



**Attachment 1: REVIEW OF MEASURES APPLICATION CONSIDERATION ASSESSMENT  
(section 269ZB and section 269ZC of the *Customs Act 1901*<sup>1</sup>)**

**Case Number:** 596 **Case Type:** Review of measures  
**Applicant:** Jiangyin Xingcheng Magotteaux Steel Balls Co Ltd (Xingcheng Magotteaux)  
**Goods:** Grinding balls  
**Proposed review period:** 01/01/2021 to 31/12/2021 **Coverage of review:** Single exporter  
**Country/ies subject of application for Div 5 Review:** China

<b>Part A: Assessment of the requirements of section 269ZA(2) and section 269ZB(1)</b>		
<b>Anti-Dumping Commission's (commission) assessment:</b>		
The application has satisfied the requirements of sections 269ZA(2) and 269ZB(1)		
<b>1. Requirements under section 269ZA(2)</b>	<b>Assessment of whether the application meets requirements</b>	
An application for review of anti-dumping measures must not be made: (a) if the measures involve the publication of a dumping duty notice or a countervailing duty notice – earlier than 12 months after: (i) the publication of the notice; or (ii) the publication of a notice declaring the outcome of the last Division 5 review of the notice.	The publication of a notice declaring the outcome of the last Division 5 review was on 12 November 2020. Xingcheng Magotteaux submitted an application on 6 December 2021. The date the application has been provided is greater than 12 months from the date of publication of the last review, which was Review 520 published on 12 November 2020 <sup>2</sup> .	Satisfied
<b>2. Requirements under section 269ZA(4)</b>	<b>Assessment of whether the application meets requirements</b>	
If, as a result of a person's application under Division 6 for accelerated review of a dumping duty notice or a countervailing duty notice, the Minister has made a declaration under section 269ZG(3): (a) that person may not make an application for a review of that notice earlier than 12 months after the making of that declaration.	The Minister has not made a decision under section 269ZG(3) as a result of an application by Xingcheng Magotteaux for a Division 6 accelerated review within the 12 month period preceding this application for a Division 5 review of measures.	Satisfied
<b>3. Requirements under section 269ZB(1)</b>	<b>Assessment of whether the application meets requirements</b>	
<b>An application must:</b>		
(a) be in writing;	The application was in writing.	Satisfied

<sup>1</sup> All legislative references in this assessment are to the *Customs Act 1901* unless otherwise specified

<sup>2</sup> As a result of the decision in ADN 2021/95, the current anti-dumping measures which apply to exports of grinding balls to Australia from China are those determined in ADN 2020/117.

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	The non-confidential version of the application can be found on the electronic public record on the commission's website at <a href="http://www.adcommission.gov.au">www.adcommission.gov.au</a> .	
(b) be in a form approved by the Commissioner;	The application was in the approved form (Form B602 – application for a review of measures).	Satisfied
(c) contain such information as the form requires;	The application contains such information as the form requires. The applicant provided: <ul style="list-style-type: none"> <li>• a completed declaration;</li> <li>• answers to all questions that were required to be answered by the applicant; and</li> <li>• sufficient detail in the non-confidential version of the application to enable a reasonable understanding of the substance of the information submitted in confidence.</li> </ul>	Satisfied
(d) be signed in a manner indicated by the form; and	The application was signed in the manner required by the form.	Satisfied
(e) be lodged in a manner approved under section 269SMS	The application was lodged in accordance with section 269SMS, being by email to the commission's nominated email address (as set out in the Commissioner's instrument made under section 269SMS).	Satisfied

**Part B: Assessment of the requirements of section 269ZB(2) and section 269ZB(1)(c)**

**Commission's assessment:**

The application has satisfied the requirements of sections 269ZB(2) and 269ZB(1)(c)

<b>1. Requirements under section 269ZB(2)</b> <b>An application must include:</b>	<b>Assessment of whether the application includes information</b>	
(a) a description of the kind of goods to which the measures the subject of the application relate;	A description of the goods was provided. The goods are described as follows: <i>Ferrous grinding balls, whether or not containing alloys. Cast or forged, with diameters in the range 22mm to 170mm (inclusive).</i> Further details are at Annex A.	Satisfied
(b) a description of the measures the subject of the application;	The application provided details of the original dumping and subsidy duty notices published on 9 September 2016 (ADNs <a href="#">2016/090</a> and <a href="#">2016/091</a> ) concerning Investigation 316. The application provides details of the measures as they were ascertained in Review 520 on 12 November 2020.	Satisfied
(c) if the application is based on a change in variable factors – a statement of the opinion of the applicant concerning: (i) the variable factors relevant to the taking of the measures that have changed;	The application <u>includes</u> statements of opinion that the following variable factors have changed: <ul style="list-style-type: none"> <li>• export price</li> <li>• normal value; and</li> </ul>	Satisfied

