Australian Government
Anti-Dumping Review Panel

ADRP Conference Summary

2018/80 Steel Reinforcing Bar Exported from Greece, the Republic of Indonesia, Spain, Taiwan and the Kingdom of Thailand

Panel Member	Leora Blumberg
Date	22 February 2019
Participants	Leora Blumberg (Reviewing Member), Justin Wickes (ADC), Athena Padelidis (ADC), David Peters (ADC)
Time opened	9:30 am AEDT
Time closed	10:12 am AEDT

Purpose

The purpose of this conference was to obtain clarification and further information from the representatives of Anti-Dumping Commission (“ADC”) in relation to the review before the Anti-Dumping Review Panel (“ADRP”) in relation to Steel Reinforcing Bar exported from Greece, the Republic of Indonesia, Spain, Taiwan and the Kingdom of Thailand.

The conference was held pursuant to section 269ZZHA of the *Customs Act 1901* (the Act).

In the course of this conference, the Reviewing Member (“RM”) may have asked the ADC Representative(s) (“AR”) to clarify an argument, calculation or specific detail contained in REP 418, related document or submission. The conference was not a formal hearing of the review, and was not an opportunity for the ADC to argue its case before the RM.

The RM has only had regard to information provided at this conference as it relates to relevant information (within the meaning of section 269ZZK(6) of the Act). Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously in an application or submission is not something that the ADRP has regard to, and is therefore not reflected in this conference summary.

Discussion

The further information and clarification that the ADRP sought in this conference related to the reinvestigation in respect of Ground 3 of the application for review of Nervacero S.A. (“Nervacero”) in respect of the calculation of the non-injurious price (“NIP”)

1. Firstly, clarification was requested in respect of a possible error in respect of Footnote 111 of the Reinvestigation Report, in particular, whether the reference to Confidential Appendix 3 is meant to be a reference to Confidential Appendix 6.

   It was confirmed by the AR that this was meant to be a reference to Confidential Appendix 6.

2. The RM requested clarification and explanation of the reason why the weighted average normal value is less for the NIP calculation when OneSteel exports are excluded, resulting in the NIP being [redacted] as reflected in Appendix 6.

   The AR stated that it was purely a result of the mathematical calculation and since OneSteel imported [redacted], by taking out that volume of [redacted], it means that on a weighted average price it decreased. The AR confirmed that [redacted] would still be included in the normal value calculation since Nervacero was exporting [redacted], but the weighting [redacted].

3. In light of the NIP being [redacted] when OneSteel exports are excluded, the RM requested clarification of its statement that excluding Nervacero's export prices to OneSteel for the purposes of calculating its dumping margin, "*would reduce Nervacero's export price, which in turn would increase Nervacero's dumping margin*".[1]

   The AR stated that it was because the prices to OneSteel [redacted], so excluding those sales from the dumping calculation [redacted], which would in return result in an increased dumping margin.

4. With reference to OneSteel's comments on the Preliminary Reinvestigation Report in respect of the recalculation of the NIP, the RM requested clarification relating to

[1] See ADC's comments of Nervacero's submission on page 38 of the Reinvestigation Report.

OneSteel's concerns relating to the NIP calculation that excludes exports to OneSteel.

The AR pointed out that OneSteel concerns seemed to arise from the mechanics of addressing their injury arising from the fact that they may make an offer to an individual customer, not on the lowest offer on the market but on the lowest offer that is made to that individual customer. The AR pointed out that it is difficult to address this issue in any NIP calculation, applying generally. The AR stated that OneSteel was concerned about the fact that NIP was being calculated on present weightings of product, which could change in the future.

The RM requested clarity as to whether the complexity of the calculation related to the fact that there are different models or product types with different pricing. The AR agreed and stated that the ADC does not calculate a separate USP for different models. It was pointed out that in this instance the difference in price between the different product types is not that significant, but OneSteel seemed to be concerned about the future proportion of the product imported.

In response to the RM's request for further clarification, the AR confirmed that this could be a general problem with the NIP calculation in investigations where there was a mix of different products, not just this specific investigation, since the USP is usually based on the Australian industry selling prices and their product mix could change in the future.

5. Bearing in mind that the recalculation of the reinvestigated NIP is based on the calculations in respect of Nervacero in REP 418, the RM requested a recalculation of the NIP (with accompanying spreadsheets) in respect of the ADC's revised calculations of [redacted]

The AR advised that based on the adjusted [redacted] calculations, the NIP was calculated to be [redacted]. The AR pointed out that it was again the result of the mathematical calculation relating to [redacted]

6. The RM requested that the new calculation and supporting spreadsheets be provided to the ADRP following the conference, which the AR agreed to do. [2]

[2] This was subsequently provided to the ADRP on 22 February 2019.