Australian Government
Anti-Dumping Review Panel

Application for review of a Ministerial decision

Customs Act 1901 s 269ZZE

This is the approved[1] form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 2 March 2016 for a review of a reviewable decision of the Minister (or his or her Parliamentary Secretary).

Any interested party[2] may lodge an application for review to the ADRP of a review of a ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time
Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences
You or your representative may be asked to attend a conference with the Panel Member appointed to consider your application before the Panel gives public notice of its intention to conduct a review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. The Panel may also call a conference after public notice of an intention to conduct a review is given on the ADRP website. Conferences are held between 10.00am and 4.00pm (AEST) on Tuesdays or Thursdays. You will be given five (5) business days' notice of the conference date and time. See the ADRP website for more information.

Further application information
You or your representative may be asked by the Panel Member to provide further information to the Panel Member in relation to your answers provided to questions 0, 11 and/or 12 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal
You may withdraw your application at any time, by following the withdrawal process set out on the ADRP website.

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

[1] By the Acting Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.
[2] As defined in section 269ZX *Customs Act 1901*.

PART A: APPLICANT INFORMATION

1. **Applicant's details**

Applicant's name: **Anhui Sanfang New Material Technology Co., Ltd. (Sanfang)**

Address: **Wangxi Park,Ningguo Economic and Technological Development Zone, Anhui Province**

Type of entity (trade union, corporation, government etc.): l**imited liability company**

2. **Contact person for applicant**

Full name: **Mr. YANG Ming**

Position: **General Manager**

Email address: **yangming7128@sina.com**

Telephone number: **(86)-563-4035457**

3. **Set out the basis on which the applicant considers it is an interested party**

Pursuant to Section 269ZZC of the *Customs Act* 1901("the Act"), a person who is an interested party in relation to a reviewable decision may apply for a review of that decision. An "interested party" is defined under Section 269T of the Act as including, amongst others, any person who is or is likely to be directly concerned with the importation or exportation into Australia of the goods the subject of the application; any person who has been or is likely to be directly concerned with the importation or exportation into Australia of like goods; and any person who is or is likely to be directly concerned with the production or manufacture of the goods the subject of the application or of like goods that have been, or are likely to be, exported to Australia. Sanfang is a manufacturer and exporter of the goods to which the decision relates, namely grinding balls, and is thus an "interested party" for the purposes of the Act and this application.

4. **Is the applicant represented?**

Yes ☒ No

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.*

PART B: REVIEWABLE DECISION TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decision was made under:

☒Subsection 269TG(1) or (2) – decision of the Minister to publish a dumping duty notice

☐Subsection 269TH(1) or (2) – decision of the Minister to publish a third country dumping duty notice

☒Subsection 269TJ(1) or (2) – decision of the Minister to publish a countervailing duty notice

☐Subsection 269TK(1) or (2) decision of the Minister to publish a third country countervailing duty notice

☐Subsection 269TL(1) – decision of the Minister not to publish duty notice

☐Subsection 269ZDB(1) – decision of the Minister following a review of anti-dumping measures

☐Subsection 269ZDBH(1) – decision of the Minister following an anti-circumvention enquiry

☐Subsection 269ZHG(1) – decision of the Minister in relation to the continuation of anti-dumping measures

6. Provide a full description of the goods which were the subject of the reviewable decision

The goods the subject of the reviewable decision were ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22mm to 170mm (inclusive).

The goods included all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods regardless of the particular grade or alloy content.

Goods excluded from this application include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.

7. Provide the tariff classifications/statistical codes of the imported goods

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the Customs Tariff Act 1995:

• Tariff subheading 7325.91.00 with statistical code 26;

• Tariff subheading 7326.11.00 with statistical code 29; and

• Tariff subheading 7326.90.90 with statistical code 59.

8. Provide the Anti-Dumping Notice (ADN) number of the reviewable decision
If your application relates to only part of a decision made in an ADN, this must be made clear in Part C of this form.

Anti-Dumping Notice No. 2016/90

Anti-Dumping Notice No. 2016/91

9. **Provide the date the notice of the reviewable decision was published**

The reviewable decision was published on 9 September 2016, as evidenced by the Anti-Dumping Commission website: http://www.adcommission.gov.au/cases/Pages/CurrentCases/ADC-316.aspx.

Attach a copy of the notice of the reviewable decision (as published on the Anti-Dumping Commission's website) to the application

See Attachment A.

PART C: GROUNDS FOR THE APPLICATION

If this application contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the grounds that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: ☒

See Attachment B, in respect of which, confidential and non-confidential versions have been provided.

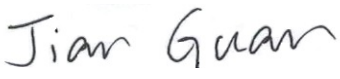
10. **Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision.**
11. **Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 0.**
12. **Set out the reasons why the proposed decision provided in response to question 11 is materially different from the reviewable decision.**

    Do not answer question 12 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

PART D: DECLARATION

The applicant's authorised representative declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected;
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature: 

Name: **Jian Guan**

Position: **Partner**

Organisation: **Beijing Globe-Law Law Firm**

Date: **03/10/2016**

PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative

Full name of representative: **Jian Guan**

Organisation: **Beijing Globe-Law Law Firm**

Address: **9/F, Tower C, Parkview Green Fangcaodi, No. 9 Dongdaqiao Road, Chaoyang District, Beijing 100020, P. R. China**

Email address: **guanjian509@163.com**

Telephone number: **86-10-8451-2800**

Representative's authority to act

A separate letter of authority may be attached in lieu of the applicant signing this section

See Attachment C.

Australian Government
Department of Industry, Innovation and Science

Anti-Dumping Commission

Customs Act 1901 – Part XVB

Grinding Balls

Exported from the People's Republic of China

Findings in Relation to a Dumping Investigation

Public notice under subsections 269TG (1) and 269TG (2) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of grinding balls ("the goods"), exported to Australia from the People's Republic of China (China).

