



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Steel reinforcing bar exported from the Republic of Korea, Singapore, Spain (except Nervacero S.A.) and Taiwan (except Power Steel Co. Ltd)

The Anti-Dumping Review Panel (Review Panel) received applications from Compania Espanola de Laminacion, S.L. and InfraBuild (Newcastle) Ltd (InfraBuild) seeking a review of a decision by the Minister for Industry, Science and Technology to publish a notice under section 269ZHG(1) of the *Customs Act 1901* in respect of steel reinforcing bar exported from the Republic of Korea, Singapore, Spain (except Nervacero SA) and Taiwan (except Power Steel Co. Ltd) (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 10 November 2020 (ADN 2020/111).

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

InfraBuild

- 1) The Reviewable Decision is not the correct or preferable decision because it is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAC(6) the normal value of the goods exported to Australia by Daehan Steel Co., Ltd. (Daehan) could be ascertained by reference, in part, to the movement in the ascertained export prices specific to Daehan between the review period relevant to Review 486/489 and the current inquiry period. This finding is not supported by the terms of the provision under which it was purported to be made, as it is not 'relevant information' within the meaning of the provision.
- 2) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAB(3) the export price of the goods exported to Australia by 'uncooperative and all other exporters' from Korea could be ascertained by reference to the ascertained export price specific to Daehan in this inquiry period. This finding is not supported by the terms of the provision under which it was purported to be made, as it does not have regard to 'all relevant information' within the meaning of the provision.
- 3) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAC(6) the normal value of the goods exported to Australia by 'uncooperative and all other

exporters' from Korea could be ascertained by reference to the ascertained normal value specific to Daehan in this inquiry period. To the extent that the ascertained normal value specific to Daehan is revoked and replaced by the Panel, it must also be revoked and replaced for 'uncooperative and all other exporters' from Korea.

- 4) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAC(1) the normal value of the goods exported to Australia by NatSteel Holdings Pte Ltd (NatSteel) could be ascertained by reference, in part, to sales of goods not produced in Singapore. The Commissioner also wrongly included sales of such goods in his low volume assessment finding under s.269TAC(14) and his determination of selling, general and administration (SG&A) costs under s.269TAC(2)(c)(ii).
- 5) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAC(8) the normal value of the goods exported to Australia by NatSteel could be adjusted by both (i) a domestic credit terms expense, and (ii) domestic factoring costs. This finding is not supported by the terms of the provision under which it was purported to be made.
- 6) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269TAC(6) the normal value of the goods exported to Australia by 'uncooperative and all other exporters' from Taiwan (except Power Steel Co. Ltd) could be ascertained by reference, in part, to the movement in the ascertained export prices specific to 'all other exporters' between the review period relevant to Review 489 and the current inquiry period. This finding is not supported by the terms of the provision under which it was purported to be made, as it is not 'relevant information' within the meaning of the provision.
- 7) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269ZHF(2), the Commissioner ought to have been satisfied that the expiration of the measures applicable to exporters of the goods from Singapore would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent. The Commissioner's reasons for not so finding, are not reasonable, relying as they did on an unsound determination of the dumping margin, unsound analysis of the exporter's trade and export pricing behaviour and the recurrence of material injury following the inquiry period.
- 8) The Reviewable Decision is based on an erroneous finding by the Commissioner in REP 546 that for the purposes of s.269ZHF(2), the Commissioner ought to have been satisfied that the expiration of the measures applicable to exporters of the goods from Taiwan (except Power Steel) would lead, or would be likely to lead, to a continuation of, or a

recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent. The Commissioner's reasons for not so finding, are not reasonable, relying as they did on an unsound determination of a dumping margin and unsound analysis of the exporters' trade and export pricing behaviour following the inquiry period.

Compania Espanola de Laminacion, S.L.

- 1) There was no probable likelihood of dumping and material injury that the measure is intended to prevent.

The Review Panel proposes to conduct a review of the Reviewable Decision in relation to the above grounds.

The goods to which these applications relate 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 include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

The goods subject to the anti-dumping measures do not include:

- *Plain round bar;*
- *Stainless steel;*
- *Reinforcing mesh.*

(as set out in ADN No 2020/020 and Report of the Anti-Dumping Commission No. 264).

Submissions

Interested parties have **30 days** from the date on which this notice is published to provide the Review Panel with a submission. Your submission should indicate your eligibility to make a submission as either an interested party to the Reviewable Decision or as one of the specified entities under section 269ZZJ of the Act.

If your submission contains confidential information, you must provide a public version that can be published on the Review Panel website. Failure to do so will result in your submission not being considered.

You may either email your submission to ADRP@industry.gov.au or mail the submission to:

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set 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

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Scott Ellis
Panel Member
Anti-Dumping Review Panel
16 December 2020