



## **ANTI-DUMPING NOTICE NO. 2022/022**

### **Application for an Accelerated Review (No. 600) of a dumping duty notice applying to certain steel reinforcing bar exported to Australia from the Republic of Korea**

#### **Submitted by Dongkuk Steel Mill Co., Ltd.**

*Customs Act 1901 (Cth) – Part XV B*

#### **Introduction**

I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission, (the Commissioner) have commenced an accelerated review of the anti-dumping measures applying to certain steel reinforcing bar exported to Australia from the Republic of Korea (ROK), in so far as they relate to a new exporter, Dongkuk Steel Mill Co., Ltd. (the applicant).

The lodgement date of **18 February 2022** is the commencement date of the accelerated review.<sup>1</sup>

#### **The goods**

The goods subject to anti-dumping measures (the goods), in the form of a dumping duty notice (the notice), are outlined in the table below.

| <b>Full description of the goods the subject of the application<sup>2</sup></b>   |
|---|
| Hot-rolled deformed steel reinforcing bar whether or not in coil form, commonly identified as rebar or debar, in various diameters up to and including 50 millimetres, containing indentations, ribs, grooves or other deformations produced during the rolling process. The goods include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating. The goods do not include plain round bar, stainless steel and reinforcing mesh. |

<sup>1</sup> Section 269ZF(2) of the *Customs Act 1901* (Cth) (the Act) states that an application for accelerated review is taken to have been lodged when the application is first received by a Commission staff member doing duty in relation to applications for accelerated reviews. Section 269ZF(3) of the Act states that the day on which an application is taken to be lodged must be recorded on the application.

<sup>2</sup> See Anti-Dumping Notice (ADN) No. 2015/133.

### Further information<sup>3</sup>

The following categories of steel reinforcing bar are excluded from the goods:

- hot-rolled steel reinforcing bar with a continuous thread, commonly identified as 'threadbar' or 'threaded-bar', in straight lengths, complying with Australian/New Zealand Standard AS/NZS4671, grade 500N, with a 40 mm diameter; and
- fully threaded hot-rolled prestressing steel reinforcing bar, in straight lengths, with a minimum yield strength of 885 MPa or greater, with a 26.5mm, 32mm, 36mm, 40mm or 50mm diameter.

Further details on the goods and existing measures are available on the Dumping Commodity Register on the Anti-Dumping Commission's (commission's) website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

### **Accelerated reviews**

The legislative framework that underpins the making of, and my consideration of, an application for accelerated review of dumping duty and countervailing duty notices is contained in Divisions 1 and 6 of Part XVB of the *Customs Act 1901* (the Act).<sup>4</sup>

If I do not reject an application or terminate an accelerated review, pursuant to sections 269ZG(1) and (2) I must, no later than 100 days after the application is lodged, provide the Minister for Industry, Energy and Emissions Reduction a report recommending:

- (a) that the dumping duty notice, the subject of the application, remain unaltered; or
- (b) that the dumping duty notice, the subject of the application, be altered so as to apply to the applicant, as if different variable factors had been fixed,

and set out my reasons for so recommending.

In relation to this application, I must make this recommendation no later than **29 May 2022**.<sup>5</sup>

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of transparency, the commission will maintain a public record. The commission will publish this notice, along with a non-confidential version of the application, response to the exporter questionnaire and any non-confidential submissions the commission receives, on the public record, available at:

[www.adcommission.gov.au](http://www.adcommission.gov.au)

<sup>3</sup> See ADN No. 2019/089, which follows exemption inquiries EX0070, EX0071 and EX0072.

<sup>4</sup> Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901*.

<sup>5</sup> As this date falls on a Sunday, the recommendation is due on Monday, 30 May 2022.

## Submissions

Interested parties must lodge written submissions concerning this accelerated review by **9 April 2022**<sup>6</sup> via email to: [investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au)

Parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality, or adversely affect those interests or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "**OFFICIAL: Sensitive**" on each page. Parties must lodge a non-confidential version, or a summary of the submission, clearly marked "**PUBLIC RECORD**" on each page.

## Circumstances in which an accelerated review may be sought

Section 269ZE sets out the circumstances in which an applicant may seek an accelerated review. If the circumstances of section 269ZE(2) are met, I may reject the application.

| Requirement  | Finding  |
|--|--|
| Applicant meets the definition of new exporter (section 269ZE(1)). <sup>7</sup><br>To fall within the definition of a new exporter, the period within which the applicant must not have exported the goods to Australia is 1 July 2013 to 30 June 2014 (the investigation period for the original investigation). <sup>8</sup> | There is no evidence of exports by the applicant during the investigation period for the original investigation. A search of the Australian Border Force (ABF) import database did not identify the applicant as a supplier of the goods during this period.<br>Accordingly, I consider that the applicant is a new exporter for the purposes of the accelerated review. |
| Declaration has not already been made in respect of the applicant under section 269ZG(3)(b) (section 269ZE(1)).  | The Minister has not made the relevant declaration in respect of the applicant at this time.   |
| The applicant did not refuse to co-operate, in relation to the application for publication of the notice (section 269ZE(2)(a)).  | There is no evidence of exports by the applicant during the investigation period for the original investigation. The commission did not seek cooperation from the applicant during the original investigation. Accordingly, the applicant  |

<sup>6</sup> As this date falls on a Saturday, submissions are due by Monday 11 April 2022.