The goods the subject of the investigation are:

> *Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22mm to 170mm (inclusive).*

The goods covered by this application include all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods regardless of the particular grade or alloy content.

Goods excluded from this application include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the *Customs Tariff Act 1995*:

- Tariff subheading 7325.91.00 with statistical code 26;
- Tariff subheading 7326.11.00 with statistical code 29; and
- Tariff subheading 7326.90.90 with statistical code 59.

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 316* (REP 316), in which he outlines the investigation carried out and recommends the publication of a dumping duty notice in respect of the goods. I have considered REP 316 and accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact and law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings.

The method used to compare export prices and normal values to determine whether dumping has occurred and to establish the dumping margin was to compare the weighted average of export prices with the weighted average of corresponding normal values over the investigation period pursuant to subsection 269TACB(2)(a) of the *Customs Act 1901* (the Act). The normal values were established under subsections 269TAC(2)(c) and 269TAC(6) of the Act. The export prices were established under subsections 269TAB(1)(a), 269TAB(1)(c) and 269TAB(3) of the Act.

Particulars of the dumping margins that have been established in respect of the goods exported to Australia from China by the following exporters are set out in the table below.

Exporter / Manufacturer	Dumping margin
Changshu Longte Grinding Ball Co., Ltd	3.0%
Hebei Goldpro New Material Technology Co., Ltd	51.5%
Jiangsu CP Xingcheng Special Steel Co., Ltd	20.6%
Jiangsu Yute Grinding International Co., Ltd	43.3%
Uncooperative and All Other Exporters	95.4%

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,[1] have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 316.

I am satisfied, as to the goods that have been exported to Australia from China, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TG(1) of the Act), I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

(i) the goods; and

(ii) in accordance with subsections 45(2), 45(3A)(b) and 269TN(2) of the Act, like goods that were exported to Australia for home consumption on or after 22 April 2016, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination published on 21 April 2016 under section 269TD of the Act, but before the publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to the Australian industry producing like goods has been caused and is being caused. Therefore

[1] The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary and accordingly the Parliamentary Secretary is the relevant decision maker. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from China.

The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on prices in the Australian market in the form of price undercutting and the consequent impact on the Australian industry including price depression and price suppression, loss of market share, loss of profits and profitability, reduced employment, reduced revenue and reduced capital utilisation.

In making my determination, I have considered whether any injury to the Australian industry is being caused by a factor other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Duty Notice No. 2012/34, available at www.adcommission.gov.au.

REP 316 and other documents included in the public record may be examined at the Anti-Dumping Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2437, fax number +61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dated this 1st day of September 2016.

CRAIG LAUNDY
Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

Australian Government
Department of Industry, Innovation and Science

Anti-Dumping Commission

Customs Act 1901 – Part XVB

Grinding Balls

Exported from the People's Republic of China

Findings in Relation to a Subsidisation Investigation

Public notice under subsections 269TJ(1) and 269TJ(2) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged subsidisation of grinding balls ("the goods"), exported to Australia from the People's Republic of China (China).

The goods the subject of the investigation are:

> *Ferrous grinding balls, whether or not containing alloys, cast or forged, with diameters in the range 22mm to 170mm (inclusive).*

The goods covered by this application include all ferrous grinding balls, typically used for the comminution of metalliferous ores, meeting the above description of the goods regardless of the particular grade or alloy content.

Goods excluded from this application include stainless steel balls, precision balls that have been machined and/or polished, and ball bearings.

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the *Customs Tariff Act 1995*:

- Tariff subheading 7325.91.00 with statistical code 26;
- Tariff subheading 7326.11.00 with statistical code 29; and
- Tariff subheading 7326.90.90 with statistical code 59.

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 316* (REP 316), in which he outlines the investigation carried out and recommends the publication of a countervailing duty notice in respect of the goods.

I have considered REP 316 and accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact and law on which

the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings.

Particulars of the subsidy programs and level of subsidisation established are set out in the following table:

Exporter	Countervailable subsidy programs*	Subsidy Margin	Duty Method
Uncooperative and all other exporters	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53 and 54	8.2%	Proportion of export price

*The names and details of each of the above countervailable subsidy programs are contained within REP 316.

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,[1] have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 316.

I am satisfied, as to the goods that have been exported to Australia from China, that countervailable subsidies have been received in respect of the goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TJ(1) of the Act), I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

(i) the goods; and

(ii) in accordance with subsections 45(2), 45(3A)(b) and 269TN(2) of the Act, like goods that were exported to Australia for home consumption on or after 22 April 2016, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination published on 21 April 2106 under section 269TD of the Act, but before the publication of this notice.

I am also satisfied that a countervailable subsidy has been received in respect of the goods that have already been exported to Australia, and that a countervailable subsidy may be received in respect of like goods that may be exported to Australia in the future; and because of that, material injury to the Australian industry producing like goods has been or is being caused. Therefore, under subsection 269TJ(2) of the Act, I DECLARE that section 10 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

[1] The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary and accordingly the Parliamentary Secretary is the relevant decision maker. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

This declaration applies in relation to all exporters of the goods and like goods from China with the exception of:

- Changshu Longte Grinding Ball Co., Ltd;
- Jiangsu CP Xingcheng Special Steel Co., Ltd;
- Hebei Goldpro New Materials Co., Ltd; and
- Jiangsu Yute Grinding International Co., Ltd.

The considerations relevant to my determination of material injury to the Australian industry caused by subsidisation are the size of the subsidy margins, the effect of subsidised imports on prices in the Australian market in the form of price undercutting and the consequent impact on the Australian industry including price depression and price suppression, loss of market share, loss of profits and profitability, reduced employment, reduced revenue and reduced capital utilisation.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of subsidised goods, and have not attributed injury caused by other factors to the exportation of those subsidised goods.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Duty Notice No. 2012/34, available at www.adcommission.gov.au.

