied must be disregarded

For the purpose of s.269ZJ(1), the Commission must maintain a public record of the investigation. To the extent that information given to the Commission is claimed to be confidential or to be information whose publication would adversely affect a person's business or commercial interests, then s.269ZJ(2) requires the person giving that information must ensure that a summary of that information ...*contains sufficient detail to allow a reasonable understanding of the substance of the information.*

The *Response to Exporter Questionnaire* of the Taiwanese exporter does not contain sufficient detail to allow a reasonable understanding of the substance of the information claimed. There is complete redaction of their information irrespective of its confidentiality in response to most questions required to be answer by the questionnaire in order to qualify as a cooperative exporter providing a sufficient response under section 6 of the *Customs (Extensions of Time and Non-cooperation) Direction 2015*.

¹ EPR 584/014.

² Legislative references are to the provisions of the *Customs Act 1901*, unless specified otherwise.

Accordingly, given the elapse of time from the extended timeframe to provide a response, we consider that the Commissioner is now required to disregard the information provided by E-Sheng, and treat the exporter as an uncooperative exporter under s.269T of the Act.

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

FOR AND ON BEHALF OF THE

AUSTRALIAN INDUSTRY APPLICANT