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<p>(ii) the amount by which each such factor has changed; and</p> <p>(iii) the information that establishes that amount;</p>	<ul style="list-style-type: none"> <li>• countervailable subsidy.</li> </ul> <p>Please refer to Part C below for further assessment.</p>	
<p>(d) if the application is based on circumstances that in the applicant’s view indicate that the anti-dumping measures are no longer warranted – evidence, in accordance with the form, of the circumstances.</p>	<p>Not applicable. The applicant has not requested the commission consider revoking the measures.</p>	<p>Satisfied</p>
<p><b>2. The application contains such information as the form requires (section 269ZB(1)(c))</b></p>	<p><b>Assessment of whether the application contains information</b></p>	
<p>(a) Name other parties supporting this application.</p>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<p>Not applicable</p>
<p>(b) Describe your interest as an affected party;</p>	<p>The applicant states it is a producer and exporter of grinding balls from China.</p>	<p>Satisfied</p>
<p>(c) Provide details of the current anti-dumping measures (<i>aligns with section 269ZB(2)(b)</i>);</p>	<p>The applicant provided a background of measures including ADN details. (ADN <a href="#">2016/090</a> and <a href="#">2016/091</a>). The applicant has provided details of the current anti-dumping measures in Review 520.</p>	<p>Satisfied</p>
<p>(d) If you are an exporter of the goods the subject of this application:</p> <ul style="list-style-type: none"> <li>• Have you exported the goods to Australia during the review period? If yes, what was the total quantity and total value of the goods exported to Australia during the review period?</li> <li>• Have you previously (prior to the review period) exported the goods to Australia? If yes, provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period.</li> <li>• Have you exported like goods to countries other than Australia during the review period? If yes, provide the total quantity and total value of exports of the goods to each other country during the review period.</li> </ul>	<p>The application states that the applicant:</p> <ul style="list-style-type: none"> <li>• Exported the goods to Australia during the review period. The total quantity and total value of the goods exported to Australia during the review period have been provided by the applicant. See <b>Confidential Attachment 1</b>.</li> <li>• Has not exported the goods to Australia previously (prior to the review period).</li> <li>• Exported like goods to countries other than Australia during the review period. The total quantity and total value of the goods exported to countries other than Australia during the review period have been provided by the applicant. See <b>Confidential Attachment 1</b>.</li> </ul>	<p>Satisfied</p>
<p>(e) Provide the names, addresses, telephone numbers, fax numbers of other parties likely to have an interest in this matter.</p>	<p>The application contains the contact details of interested parties including the exporter and the exporter’s representative.</p>	<p>Satisfied</p>
<p>(f) Public record and confidential versions are marked clearly.</p>	<p>The application contains a public record and confidential version of the application.</p>	<p>Satisfied</p>
<p>(g) Provide a statement of opinion of the causes of the change in variable factors and whether these causes are likely to persist.</p>	<p>The application contains a statement of opinion of the causes of the change in variable factors. The applicant claims that in Review 520, Xingcheng Magotteaux was subject to the variable factors applicable to uncooperative and all other exporters as it did not export grinding</p>	<p>Satisfied</p>

	<p>balls to Australia. As Xingcheng Magotteaux has exported grinding balls to Australia during the proposed review period, the commission should now be able to calculate variable factors using an actual export price to Australia. Xingcheng Magotteaux's normal value can be indexed from the commission's Report No. 569 (REP 569) using Asian regional billet prices.</p> <p>The applicant has referenced the commission's finding in REP 569 that Xingcheng Magotteaux had not received any countervailable subsidy as the cause of the change in the countervailable subsidy from Review 520.</p>	
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**Part C: Assessment of the applicant's statement of opinion and information under section 269ZB(2)(c)**

**Commission's assessment:** The application meets the requirements of section 269ZB(2)(c)

**Variable factors that the applicant claims have changed**

Normal Value       Export Price       Non Injurious Price       Countervailable subsidy

Variable Factor	Has the applicant provided a statement of its opinion of the amount by which the variable factor has changed?	Has the applicant provided the information that establishes the amount by which the variable factor has changed?
Normal Value	Xingcheng Magotteaux claims the normal value has changed since it was last ascertained by the Minister. Xingcheng Magotteaux's opinion is that normal value has increased by over 20%.	Xingcheng Magotteaux claim that the main drivers for the change in grinding ball prices are increases in regional billet prices, continued global supply chain disruptions, and elevated iron ore pricing. In support of this claim, Xingcheng Magotteaux provided confidential evidence of these increases.
Export Price	Xingcheng Magotteaux claims the export price has changed since it was last ascertained by the Minister. Xingcheng Magotteaux's opinion is that the export price has increased by almost 50%.	Xingcheng Magotteaux claim the export price has been impacted by a material change in steel billet and iron ore prices. In support of this claim, Xingcheng Magotteaux provided confidential evidence of the increase.
Non-Injurious Price (NIP)	Not applicable. (Xingcheng Magotteaux has not claimed the NIP has changed)	Not applicable.
Amount of countervailable subsidy received	Xingcheng Magotteaux claims the amount of countervailable subsidy received has changed since it was last ascertained by the Minister. Xingcheng Magotteaux's opinion is that the amount of countervailable subsidy received has decreased by 6.9%.	Xingcheng Magotteaux claims the amount of countervailable subsidy has changed since the findings of Review 520, where it was determined that Xingcheng Magotteaux had been subject to the uncooperative and all other subsidy margin. In REP 569, the commission found that Xingcheng Magotteaux did not receive any countervailable subsidies during that inquiry period. On the basis of this information, the amount of countervailable subsidies received by Xingcheng Magotteaux has changed.