REP 316 and other documents included in the public record may be examined at the Anti-Dumping Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2437, fax number +61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dated this 1st day of September 2016.

CRAIG LAUNDY
Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

In the Anti-Dumping Review Panel

Application for review

Grinding balls exported from China

Anhui Sanfang New Material Technology Co., Ltd. (Sanfang)

1. Introduction

By way of an application[1] to the Anti-Dumping Commission ("the Commission"), Commonwealth Steel Company Pty Ltd and Donhad Pty Ltd applied for dumping and subsidies investigations into imports of grinding balls from the People's Republic of China ("China"). In response to that application, the Commission initiated the subject investigations in respect of grinding balls exported from China on 17 November 2015.[2]

Anhui Sanfang New Material Technology Co., Ltd. (Sanfang) is a Chinese manufacturer and exporter of high chrome cast grinding balls, which was established on 25 June 2015 and started its operation in July 2015. Sanfang's first exportation of high chrome cast grinding balls to Australia was made in October 2015.

Since Sanfang did not export any subject product to Australia during the investigation period (October 2014 – September 2015), it was not qualified as an exporting producer of the subject investigations. As a matter of fact, Sanfang was not aware of the subject investigations until the Preliminary Affirmative Determination (PAD)[3] was made on 21 April 2016 and the securities were imposed thereafter on its goods at a rate of 113%, which in effect prohibited Sanfang's exportation of the subject products to Australia.

On 10 May 2016, Sanfang raised its objection[4] to the imposition of antidumping and anti-subsidy duties on its products i.e. high chrome cast grinding balls. In particular, Sanfang believes that high chrome cast grinding balls are different with forged grinding balls in respect of raw materials, chemical compositions, end uses, production equipment and processes. Besides, the Australian industry of grinding balls only

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[1] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/001%20-%20Application%20Australian%20Industry%20-%20Cmwth%20Steel%20Company.pdf

[2] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/002%20-%20ADN%202015-132%20Initiation%20-%20Grinding%20Balls.pdf

[3] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/034%20-%20ADN%202016-45%20-%20PAD.pdf

[4] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/036%20-%20Submission%20-%20Anhui%20Sanfang%20New%20Material%20Technology%20Co.%20Ltd.pdf

produces the forged grinding balls, and it has no capacity of producing cast grinding balls at all.

At the conclusion of the investigation, in a decision published on 9 September 2016, the Parliamentary Secretary to the Minister for Industry, Innovation and Science ("the Parliamentary Secretary") decided to impose antidumping and anti-subsidy measures on grinding balls exported to Australia from China. Specifically, the Parliamentary Secretary decided to publish notices[5] and Final Report No 316[6] in relation to grinding balls exported from China under Sections 269TG(1) and (2), as well as Subsection 269TJ(1) and (2) of the Customs Act 1901 ("the Act").

Sanfang seeks review by the Anti-Dumping Review Panel ("the Review Panel"), under Sections 269ZZA(1)(a) and 269ZZC of the Act, of the decision (or decisions) made by the Parliamentary Secretary to impose antidumping and anti-subsidy measures against the exports of grinding balls to Australia, as outlined in this application.

We now address the requirements of both the form of application that has been approved by the Senior Member of the Review Panel under Section 269ZY, and of Section 269ZZE(2)(b) in relation to each of Sanfang's grounds of review, being those requirements not already addressed within the text of the approved form itself.

10. Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision

10.1 The forged grinding balls produced by Australian industry are not like products of the high chrome cast grinding balls exported by Sanfang

10.1.1 Legal framework

[5] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/055%20-%20ADN%202016-90%20-%20TG%20Notice.pdf and http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/056%20-%20ADN%202016%2091%20-%20TJ%20Notice.pdf

[6] Available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/054%20-%20Final%20Report%20316.pdf

Section 269T(1) of the Act defines the "like goods" as below:

> ***like goods****, in relation to goods under consideration, means goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration.*

The Dumping and Subsidy Manual provides the Commission's detailed policy and practice. The Commission's policy is to interpret the legislation in a manner consistent with the relevant WTO Agreements. In particular,

> *In the context of like goods, identical goods are goods that are identical in physical characteristics, subject to variations in their presentation due to the need to adapt them to special conditions in the home or export market. If the goods are found to be identical, it is not necessary to further consider other factors such as channels of distribution, process of manufacturing etc. in determining the question of like goods.*
>
> *If the goods are found not to be identical, it is necessary to determine whether the goods would still fall within the ambit of goods having characteristics closely resembling those of the goods under consideration. To determine whether the goods are goods having characteristics closely resembling those of the goods under consideration, the factors outlined below will be considered.* [7]

According to the above policy, the physical characteristics is a decisive factor to determine whether two goods are identical. If two goods are not identical, i.e. not physically the same, other factors may be considered to determine whether they are closely resembling. But even under this situation, the physical characteristics still plays a key role. It means that for two products to be "closely resembling", they are not necessary to be physically the same, but they must be physically similar. This conclusion is supported by the Commission's statement of its practice.

In the Commission's practice, following factors would be considered to determine whether two products are closely resembling each other.[8]

> **Physical likeness**
>
> • Assess which physical characteristics are similar, and identify the extent of differences.
>
> Characteristics to consider:

Size	*Shape*	*content*
Weight	*Appearance*	*taste*

[7] Dumping and Subsidy Manual, page 9.
[8] Dumping and Subsidy Manual, pages 9-11.

Grade	*Standards*	*age*
Strength	*Purity*	

• Are the goods classified to a matching tariff classification?

Commercial likeness

Commercial likeness refers to attributes identifiable from market behaviour.

• Are the goods directly competitive in the market? e.g. do the goods compete in the same market sector? Within a market sector, are the goods similarly positioned?

