



ADRP Conference Summary

2018/84 Steel Reinforcing Bar exported from the People's Republic of China

Panel Member	Paul O'Connor
Review type	Review of Minister's Decision Steel Reinforcing Bar - ADRP Review 84
Date	22 June 2018
Participants	John Bracic of J. Bracic & Associates
Time opened	11:00 AEST
Time closed	11:20 AEST

Purpose

The purpose of this conference was to obtain further information in relation to the Review 84 before the Anti-Dumping Review Panel (Review Panel) in relation to Steel Reinforcing Bar exported from the People's Republic of China.

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

In the course of the conference, I may have asked Mr Bracic to clarify an argument, claim or specific detail contained in the parties' applications and in the relevant Anti-Dumping Commission (ADC) report. The conference was not a formal hearing of the review, and was 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 Act). Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously put 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 specific information that the Panel Member sought in this conference was:

1. The three applicants seeking review before the Review Panel: Jiangsu Shagang Group Co., Ltd (Shagang); Hunan Valin Xiangtan Iron & Steel Co., Ltd (Hunan); and, Jiangsu Yonggang Group Co., Ltd (Yonggang) are each separately represented by Mr Bracic.



2. The Panel Member recently wrote to Mr Bracic drawing his attention to a number of issues concerning Shagang's application to the Review Panel. In light of those concerns Mr Bracic indicated he would write to the ADRP Secretariat and formally withdraw a number of Shagang's Grounds for review.
3. Reference was made to Ground 3 of the application lodged with the Review Panel by Mr Bracic on behalf of Yonggang. Ground 3 relevantly provides, the Minister erred by determining an external billet benchmark price which does not properly compare with Yonggang's integrated production and manufacturing costs.
4. However, at page 24 of the relevant ADC Report, it is apparent that the ADC excluded the billet costs of non-integrated producers from the benchmarking exercise. The Panel Member advised, in a recent conference with the ADC, it was confirmed that non-integrated producers had been excluded from the benchmarking exercise following applicants' submissions in response to the Statement of Essential Facts.¹ ADC representatives had drawn the Panel Member's attention to the relevant spreadsheet to confirm that this had occurred.
5. Mr Bracic acknowledged his argument in relation to Ground 3 was that the ADC had failed to include, in the benchmarking exercise, cost data from an integrated Vietnamese producer. Mr Bracic stated that producer's data had been verified and accepted by the ADC and ought to have been included. Mr Bracic indicated he intends to lodge a submission on Monday with the ADRP Secretariat providing a copy of the Vietnamese integrated producer's relevant cost data.
6. Reference was made to Hunan's application to the Review Panel. Ground 3 of that application is in identical terms to Ground 3 of Yonggang's application. Mr Bracic reiterated his concern regarding Hunan's application lay with the non-inclusion of the integrated Vietnamese producer's billet data in the benchmarking exercise undertaken by the ADC. Mr Bracic foreshadowed him would also make a submission to the Secretariat providing the Vietnamese producer's relevant cost data in support of Hunan's application.

¹ Conference held on 19 June 2018.



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7. At page 9 of Hunan’s application to the Review Panel, reference was made to Ground 4 which alleged the Minister incorrectly calculated a timing adjustment in determining the export price. The Review Panel noted that Yonggang’s application contained an identical ground for review and was supported by detailed argument within that application. However, in relation to Hunan’s application, it contained no argument to support the ground for review. Further, sections 3 and 4 of Hunan’s application, which detailed the correct and preferable decisions and why they were materially different to the reviewable decisions, did not address Ground 4.

8. Mr Bracic indicated he would write to the Secretariat confirming he wished to maintain Ground 4 of Hunan’s application and that the Review Panel ought to be aware of the arguments in support of that ground, through those put in Yonggang’s application.

Paul O’Connor

Panel Member

Anti-Dumping Review Panel

27 June 2018