



CONTINUATION INQUIRY 595

CERTAIN WIRE ROPES EXPORTED TO AUSTRALIA FROM THE REPUBLIC OF SOUTH AFRICA

File Note - Scaw Metals Group Model Control Code modification and claim of confidentiality

Background

On 17 January 2022 the Anti-Dumping Commission (commission) published Anti-Dumping Notice (ADN) No. 2022/007 (the notice)¹ which initiated an inquiry concerning the continuation of the anti-dumping measures currently applying to certain wire rope (the goods) exported to Australia from the Republic of South Africa (South Africa). The notice describes the goods the subject of the inquiry (case 595) and outlines the inquiry procedures.

The notice also proposed a Model Control Code (MCC) structure for comparing the like goods exported to Australia with the like goods sold domestically in South Africa, during the inquiry period.

Interested parties were advised that the commission would consider proposals to modify the MCC structure detailed in the notice.

Scaw Metals Group claim of MCC confidentiality

On 17 March 2022 the commission received a response to the exporter questionnaire (REQ) from Scaw Metals Group (Scaw). In the REQ, Scaw proposed a modified MCC. Scaw claimed that the modified MCC could identify certain commercially sensitive information relevant to Scaw. Accordingly, Scaw redacted the list of MCCs relevant for exports of like goods to Australia, and the like goods sold in South Africa, from the public record version of the REQ.

The commission's response

The commission's usual approach is that the MCCs in a market, being a collation of the goods and like goods by reference to relevant categories, is not confidential information.

As a result, the commission wrote to Scaw on 7 April 2022 and requested Scaw make a submission which describes in detail and with sufficient supporting evidence:

¹ ADN No. 2022/007 – EPR 595 - [document no. 2](#) refers.

- how the MCC could be used to identify all product specifications (number of wires, finish, tensile strength, length, core type, use etc.)
- how customers and competitors can use the MCC to identify the customer, type of customer (mine site, contractor, equipment manufacturer) and/or destination
- how disclosure of the MCC can be used to identify the technical offering from Scaw
- how the MCC will result in identifying the volume of sales.

Scaw provided its submission on 9 May 2022.

The commission is considering the submission in the context of the verification of Scaw's REQ and the preparation of the statement of essential facts.

Interested parties, as defined in section 269T(1) of the *Customs Act 1901*, wishing to comment on the REQ or Scaw's subsequent submission may lodge written submissions to the commission at investigations1@adcommission.gov.au.²

Enquiries in relation to this file note may be directed to the case manager on telephone number +61 3 8539 2471 or via the above email address.

30 May 2022

² The notice includes details of the procedure for making a submission to the inquiry.