• To what extent are participants in the supply chain willing to switch between sources of the goods and like goods? e.g. willingness of participants to switch between sources may suggest commercial interchangeability.

• How does price competition influence consumption? e.g. close price competition may indicate product differentiation is not recognised by the market.

• Are the distribution channels the same?

• How similar is the packaging used? Does different packaging reveal significant differences in the goods, or highlight different market sectors?

Functional likeness

Functional likeness refers to end-use. End-use will not of itself establish like goods, but may provide support to the assessment of physical and commercial likeness.

• Do the goods have the same end use? To what extent are the two products functionally substitutable? e.g. both a shovel and an earthmoving machine can move earth.

• To what extent are the goods capable of performing the same, or similar functions? e.g. an earthmoving machine is capable of moving earth more rapidly than a shovel.

• Do the goods have differential quality? Quality claims can be subjective. Objective evidence has higher probative value e.g. by standards, or the extent consumers are willing to use the goods to perform the required functions.

• Is consumer preference likely to change in the future? Consider consumer behaviour in other markets/ countries?

Production likeness

Different production processes may produce identical goods. However, different production processes may be used to create different product characteristics. A comparison of production process will not of itself establish like goods, but may highlight differences or provide support to the assessment of other considerations.

• To what extent are the goods constructed of the same or similar materials?

• Have the goods undergone a similar manufacturing process? If different, what is the impact of those differences?

• Are there any patented processes or inputs involved?

Other considerations

• Matters raised by interested parties,

• Matters that the Commission identifies during the course of the investigation,

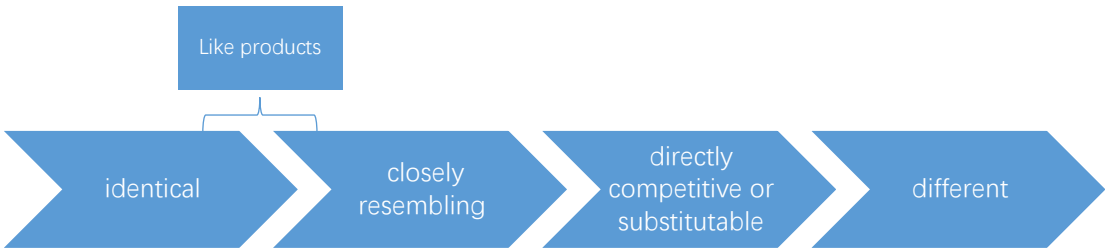
• How similar is the marketing of the goods?

The definition of "like goods" under Section 269T(1) of the Act closely imitates the WTO Antidumping Agreement and the SCM Agreement. For example, Article 2.6 of the Antidumping Agreement provides that:

> *Throughout this Agreement the term "like product" ("produit similaire") shall be interpreted to mean a product which is identical, i.e. alike in all respects to the product under consideration, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration.*

Since it is the Commission's policy to interpret the legislation in a manner consistent with the relevant WTO Agreements, it is worth observing the interpretation of "like goods" in the context of WTO Agreements.

Various provisions of the WTO Agreement stipulate the relationship between two products.[9] If one were to draw a line of product relationship, one would put the concept of "identical" at one end, and the concept of "different" at the other end. The concept of "identical goods" represents the closest relationship between products, whereas the concept of "different goods" reflects no relationship whatsoever. In between these extremes, one would be able to locate such concepts as "resembling", "directly competitive or substitutable", and "indirectly competitive or substitutable". It can be illustrated as below:



The ordinary meaning of the term "closely" requires the "closely resembling" applies to the relationship of products that share as many significant physical as well as

[9] For example, Article 2.6 of the Antidumping Agreement, Article 15.1, footnote 46 of the SCM Agreement, Article 2.1 of the Agreement on Safeguard, Article 15 of the Customs Valuation, Article I:1, III:2 and XI:2 of the GATT etc.

functional characteristics as possible. If a product loses the physical similarity at all, it should be considered outside the scope of the resembling product coverage, no matter how close the functional relationship it shares with the product in comparison. In such a case, the "directly competitive or substitutable" relationship may be utilized to cove the situation.

With regard to "directly competitive or substitutable", the Appellate Body in *Korean – Tax on Alcoholic Beverages* concludes that: "according to the ordinary meaning of the term, products are competitive or substitutable when they are interchangeable or if they offer, as the Panel noted, 'alternative ways of satisfying a particular need or taste'."[10]

In light of the above, it might be said that the definition of "directly competitive or substitutable" products includes three conditions: one should be able to use one product (1) in place of the other; (2) for the similar purpose of satisfying a particular need or taste; and (3) (from the angle of consumer utility) without significant reduction of consumption utility. Thus, the physical characteristics is not a factor to consider whether two products are "directly competitive or substitutable". The only factor to be considered is whether they are interchangeable or substitutable.

Certainly, "like products" maybe "directly competitive or substitutable", but "directly competitive or substitutable" products are not necessarily like each other.

10.1.2 Factual background

As acknowledged by the Commission in section 3.9 of the Final Report, both applicants are manufactures of forged grinding balls (FGB), rather than cast grinding balls. However, the goods exported by Sanfang are high chrome cast grinding balls (HCCGB, the content of chrome is more than 10%), which is materially different from the FGB and cannot be considered as like products in the subject investigations.

First, FGB and FCCGB use different raw materials. Materials used in the production of FGB are grinding bars made from steel billets, while HCCGB are made from scrap

[10] Appellate Body Report, *Korea — Taxes on Alcoholic Beverages*, para. 115.

steels and alloys such as ferrochrome.

Second, the production processes and technologies are different. The production for HCCGB is to firstly melt the scrap steels and alloys in high temperature, and then to be directly cast into shape. FGB is basically made from grinding bars as raw materials by forging or rolling. In addition, the quenching technology for HCCGB is more sophisticated than FGB, which is a know-how and a key step for the quality control of HCCGB.

