



**Australian Government**  
**Anti-Dumping Review Panel**

*Customs Act 1901*

Notice under section 269ZZRC

**Steel Reinforcing Bar exported from the Republic of Korea by Daehan Steel Co., Ltd**

The Anti-Dumping Review Panel (ADRP) has received an application from OneSteel Manufacturing Pty Limited (OneSteel) for review of a decision by the Commissioner of the Anti-Dumping Commission (ADC) to terminate the anti-circumvention inquiry in relation to Steel Reinforcing Bar exported from the Republic of Korea by Daehan Steel Co., Ltd (Reviewable Decision).

The Reviewable Decision was published on the ADC website on 26 April 2018 ([ADN 2018/52](#)).

The ADRP is satisfied that the following grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision:

1. The Reviewable Decision was not the correct or preferable decision because the Commissioner failed to accurately examine and assess, whether the importer of the circumvention goods had increased its selling prices in Australia by an amount not less than the amount of dumping duty payable as required under s.269ZDBB(5A)(d) of the *Customs Act 1901*. Instead the Commissioner had regard to a number of irrelevant factors not authorised under the provisions of the Act. Regard to these irrelevant factors formed the basis of the decision to terminate Inquiry No. 452.
2. Alternatively, if the Commissioner did correctly examine and assess whether the importer sold the circumvention goods in Australia at prices that satisfy the circumstances of s.269ZDBB(5A)(d), then his assessment that the condition under s.269ZDBB(5A)(e) is not met was incorrect because he failed to assess the existence of the condition of s.269ZDBB(5A)(d) in relation to each sale of the circumvention goods over a reasonable period. Instead, the Commissioner performed his assessment on a weighted average basis. This failure prevented a proper examination of the degree, distribution and recurrence of the conditions under s 269ZDBB(5A)(d) 'over a reasonable period' as required by s.269ZDBB(5A)(e).
3. To the extent (if any) that the Commissioner relies on the profitability of the importer's sale of the circumvention goods in Australia as a basis for his decision to terminate the inquiry, then that calculation is in error.

The ADRP proposes to conduct a review of the decision.

The goods to which this review relates are:

*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 subject to this review include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.*

*Goods excluded from this review are plain round bar, stainless steel and reinforcing mesh.*

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. A copy of the application for review, which sets out the grounds for seeking review in full, and other documents are available on the public record of the review at [www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au)

The report of the termination of investigation is available on the ADC website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

Joan Fitzhenry  
Senior Panel Member  
Anti-Dumping Review Panel  
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