

22 April 2026

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

By Email: [ADRP@industry.gov.au](mailto:ADRP@industry.gov.au)

Dear Panel Members

**Reviewable Decision:** Anti-Dumping Commission Report No. 655 and Anti-Dumping Notice 2025/124

Amsteel Mills Sdn Bhd ("Amsteel") is an interested party in relation to the Reviewable Decision being an exporter of the subject goods and a cooperating exporter in Dumping Investigation No 655 - Hot rolled deformed steel reinforcing bar in lengths from Indonesia, Malaysia, Thailand, Türkiye, Vietnam.

Amsteel provides the attached submission to the Anti-Dumping Review Panel for consideration.

Should the panel require any further information, please advise.

Yours sincerely,

Amsteel Mills Sdn Bhd

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# Submission to the Anti-Dumping Review Panel

**Applicant:** Amsteel Mills Sdn Bhd

**Reviewable Decision:** Anti-Dumping Commission Report No. 655 and Anti-Dumping Notice 2025/124

**Product:** Hot Rolled Deformed Steel Reinforcing Bar in Lengths (Rebar)

**Country of Export:** Malaysia

**Exporter Status:** Residual exporter

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## 1. Introduction

1. This submission is made on behalf of **Amsteel Mills Sdn Bhd** (Amsteel) to the Anti-Dumping Review Panel (ADRP) pursuant to Division 9 of Part XVB of the *Customs Act 1901* (the Act).
  2. The application seeks review of the Minister's decision, based on Anti-Dumping Commission Report No. 655 (REP 655), to impose an interim dumping duty of **9.2%** on Amsteel's exports of rebar from Malaysia.
  3. Amsteel was classified as a **residual exporter** and not selected for individual examination. The dumping margin applied to Amsteel was calculated using the residual exporter methodology under subsection 269TACAB of the Act.
  4. Amsteel relies on its submission to the Anti-Dumping Commission dated **19 November 2025**.
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## 2. Background and Relevant Findings

1. The Commission conducted a dumping investigation into hot-rolled deformed steel reinforcing bar in lengths exported from several countries, including Malaysia.
2. In Malaysia, two exporters were selected for individual examination under the sampling provisions in section 269TACAA (1):
  - **Southern Steel Berhad**; and
  - **Ann Joo Steel Berhad**.
3. Southern Steel was later excluded from the residual exporter calculation under subsection 269TACAB (3) because its dumping margin was negligible or negative (below the 2% de minimis threshold).
4. Following that exclusion, the Commission calculated the Malaysian residual exporter dumping margin solely by reference to **Ann Joo Steel Berhad**, producing a margin of **9.2%**, which was applied to Amsteel and other residual exporters from Malaysia.

5. Amsteel was not granted an individual dumping margin despite having fully cooperated with the investigation and submitted detailed export price and normal value calculations. As acknowledged by the Commission. Also, in a submission to the Commission dated 19 November 2025, Amsteel provided a Confidential Attachment titled “Dumping Margin Calculation”, which demonstrated that Amsteel’s weighted average export price was higher than the corresponding weighted average normal value, demonstrating a negative dumping margin.
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### 3. Grounds of Review – Question 9

#### Ground 1: Error of Law – Non-Compliance with Subsection 269TACAB (2)

1. The Minister erred in determining Amsteel’s export price and normal value under subsection 269TACAB (2) of the *Act* by relying on data from a **single sampled exporter**.
2. Paragraphs 269TACAB(2)(c) and (d) impose mandatory requirements that:
  - the export price for a residual exporter must not be less than the **weighted average export prices** of cooperative exporters; and
  - the normal value must not exceed the **weighted average normal values** of those exporters.
1. These requirements are qualified by subsection 269TACAB (3), which mandates exclusion of exporters whose margins are zero, de minimis or determined under section 269TACB.
2. Once Southern Steel was excluded, only one cooperating exporter (Ann Joo) remained. In those circumstances, compliance with subsection 269TACAB (2) became legally impossible.
3. Subsection 269T(5A) defines a weighted average using multiple price–quantity pairs and plural transactions. A single price–quantity pair cannot, as a matter of law, constitute a weighted average.
4. Treating Ann Joo’s individual prices and values as a “weighted average” involved an impermissible substitution of method not authorised by the *Act*.