Third, due to the completely different production processes and technologies, the production equipment used to manufacture FCCGB and FGB are totally different. The major equipment for FGB are heating furnace and forging or rolling machine, while the major equipment for HCCGB are electric furnace and casting machine. These two types of production equipment are not interchangeable. It means the casting production lines cannot produce FGB, and the forging production equipment cannot produce HCCGB.

Fourth, since FGB and HCCGB use different materials, the chemical composition of two products are substantially different, in particular the content of chrome and carbon. Typical examples can be given for two types of most representative products of FGB and HCCGB as below.[11]

Product type	**C**	**Si**	**Mn**	**Cr**	**P**	**S**	**V**	**Ti**	**Mo**	**Cu**	**Ni**
Medium carbon low alloy forged balls	0.70-0.95	0.75-1.25	0.75-0.95	0.5-0.2	<0.035	<0.035	negligible	negligible	N/A	N/A	N/A
High chrome cast balls	2.0-3.3	<1.2	0.3-1.5	>18.0-23.0	<0.10	<0.06	N/A	N/A	0-3.0	0-1.2	0-1.5

Fifth, the mechanical performances, in particular hardness and wear rate, of FGB and HCCGB are different. Due to the higher content of chrome and carbon, HCCGB is harder than FGB, thus has a lower wear rate.

Sixth, although FGB and HCCGB have the same end-use, they are used for different mining conditions. HCCGB is more suitable for grinding small sized ore lump, thus is mainly used in grinders with diameter of 1.5-3.8m, and the corresponding size of the

[11] Extracted from China Black Metallurgy Industry Standards for Forging Grinding Balls, YB/T 091-2005 and China Black Metallurgy Industry Standards for Casting Grinding Balls, GB/T 17445-2009.

grinding balls is normally less than 60 mm. However, FGB is better used for grinding large sized ore lump, thus is mainly used in larger grinders, and the corresponding size of the grinding balls is normally over 60 mm.

Seventh, as a matter of fact, even the two applicants agreed that FGB and HCCGB do not compete on prices. They stated in the application that the higher prices of HCCGB generally negated the wear performance in an overall cost benefit analysis. FGB and HCCGB can be considered like for like in application based on the total cost to operate.[12] It means that FGB and HCCGB do not directly compete on the market for prices but for the total cost of operate i.e. the grinding cost of per ton ore as the example demonstrated below. Such competition relationship disproves that FGB and HCCGB are like goods.

Grinding balls	Unit price (Yuan/ton)	Consumption quantity of Per ton ore (KG)	Grinding cost of Per ton ore (Yuan)
HCCGB	7000	0.5	3.50
FGB	5000	0.8	4.00

In conclusion, FGB and HCCGB have no physical similarity at all in respective of raw material, production process and technology, chemical composition and mechanical performance. Even FGB and HCCGB have similar end uses, they never compete on prices. Thus, HCCGB should be considered outside the scope of the identical or closely resembling product coverage, no matter how close the functional relationship it shares with FGB.

10.1.3 Analysis

In section 3.7 of the Final Report, the Commission concludes that the Australian industry produces 'like' goods to the goods the subject of the application, for the following reasons:

- *the primary physical characteristics of the goods and locally produced goods are similar;*

[12] Section 2.3 of the Consideration Report No. 316, available at http://www.adcommission.gov.au/cases/EPR%20301%20%20350/EPR%20316/003%20-%20CON%20316%20-%20Grinding%20Balls%20from%20China.pdf

- *the goods and locally produced goods are commercially alike as they are sold to common users, and directly compete in the same market;*
- *the goods and locally produced goods are functionally alike as they have a similar range of end-uses; and*
- *the goods and locally produced goods are manufactured in a similar manner.*

In replying to Sanfang's comments, the Commission provides its further considerations under section 3.9 of the Final Report that cast grinding balls and forged grinding balls are substitutable across a large range of end uses.

None of these reasons holds true or could support the conclusion that FGB and HCCGB are like products.

First, as discussed in section 10.1.2 above, FGB and HCCGB have no physical similarity at all in respective of raw material, production process and technology, chemical composition and mechanical performance.

Second, FGB and HCCGB are manufactured in a totally different manner involving different equipment.

Third, although FGB and HCCGB are functionally alike as they have a similar range of end-uses, i.e. grinding the ore lump into ore powder, but they are used under different mining conditions.

Fourth, theoretically, FGB and HCCGB are substitutable across a certain range of end uses, but this theoretical possibility is not the commercial reality because they do not directly compete for prices but for the total cost of operate. Even as the Commission indicates in section 3.9 of the Final Report, some importers, in particular, CITIC Pacific Mining Pty Ltd (CPM), continues to trial for both cast and forged balls, this does not mean that FGB and HCCGB are commercially interchangeable. As far as Sanfang knows, CPM is a new mining company and is at its start-up stage, thus it needs to test different types of grinding balls to identify the most cost-effective grinding media consumption rate. Once CPM decides which grinding media best suits its mining conditions, there will be no possibility for other grinding media to substitute the chosen grinding media.