<sup>7</sup> A new exporter is defined in section 269T(1) as, in relation to the goods the subject of the application for a dumping or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application. Section 269T(1) also defines 'application' in relation to a dumping duty notice or a countervailing duty notice as meaning an application for the publication of such a notice.

<sup>8</sup> Investigation 264; investigation period 1 July 2013 to 30 June 2014, ADN No. 2014/100 refers.

| Requirement   | Finding  |
|---|--|
|   | did not refuse to cooperate with the original investigation.   |
| <p>The applicant is not related to an exporter whose exports were examined in relation to the application for publication of the notice (section 269ZE(2)(b)).</p> <p>Section 269ZE(4) provides that, for the purposes of section 269ZE, an exporter is taken to be related to another exporter if the two exporters are associates of one another under section 269TAA(4).</p> | <p>The commission examined publicly available company information and reviewed information from the original investigation to ascertain the existence of any relationship or connection between the applicant and an exporter whose exports were examined during the original investigation. The commission also examined the applicant's related entities against the ABF import database. The commission found no evidence suggesting that the applicant is related to an exporter whose exports were examined during the original investigation. The commission has outlined this analysis in <b>Confidential Attachment 1</b>.</p> |

For the reasons set out above, I consider that the application complies with section 269ZE(1). As there are presently no grounds to reject the application under section 269ZE(2), I have not rejected it.

### **Application for accelerated review – compliance with section 269ZF**

Section 269ZF(1) requires that an application for accelerated review must:

- be in writing and be lodged in a manner approved under section 269SMS (section 269ZF(1));
- contain a description of the goods to which the dumping duty notice relates (section 269ZF(1)(a)); and
- contain a statement of the basis on which the exporter considers that the particular notice is inappropriate so far as the exporter is concerned (section 269ZF(1)(b)).

| Requirement  | Finding  |
|--|--|
| Lodged with the Commissioner in writing and in a manner approved under section 269SMS.   | The application was in writing and lodged in a manner approved in an instrument made under section 269SMS, being by email to the commission's nominated email address.   |
| Contains a description of the goods to which the dumping duty notice relates.  | The application contained a description of the goods to which the dumping duty notice relates.   |
| Contains a statement of the basis on which the applicant considers that the particular notice is inappropriate in so far as the exporter is concerned. | The application contains a statement setting out the basis on which the applicant considers the particular dumping notice is inappropriate. The applicant is currently subject to an 'all other exporters' rate and requests that it be assessed |

| Requirement | Finding   |
|-------------|---|
|             | as a new exporter so that the duty rate can be based on its own variable factors. |

Based on the information submitted by the applicant, I consider that the application complies with section 269ZF(1).

### **Conclusion**

I am satisfied that, based on currently available information in the application and the ABF import database:

- the circumstances in which an accelerated review can be sought under section 269ZE(1) have been satisfied
- the conditions for rejection under section 269ZE(2) are not satisfied and
- the application satisfies the requirements of section 269ZF.

In view of the above, I have decided not to reject the application. I have made my decision based on all currently available information. If, during the accelerated review, evidence becomes available that satisfies me that the requirements of either section 269ZE(2) or section 269ZE(3) are met, I may reject the application or terminate the accelerated review.

The review period for the accelerated review is set as 1 January 2021 to 31 December 2021.

### **Securities**

When an application for an accelerated review of a dumping duty notice or countervailing duty notice is lodged, section 269ZH(a) provides that no interim duty can be collected from the applicant in respect of consignments of goods, to which the application relates, entered for home consumption after the application is lodged and until the completion of the review.

However, pursuant to section 269ZH(b), the Commonwealth may require and take securities under section 42 in respect of interim dumping duty and interim countervailing duty that may be payable on importation of the goods to which the application relates.

I declare that the Commonwealth will require and take securities, as shown in **Confidential Table 1** under section 42 in respect of interim dumping duty that may be payable on the importation of the goods to which the application under section 269ZE(1) relates.

The interim dumping duty that has been determined is an amount worked out in accordance with the combination of fixed and variable method pursuant to sections 5(2) and 5(3) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

## **Contact**

You may direct enquiries about this notice to the Case Manager by email to:  
[investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au)

Dr Bradley Armstrong PSM  
Commissioner of the Anti-Dumping Commission  
10 March 2022

## Appendices and attachments

|                                  |   |
|----------------------------------|---|
| <b>Confidential Table 1</b>      | Ascertained variable factors and rates of duty for the collection of securities |
| <b>Confidential Attachment 1</b> | Commission analysis of data from the ABF import database and other sources      |