



ADRP Conference Summary

2018/82 Steel Rod in Coils Exported from the Republic of Indonesia, the Republic of Korea and the Socialist Republic of Vietnam - Review of Termination Decision

Panel Member	Jaclyne Fisher (Panel Member)
Review type	Review of Commissioner's decision
Date	1 May 2018
Participants	[REDACTED], Rhys Piper and Bora Akdeniz Anti-Dumping Commission (ADC)
Time opened	2.00 AEST
Time closed	2.20 AEST

Purpose

The purpose of the conference is to obtain further information in relation to the application before the Anti-Dumping Review Panel (Review Panel) in relation to steel rod in coils (RIC) exported from the Republic of Indonesia, the Republic of Korea and the Socialist Republic of Vietnam for a review of the termination decision (reviewable decision).

The conference is held pursuant to s.269ZZRA of the Act as it is a review of a Commissioner's decision.

In the course of the conference, I may ask parties to clarify an argument, claim or specific detail contained in the OneSteel application. The conference is not a formal hearing of the review, and is not an opportunity for parties to argue their case before me.

I have only had regard to information provided at this conference as it relates to relevant information (within the meaning of section 269ZZK(6) of the *Customs Act 1901*). Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously put in the application is not something that the Review Panel has regard to, and is therefore not reflected in this conference summary.



Discussion

The specific information that the Review Panel sought in this conference was:

- In relation to ground four in the application for a review which states:
 - ‘Alternatively, to the extent, (if any) that the Commissioner’s claim that a significant portion of injury experienced by Liberty OneSteel (OneSteel) resulted from factors other than dumping formed part of his decision to terminate the investigation, it was not authorised by the terms of s.269TAE(2B).’

Section 269ZZQA(5) indicates that a reviewable ground is one that demonstrates that the reviewable decision was not correct or preferable. Given s269TAE(2B) deals with threat of injury, and the public notice concerning the decision to terminate related to non-existent dumping, negligible dumping and negligible injury caused by those goods that were dumped, could OneSteel clarify how this ground relates to the reviewable decision. In particular, OneSteel should highlight the relevance of the description in Appendix B which deals with volume injury in the investigation period plus a future decision of the US Government.

OneSteel advised that the intent of Ground four in its application is that the Commissioner failed to assess the threat of material injury to the Australian industry under s.269TAE(2B) in his termination decision. In considering whether s.269TG notices should apply to the goods, threat of material injury to the Australian industry should be considered. Appendix B of its application outlines OneSteel’s view that there is potential for volumes from Indonesia (excluding Ispat) and from Korea to increase and this could occur quickly in the context of the recent decision announced by the US Government to change import tariffs on steel products. On this basis it considers threat of material injury should have been considered by the Commissioner prior to deciding to terminate the investigation.

The Panel Member acknowledged that the intent of the ground was now clear.

- The Panel Member indicated that the wording of the grounds submitted by OneSteel had been shortened for the notice under s.269ZZRC. OneSteel was asked to confirm its agreement with the wording as follows:
 - Ground One: The Commissioner should not have determined the normal value for exports from Vietnam under s.269TAC(1) as it was not authorised by the terms of s.269TAC(2)(a)(ii) as the situation in the Vietnamese market



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is such that sales in that market are unsuitable for determining a price under s.269TAC(1).

- Ground Two: The dumping margin for Vietnam was incorrectly determined under s.269TACB(2)(aa) and should have been determined under s.269TACB(2)(a).
- Ground Three: The Commissioner failed to properly assess the impact of dumped goods on the prices of the Australian industry and this failure prevented a proper calculation of the degree of injury that would have demonstrated that injury to the Australian industry caused by dumped goods was not negligible.

The Panel Member would consider further Ground four.

Next steps:

The Panel Member advised that a draft of the summary would be provided to participants to confirm accuracy and also OneSteel was requested to confirm the revised wording of the grounds as suggested above.¹

OneSteel advised of its agreement with the shortened wording of Grounds One to Three.

Jaclyne Fisher

Anti-Dumping Review Panel Member

1 May 2018

¹ Both the Anti-Dumping Commission and OneSteel confirmed the accuracy of this summary.