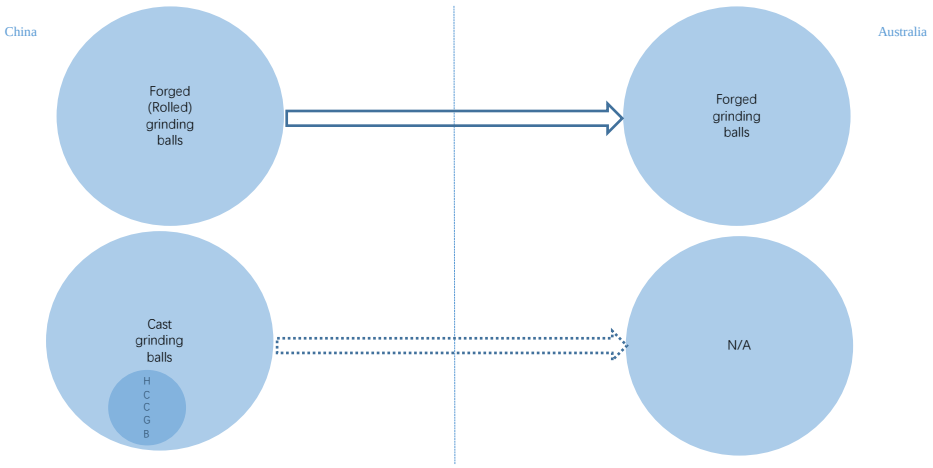
Lastly, for the sake of argument, assuming that FGB and HCCGB directly compete in the same market and substitutable with each other. This shall not be a decisive factor to determine that FGB and HCCGB are like products. Sanfang recalls that like products are either identical products or closely resembling products. Certainly FGB and HCCGB are not identical products. But if FGB and HCCGB are closely resembling products simply because they are substitutable with each other, the demarcation line between "closely resembling" products and "directly competitive or substitutable" products would be blurred.

In conclusion, FGB and HCCGB are not like products.

10.2 The scope of investigation was defined too broadly to include products that are not like with FGB produced by the Australian industry

In section 3.7 of the Final Report, the Commission concludes that there is an Australian industry in respect of 'like goods' in accordance with subsection 269TC(1).

It is well known that grinding balls are either forged (or rolled) or cast. And it is a confirmed fact that the Australian industry (the two applicants) only has the capacity of producing FGB.[13] Thus, the like goods produced by the Australian industry are only part of the goods under investigation. This can be illustrated as the following:



[13] See section 3.9 of the Final Report.

Therefore, there is an Australian industry in respect of FGB in accordance with subsection 269TC(1), but there is no Australian industry in respect of cast grinding balls at all. Thus, the Commission's initiation of antidumping and anti-subsidy investigations against both forged grinding balls and cast grinding balls including HCCGB is flawed.

10.3 There should be no price undercutting caused by HCCGB from China to the FGB in Australia

Section 8.5.4 of the Final Report states that:

> *The Commissioner is satisfied that there is positive evidence of price undercutting on an aggregated basis and on the basis of particular diameter ranges with significant import volumes during the investigation period.*

This conclusion is problematic because it fails to consider the price differentiation between FGB and HCCGB. Since HCCGB contents more than 10% chrome, the cost and price of which are normally higher than FGB. In fact, the prices of both products are at different levels.

Based on Sanfang's own market research, the average domestic prices of FGB produced by the Australian industry is around USD **[CONFIDENTIAL]**, however, the average FOB prices of HCCGB exported from China to Australia is around USD **[CONFIDENTIAL]**. Therefore, there should have no price undercutting caused by HCCGB during the investigation period.

In fact, as discussed in section 10.1.2 previously, FGB and HCCGB do not directly compete on the market for prices but for the "total cost of operate". If an injury caused by the competition on the "total cost of operate" could be counteracted through antidumping and anti-subsidy measures, there would be no need to require that there is an Australian industry in respect of 'like goods' in accordance with subsection 269TC(1). It means that any imported product, regardless like or not, as long as it substitutable to the product produced by the domestic industry, it would be subject to the antidumping or anti-subsidy measure.

10.4 The all other rate was determined based sole on FGB without considering the specialty of cast grinding balls in particular HCCGB

Section 5.13 of the Final Report states that:

> *The Commission has determined normal value for the uncooperative exporters pursuant to subsection 269TAC(6) after having regard to all relevant information. Specifically, the Commission has used the highest of the weighted average normal values of those that were established for the cooperating exporters in the investigation period.*
>
> *These changes include the adjusted normal values subsequent to the application of substituted billet prices in line with the Commissioner's finding of a particular market situation for the domestic market of Chinese grinding balls.*
>
> *This resulted in a dumping margin of 95.4 per cent.*

Sanfang recalls that all four cooperating exporters are manufacturers of forged grinding balls. Thus the normal values constructed for all four cooperating exporters by the Commission were based on the cost structure of FGB only. The highest of the weighted average normal values used by the Commission for all other exporters was also based on the cost structure of FGB.

As mentioned under section 10.1 of this application, the major raw materials for HCCGB are scrap steel and ferrochrome, its cost structure has nothing to do with steel billets or grinding bars, the cost of which have been substituted by the Commission with international prices.

Therefore, if the Commission considered that the cast grinding balls in particular HCCGB are products under investigation, it should have determined the all other rate by taking account of both FGB and cast grinding balls in particular HCCGB.

10.5 The Commission's determination that there was a market situation for grinding balls in China was mere conjecture

The Act does not provide any definition of particular circumstances or factors which would satisfy the Minister that a 'market situation' exists. In relation to determining

whether a 'market situation' exists, the Commission's Dumping and Subsidy Manual[14] states:

> *In considering whether sales are not suitable for use in determining normal values under subsection 269TAC(1) because of the situation in the market of the country of exporter the Commission may have regard to factors such as:*
> *In considering whether sales are not suitable for use in determining a normal value under s.269TAC(1) because of the situation in the market of the country of export the Commission may have regard to factors such as:*
> - *whether the prices are artificially low; or*
> - *whether there are other conditions in the market which render sales in that market not suitable for use in determining prices under s.269TAC(1).*
>
> *Government influence on prices or costs could be one cause of "artificially low pricing". Government influence means influence from any level of government. In investigating whether a market situation exists due to government influence, the Commission will seek to determine whether the impact of the government's involvement in the domestic market has materially distorted competitive conditions. A finding that competitive conditions have been materially distorted may give rise to a finding that domestic prices are artificially low or not substantially the same as they would be if they were determined in a competitive market.*[15]

As the Commission itself indicated that:

> *The influence of a government does not, in itself, establish the existence of a 'market situation'. In assessing whether a 'market situation' exists, the Commission needs to examine both:*
> *1. the effect such influence has on the market; and*
> *2. the extent to which domestic prices are distorted and unsuitable for proper comparison with corresponding export prices.* [16]

However, throughout Appendix 2 of the Final Report, except the mere conjecture of the possibility of the government influence on grinding balls market in China, Sanfang fails to see any direct evidence or at least circumstantial evidence pointing to either the effect the government influence has on the *grinding balls* market, or the extent to which domestic prices of *grinding balls* are distorted.