<b>Part D: Assessment of the requirements of section 269ZC</b>		
<b>Recommendation:</b> The Commissioner be satisfied of the matters in section 269ZC(2)		
1. Requirements under section 269ZC(2)(a)	Assessment of whether the application meets requirements	
Does the application comply with section 269ZB?	Please refer to Parts A, B and C above for assessment of the application against section 269ZC.	Satisfied
2. Requirements under section 269ZC(2)(b)(i)	Assessment of grounds for assertion	
Do there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures have changed?	Based on the following, there appear to be reasonable grounds for asserting that the variable factors, being the normal value, export price and countervailable subsidy relevant to the taking of the anti-dumping measures have changed.	Satisfied
<input checked="" type="checkbox"/> Normal Value <input checked="" type="checkbox"/> Export Price <input type="checkbox"/> Non Injurious Price <input checked="" type="checkbox"/> Countervailable subsidy		
Normal Value	The commission has analysed the confidential data provided by Xingcheng Magotteaux with best available information from Review 520 and REP 569 relating to the normal value (see <b>Confidential Attachment 1</b> ). The analysis indicates there appears to be reasonable grounds for asserting that the normal value has increased since Review 520. Based on this evidence there appears to be reasonable grounds for asserting that the normal value has changed since it was last ascertained by the Minister.	
Export Price	The commission has compared the confidential information provided by Xingcheng Magotteaux with best available information from Review 520 and REP 569 relating to the export price of the goods exported to Australia. The analysis indicates there appears to be reasonable grounds for asserting that the export price has increased since Review 520. (see <b>Confidential Attachment 1</b> ). Based on this evidence there appears to be reasonable grounds for asserting that the export price has changed since it was last ascertained by the Minister.	
Non-Injurious Price (NIP)	Not applicable.	
Amount of Countervailable Subsidy received	The commission has compared the current subsidy margin which Xingcheng Magotteaux is subject to with the finding in REP 569. The finding in REP 569 was that Xingcheng Magotteaux did not receive any countervailable subsidies. This comparison indicates there appears to be reasonable grounds for asserting that there has been a decrease in countervailable subsidies received since Review 520.	
3. Requirements under section 269ZC(2)(b)(ii)	Assessment of grounds for assertion	
Does there appear to be reasonable grounds for asserting that the anti-dumping measures are no longer warranted?	Not applicable.	

<b>Part E: Other matters</b>	
Not applicable.	

<b>Part F: Appendices and attachments</b>	
Confidential Attachment 1	Variable Factor Analysis

## Annex A – Goods description

The goods subject to this inquiry are:

*Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22mm to 170mm (inclusive).*

The goods covered include all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods, regardless of the particular grade or alloy content.

Goods that are excluded include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.

The goods are generally, but not exclusively, classified to sub-headings **7325.91.00 (statistical code 26)** **7326.11.00 (statistical code 29)**, and **7326.90.90 (statistical code 60)** in Schedule 3 of the *Customs Tariff Act 1995* Cth.

**Annex B – Current measures**

Further details of the measures in place on exports of the goods are available in the Dumping Commodity Register and the Electronic Public Record. Below is a summary of the current measures in place..

Notice under section 269ZDB(1) published 12 November 2020 ([ADN No. 2020/117](#))

<b>Exporter</b>	<b>Dumping Margin</b>	<b>Subsidy Margin</b>	<b>Effective rate of duty</b>	<b>Dumping duty method</b>
Changshu Longte Grinding Ball Co., Ltd	2.1%	N/A	2.1%	Combination of fixed and variable duty method
Jiangsu Yute Grinding International Co., Ltd	15.0%	N/A	15.0%	Combination of fixed and variable duty method
Anhui Sanfang New Material Technology Co., Ltd	0%	0%	0%	Floor price duty method
Iraeta Energy Equipment Co., Ltd	0%	1.1%	1.1%	Floor price duty method
Uncooperative and all other exporters <sup>3</sup>	27.1%	6.9%	34.0%	Combination of fixed and variable duty method

<sup>3</sup> The countervailing duty notice does not apply to Hebei Goldpro New Material Technology Co., Ltd or Jiangsu CP Xingcheng Special Steel Co., Ltd.