#### Ground 2: Inconsistency with WTO Obligations and Jurisprudence

1. Subsection 269TACAB gives effect to Australia’s obligations under **Article 9.4 of the WTO Anti-Dumping Agreement**.
2. WTO panels and the Appellate Body have consistently held that:
  - a weighted average cannot be calculated from a single exporter (*EC – Bed Linen*);
  - Article 9.4 establishes a strict **ceiling** for residual exporter rates (*US – Hot-Rolled Steel*);

## Official and non-confidential

- Investigating authorities may not depart from the prescribed methodology due to practicality or convenience (US – AD/CVD (Korea)).
1. Where all qualifying margins are excluded, WTO jurisprudence recognises a lacuna of **method**, not of obligation. In such cases, the discretion of the authority is **constrained**, and residual exporters must not be prejudiced by defects in the investigation (US – Zeroing (21.5 – EC)).
  2. By redefining “weighted average” to include a single exporter, the Commission adopted the very approach rejected by WTO panels and the Appellate Body.

### Ground 3: Failure to Use Available Information

1. Amsteel submitted export sales data and dumping margin calculations during the investigation period, showing that its exports were not dumped and had a negative dumping margin.
2. Subsection 269TACAA (2) expressly permits the extension of an investigation to non-selected exporters where doing so would not prevent timely completion.
3. Amsteel’s exports involved a very small number of transactions over the investigation period. The Commission was expressly advised that those calculations could be verified against Australian Border Force import data and did not require additional verification steps beyond those already undertaken for sampled exporters.
4. The refusal to use available information or extend the investigation mirrors the error identified by the Federal Court in *Press Metal Aluminium (Australia) Pty Ltd v Minister for Industry and Science* [2024] FCA, where the Commission failed to address a known evidentiary gap using information readily obtainable to it.

### Ground 4: Unreasonable Reliance on Sampling Practicalities

1. The Commission justified its approach by asserting that it would have been “unreasonable and impracticable” to extend the sample or examine Amsteel’s data. That assertion is flawed.
  2. The methodological deficiency was **self-created** by the Commission’s discretionary choice under subsection 269TACAA (1) to sample only two Malaysian exporters.
  3. Public Commission records from investigations since 2012 demonstrate that where sampling is used, the Commission has consistently selected **at least three exporters per country**, with an average of four. Limiting Malaysia to two exporters was unprecedented and made the statutory lacuna foreseeable.
  4. Practical inconvenience arising from a self-imposed sampling decision cannot excuse non-compliance with mandatory statutory requirements.
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#### 4. The Correct or Preferable Decision – Question 10

1. The correct or preferable decision is for the Minister to determine **an individual dumping margin for Amsteel** based on its own submitted data pursuant to subsection 269TACAA (2).
  2. Had that occurred, Amsteel would have received a dumping margin below the de minimis threshold, requiring termination of the investigation insofar as it applied to its exports.
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#### 5. Why the Proposed Decision Is Materially Different – Question 12

1. The reviewable decision imposes a **9.2% dumping duty** on Amsteel based entirely on another exporter's pricing behaviour.
  2. The proposed decision would instead have resulted in:
    - a finding of no dumping by Amsteel;
    - termination of measures as they apply to Amsteel; and
    - removal of interim and future dumping duties on Amsteel's exports.
  1. The difference is material both legally and economically and directly affects Amsteel's ability to access the Australian market.
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#### 6. Conclusion

1. The residual exporter methodology applied in REP 655 is not the correct or preferable decision because it:
    - contravenes the plain wording of the *Customs Act 1901*;
    - conflicts with binding WTO jurisprudence;
    - departs from the Commission's own established practice; and
    - unfairly penalises a fully cooperative exporter with a demonstrably negative dumping margin.
  1. The Review Panel should set aside the decision insofar as it applies to **Amsteel Mills Sdn Bhd** and substitute a decision requiring the determination of an individual dumping margin based on Amsteel's own information.
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**Dated:** 22 April 2026

**For and on behalf of:** Amsteel Mills Sdn Bhd