This is especially so considering nearly all parts of Appendix 2 are discussing the Government of China's (GOC) involvement in the iron and steel industry at the macro

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[14] Anti-Dumping Commission, November 2015, Dumping and Subsidy Manual. http://www.adcommission.gov.au/accessadsystem/Documents/Dumping%20and%20Subsidy%20Manual%20- %20November%202015_20%20Nov%202015%20-%20final%20on%20website.pdf
[15] Dumping and Subsidy Manual, pp 35.
[16] The Final Report, p 83.

level, such as:

- *Five year plans at national and local level*
- *National Steel Industry Development Policy (2005).*
- *Blueprint for the Adjustment and Revitalisation of the Steel Industry (2009).*
- *2011-2015 Development Plan for the Steel Industry (2011).*
- *Steel Industry Adjustment Policy (2015 Revision).*
- *Notice of Several Opinions on Curbing Overcapacities and Redundant Constructions in Certain Industries and Guiding the Healthy Development of Industries (2009).*
- *Guiding Opinions on Pushing Forward Enterprise M&A and Reorganisation in Key Industries (2013).*
- *Directory Catalogue on Readjustment of Industrial Structure (Version 11) (2013 Amendment).*

Expect merely listing the themes and objectives of the above documents or directives in Appendix 2, Sanfang fails to see how these documents or directives indeed have effect on the grinding balls market and how the domestic prices of grinding balls are distorted by these documents or directives. The fact that the grinding balls industry is part of the broad iron and steel industry does not discharge the Commission's responsibility in this regard.

Besides, the merely listing of the GOC subsidy programs that might have granted to the steel industry demonstrates nothing how these subsidies have effect on the grinding balls market and how the domestic prices of grinding balls are distorted by these subsidies. Even if there were a remote possibility of such effect or distortion, this possibility should have been disproved by the fact that the four cooperating exporters received no or negligible subsidies.

Furthermore, the Commission also discussed the GOC's involvement in strategic enterprises in section A2.17 of Appendix 2. First of all, none of those state owned enterprises (SOEs) listed by the Commission involves in the production of grinding balls. More importantly, the SOEs are also market participants, the mere existence of SOEs in the iron and steel industry does not mean there is a distortion on the iron and steel market. Otherwise, the only market without distortion would be the market consists of only private enterprises, which is counterintuitive.

Lastly, the Commission's discussion regarding taxation arrangements just states the

theoretical possibility that the 5% VAT rebate policy might depress the domestic prices of grinding balls. But Sanfang fails to see any evidence on records to prove the effects that the 5% VAT rebate policy could have had on the domestic price of grinding balls.

10.6 The Commission improperly considered that exporters' records did not reasonably reflect competitive market costs

Due to the Commission considers that there is a market situation for grinding balls in China, the normal value is constructed under subsection 269TAC(2)(c), and as required by subsection 269TAC(5A)&(5B), in accordance with sections 43, 44 and 45 of the *Customs (International Obligation) Regulation 2015*. (the Regulation)

In particular, when considering whether the exporter's records reasonably reflect competitive market cost associated with the production or manufacture of like goods under subsection 43(2)(b)(ii), the Commission concludes, in section 5.8 of the Final Report, that "the costs reported in the exporter's records are significantly influenced by GOC distortion, such that they do not reasonably reflect competitive market costs." The Commission further quantifies the distortion effect by comparing the competitive grinding bar benchmark to the costs reported in the exporter's records.

Section 43(2) of the Regulation provides that:

> *If:*
> *(a) an exporter or producer of like goods keeps records relating to the like goods; and*
> *(b) the records:*
> *(i) are in accordance with generally accepted accounting principles in the country of export; and*
> *(ii) reasonably reflect competitive market costs associated with the production or manufacture of like goods;*
> *the Minister must work out the amount by using the information set out in the records.*

Best on the term "must" in the last sentence, Sanfang believes that the records kept by the exporter or producer are the prime source of information in order to establish the costs of production of the like product, and that the use of the data included in those records constitute the rule and the replacement of that data on another reasonable basis is the exception.

Further, Sanfang considers that any derogation from or exception to a general rule must be interpreted narrowly. Thus, it cannot reasonably be considered that any GOC's measure that could have an influence on the prices of the raw materials and, as a result, on the price of the product in question, may be the source of a distortion that permits, in the context of the calculation of the normal value of the like product, the prices included in the records of the exporter or producer under investigation to be disregarded. If any measure taken by the GOC which is capable of influencing, even slightly, the prices of the main raw materials could be taken into account, the principle enshrined in Section 43(2) of the Regulation, to the effect that those records are the prime source of information in order to establish the costs of production of the like product, would risk being deprived of any useful effect.

More importantly, Sanfang recalls that the GOC's influence referred to by the Commission in Appendix 2 of the Final report has never directly regulated the prices of grinding bars in China's market. Given the fact that the disregard, in the context of calculating the normal value of the like product, of the production costs of that product included in the records of the exporters or producers under investigation falls within the scope of an exception, where the distortion relied upon by the Commission is not an immediate consequence of the government measures from which it originates, but of the effects that that measure is deemed to produce on the market, the Commission must ensure that they explain the operation of the market in question and demonstrate the specific effects of those measures on it, without relying in that regard on mere conjecture. Unfortunately, this is exactly what the Commission has done in this subject investigation.

