



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

STEEL REINFORCING BAR exported from the PEOPLE'S REPUBLIC OF CHINA

The Anti-Dumping Review Panel has accepted grounds raised in applications from Hunan Valin Xiangtan Iron & Steel Co., Ltd (Hunan), Jiangsu Yonggang Group Co Ltd (Yonggang), OneSteel Manufacturing Pty Ltd (OneSteel), and Shandong Shiheng Special Steel Co Ltd (Shiheng) for a review of a decision by the Parliamentary Secretary under section 269TG(1) and section 269TG(2) of the *Customs Act 1901* (the Act) made on 12 April 2016 to publish a dumping duty notice in respect of STEEL REINFORCING BAR exported from the People's Republic of China (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (the ADC) website on 13 April 2016.

The grounds raised in the applications for the Reviewable Decision not being the correct or preferable decision include:

- (a) the ADC erred in substituted steel billet costs in Hunan costs of production with costs that were not in the country of export;
- (b) there was no evidence and improper consideration of whether Hunan costs reasonably reflected competitive market costs;
- (c) the ADC erred in the calculating amount of profit;
- (d) the ADC erred in finding that a particular market situation existed and that as a consequence, domestic sales of rebar were unsuitable for determining normal values;
- (e) the ADC erred by relying on its market situation assessment and findings to form the view that steel billet costs did not reasonably reflect competitive market costs;
- (f) the ADC erred in its interpretation of Regulation 43 of the *Customs (International Obligation) Regulations 2015* by focusing on the costs themselves, rather than the records of Yonggang and Shiheng, in rejecting its steel billet production costs;
- (g) the ADC failed to undertake a proper examination and assessment of whether Yonggang's and Shiheng's records reasonably reflected competitive market costs.
- (h) the ADC erred in calculating the profit relevant to the calculation of constructed normal values;
- (i) the ADC erred by not making necessary due allowance for domestic bank charges that affected price comparability;
- (j) the ADC erred by making due allowance for export credit terms that did not affect price comparability;
- (k) the ADC erred by not making adjustment to the steel billet benchmark price to ensure normal values are properly compared to export price, for factors unrelated to the Government of China's policies and plans which were the basis for domestic sales and costs being rejected;
- (l) the ADC erred in determining material injury on the basis of a 'but-for' methodology which as a result incorrectly found that the applicant suffered material injury attributable to the subject goods;

- (m) the ADC erred in making an adjustment to constructed normal values for the gross margin incurred by Shiheng's trading intermediary;
- (n) the ADC erred by making double counting an upward adjustment to constructed normal values for export bank charges;
- (o) the Parliamentary Secretary failed to make necessary adjustments in accordance with subsection 269TAC(9) of the Act to the normal value ascertained for the goods exported to Australia;
- (p) the Parliamentary Secretary erred in selecting prices based on export market conditions as an appropriate benchmark for competitive market costs; and
- (q) the Parliamentary Secretary erred in subtracting a rate of profit from the selected external benchmark.

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 covered by this application include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

The Anti-Dumping Review Panel proposes to conduct a review of the Reviewable Decision. Interested parties may make submissions to the Panel within **30 days** from the date of publication of this notice.

Submissions may be emailed to ADRP@industry.gov.au. Submissions may also be posted to:

the Anti-Dumping Review Panel
c/o ADRP Secretariat, Legal, Audit and Assurance Branch
Department of Industry and Science
GPO Box 9839
ACT 2600 Australia.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781.

Copies of the applications for review, which set out the full grounds for seeking review 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's website at www.adcommission.gov.au.

Jaclyne Fisher
Member
Anti-Dumping Review Panel