



ADRP Conference Summary

2018/83 Steel Rod in Coil exported from the People's Republic of China

Panel Member	Scott Ellis
Review type	Review of a Ministerial decision
Date	18 July 2018
Participants	Messrs Wickes and Crowley (Anti-Dumping Commission), Messrs [REDACTED] and Ms [REDACTED] (Liberty OneSteel)
Time opened	13.30 AEST

Purpose

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

The conference was held pursuant to s 269ZZHA of the *Customs Act 1901*.

In the course of the conference, the parties may have been asked to clarify an argument, claim or specific detail contained in the party's application or submission. The conference was not a formal hearing of the review and was not an opportunity for parties to argue their case before me.

The panel may only have regard to information provided at this conference in so far as it relates to relevant information within the meaning of section 269ZZK(6) of the *Customs Act 1901*) and to any conclusions reached at the conference to the extent that they are based on that relevant information. Any conclusions reached at the 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.



Record of Discussion

The Panel had requested information about the following matters.

- Whether information about:
 - the export price during periods prior to the review period;
 - the outcome of prior investigations in relation to the exporter; or
 - any prior history of dumping by that exporter;is relevant information for the purposes of the exercise by the Minister of his powers under s 269TAB(3), and if so, what information is there about those matters?
- whether information about dumping of like goods in Australia is relevant to s 269TAB(2A)(b)(ii), and if so, what information is there about that matter; and
- the applicants' submissions of 5 July 2018.

Mr [REDACTED] [for Liberty OneSteel] submitted that prior dumping conduct could be considered in the exercise by the Minister of his powers under s 269TAB(3) and this would reflect the information considered by the Minister in this case. Mr Wickes did not provide a concluded position on the point. Mr [REDACTED] [for Liberty OneSteel] said that the expression 'patterns of trade' in s 269TAB(2A)(b)(ii) was primarily directed to the volume of imports into Australia and the nature of the market in Australia, with the question whether goods were dumped separate to those matters. Mr Wickes indicated that the ADC's interpretation was reflected in the Report.

Mr [REDACTED] [for Liberty OneSteel] said that the Vietnamese exporter should not have been included in the benchmark used as part of the normal value calculation in this matter because the artificially low electricity prices in Vietnam, as discerned in Investigation 416, might make it unsuitable to include Vietnamese producers in the Commission's calculation of a billet benchmark cost. Further, the Vietnamese exporter was not an integrated-only producer as claimed by the applicant for review but were verified as producing billets through both a BOF (integrated) and EAF process and that care should be taken to ascertain what information was before the Commission in Investigation 416 because there were revisions to the Hoa Phat information. Ms [REDACTED] [for Liberty OneSteel] said that there errors in the claims by the Chinese applicants for review in terms of the stated steelmaking processes employed in Investigation 416 – as outlined in Liberty OneSteel's submission. Mr Wickes said that the information about Hoa Phat was not used in this matter because the Commission did not have verified information on a quarterly basis and considered that it was not suitable to use information provided on an annual basis.

Ms [REDACTED] [for Liberty OneSteel] provided information about Liberty OneSteel's interpretation of the expression "integrated producer", which distinguished between producers that make billet from ore and coke through a blast furnace/BOF operation and those that made billet from scrap steel via an Electric Arc Furnace (non-integrated). Mr Wickes stated that the ADC had approached the question



Australian Government

Anti-Dumping Review Panel

on the basis that an integrated producer was one that made billet, whatever the process, as opposed to an entity that purchased billet from a third party.