10.7 The steel billet prices substituted in exporters' costs of production are not the costs of production in the country of export

Section 269TAC(2) provides that

> *Subject to this section, where the Minister:*
> *(a) is satisfied that:*
> *(i) …; or*
> *(ii) because the situation in the market of the country of export is such that sales in that*

market are not suitable for use in determining a price under subsection (1);
the normal value of goods exported to Australia cannot be ascertained under subsection (1);
or (b) is satisfied, …;
the normal value of the goods for the purposes of this Part is:
(c) except where paragraph (d) applies, the sum of:
(i) such amount as the Minister determines to be the cost of production or manufacture of the goods in the country of export; and
(ii) on the assumption that the goods, instead of being exported, had been sold for home consumption in the ordinary course of trade in the country of export--such amounts as the Minister determines would be the administrative, selling and general costs associated with the sale and the profit on that sale; or….

It means that when there is a particular market situation, the normal value may be constructed with cost of production or manufacture plus the administrative, selling and general costs and the profit. In particular, based on the ordinary meaning of the terms used under Section 269TAC(2)(c)(i) above, such cost of production or manufacture must be the one in the country of export. More importantly, Sanfang believes that the "cost of production in the country of export" not only requires the Commission to determine the value of the cost that would otherwise be without the alleged distortion in the country of export, but also such cost must reflect the terms or conditions of the cost in the country of export that factually exists.

In this regard, section 5.8 of the Final report states that "the Commission has adjusted the grinding bar costs in the exporter's records to align them with the competitive grinding bar benchmark." Such alignment simply replaces the exporters' costs of production with the international prices has deviated from the requirement that the cost of production must be in the country of export.

11. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 10

The correct or preferable decisions ought to be that:

11.1 HCCGB and FGB are not like products.

11.2 HCCGB should be excluded from the scope of subject antidumping and anti-subsidy investigations.

11.3 HCCGB did not cause injury to the Australian industry.

11.4 The all other rate for antidumping margin is calculated by taking into account of both FGB and cast grinding balls in particular HCCGB.

11.5 There is no particular market situation for grinding balls in China, and the domestic prices should be used to determine the normal value for all four cooperating exporters.

11.6 Without prejudice to the preferable decisions under 11.5, four cooperating exporters' records do reasonably reflect the competitive market costs, and should not be substituted by benchmark for the construction of normal value.

11.7 Without prejudice to the preferable decisions under 11.5 and 11.6, the steel billets cost substituted in four cooperating exporters' costs of production should be adjusted to reflect the cost of production in the country of export.

12. Set out the reasons why the proposed decision provided in response to question 11 is materially different from the reviewable decision

The proposed decisions outlined in response to question 11, above, will materially alter the Commission's decision to impose the antidumping measure on Sanfang as follows:

12.1 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.1 and 11.2, the Commission would have found that HCCGB and FGB are not like products and should be excluded from the scope of antidumping and anti-subsidy investigations, and should not be subject to antidumping and anti-subsidy measures.

12.2 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.3, the Commission would have concluded that HCCGB did not cause injury to the Australian industry.

12.3 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.4, the Commission would have calculated the all

other rate by taking into account of both FGB and cast grinding balls in particular HCCGB.

12.4 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.5, the Commission would have used four cooperating exporters' domestic sales prices to determine the normal value; thus no dumping or less dumping would have been found by the Commission; consequently, the all other rate would have been lower than 95.4%.

12.5 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.6, the Commission would have used four cooperating exporters' cost of product to construct the normal value; thus no dumping or less dumping would have been found by the Commission; consequently, the all other rate would have been lower than 95.4%.

12.6 by reason of the correct or preferable decisions ought to have been found by the Commission, specifically 11.7, the Commission would have adjusted benchmark of the steel billets prices to reflect the cost of production in the country of export; thus less dumping would have been found by the Commission; consequently, the all other rate would have been lower than95.4%.

Sanfang submits that the acceptance by the Review Panel of grounds of review above would materially change the final result for Sanfang either HCCGB is excluded from the subject investigation or a lower all other rate.

安徽省三方新材料科技有限公司
ANHUI SANFANG NEW MATERIAL TECHNOLOGY CO.,LTD.
地址：安徽省宁国市经济技术开发区
电话：0563-4035457　传真：0563-4037457
网址：www.ahsanfang.com.cn
电邮：yangming7128@sina.com

POWER OF ATTORNEY

We, **Anhui Sanfang New Material Technology Co., Ltd.**, Wangxi Park,Ningguo Economic and Technological Development Zone, Anhui Province, China, a producer and exporter of grinding balls to Australia, hereby authorize **Mr. GUAN Jian** of Beijing Globe-Law Law Firm as our Attorneys/Consultants to represent us before the Anti-dumping Review Panel, in relation to the application for review of the Ministerial decision **Anti-Dumping Notice No. 2016/90** dated 9 September, 2016, as well as to any review that may be conducted as a result of this application.

The Attorney/Consultant is authorized to take all necessary actions in the above mentioned matter, including but not limited to, the submission of application, participating in conference, inspecting the public file, obtaining copies of any document from the public file and giving oral & written submissions, in relation to this application and any review that may be conducted as a result of this application, as and when necessary.

The contact detail for Mr. GUAN Jian are as follows:

Email: guanjian509@163.com;

Tele: 86-10-8451-2800

Fax: 86-10-8451-2790

Address: 9/F, Tower C, Parkview Green Fangcaodi, No. 9 Dongdaqiao Road, Chaoyang District, Beijing 100020, P. R. China

Signature:.....

Name: **Ming Yang**

Position: **General Manager**

Organisation: **Anhui Sanfang New Material Technology Co., Ltd.**

Date: Sept 22nd 2016