20 NOVEMBER 2026

The Director, Investigations 1
Australian Trade Remedies Commission
GPO Box 2013
CANBERRA ACT 2600

BY EMAIL:
investigations1@atrc.gov.au

Dear Director,

RE: Dumping Investigation No. 705 – Steel flat bar from Taiwan

EXTENDED INVESTIGATION REQUIRING PROVISIONAL MEASURES

InfraBuild NSW Pty Ltd (**InfraBuild**) is the Australian industry applicant for the publication of a dumping duty notice in respect of steel flat bar (**flat bar**) exported from Taiwan.

InfraBuild submits that an examination of import volumes and prices for flat bar post-investigation period will provide a compelling basis for the Australian Trade Remedies Commission (**Commission**) to reconsider the desirability of providing relief to an injured Australian industry as quickly as possible, in accordance with subsection 269TD(2)(b). This is particularly important considering the six-month extension for publication of the Statement of Essential Facts (**SEF**) from 7 November 2026 to 7 May 2027[1].

While the exporter questionnaire responses from TS Steel Co., Ltd (TS Steel) and Feng Hsin Steel Co., Ltd (Feng Hsin), received by the Commission mid-September 2026[2] may yet to be fully assessed and verified, we note that '*...a PAD may be made based on the information available, including unverified information provided by exporters and importers*'[3]. Based on all relevant information currently before the Commission and recent market observations provided below, InfraBuild submits that there is a strong basis for the Commission to make a preliminary affirmative determination and require securities to be taken without waiting for publication of the SEF in May 2027. Australian industry should not be required to absorb further injury throughout an extended investigation period where provisional measures are available to address that risk.

[1] Anti-Dumping Notice No. 2026/136 *Extension of SEF and Final Report*
[2] Anti-Dumping Notice No. 2026/130 *Day 60 Status Report*
[3] *Dumping and Subsidy Manual* page 115

Continued dumping in non-negligible export volumes

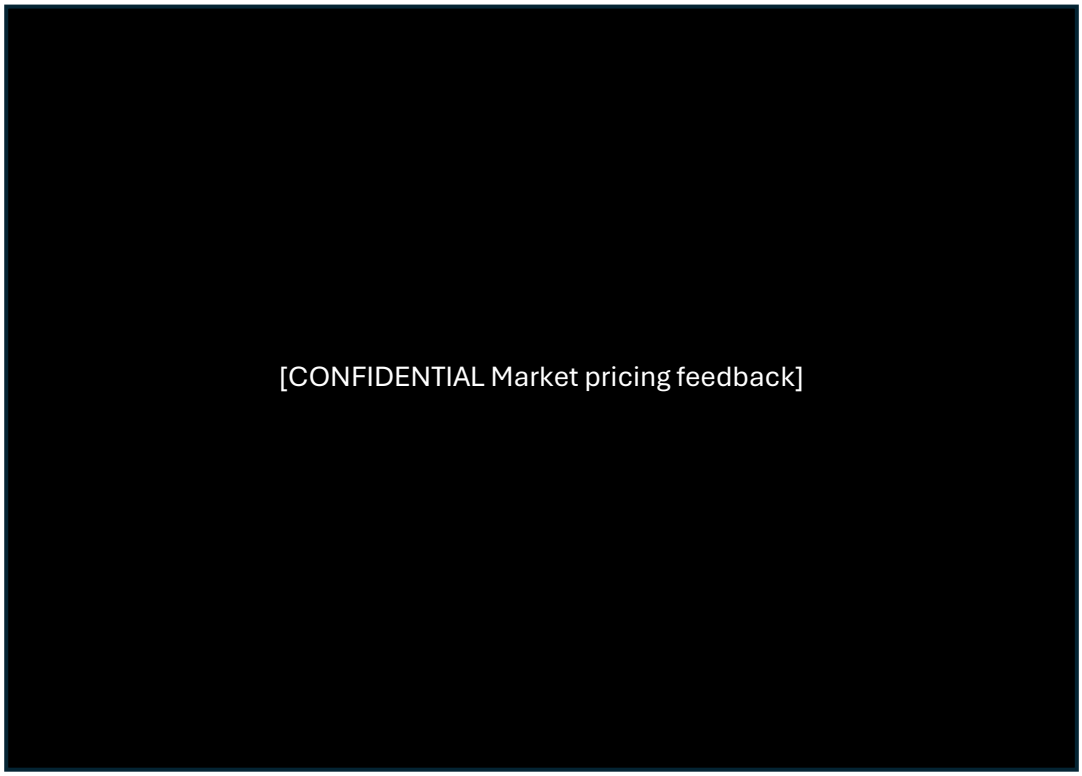
The Commission's consideration report found that the estimated volume of goods from Taiwan that appeared to have been dumped exceeded 3% of total Australian import volume and was therefore not negligible. It also estimated a dumping margin of 13.8% using *more reliable* detailed Australian Border Force (**ABF**) import data, materially higher than InfraBuild's estimate of 8.3% which was based on Australian Bureau of Statistics (**ABS**) import data subject to 'No Country Details' confidentiality restrictions.

For the months following the end of the investigation period (April to October 2026), the publicly available import statistics still do not enable Australian industry to identify the country of origin of relevant imports under tariff classification 7214.91.00.49 as the ABS confidentiality restrictions remain active. As such, InfraBuild cannot independently determine whether the substantial import volumes observed from all sources in the months of April to October continue to originate predominantly from Taiwan.

InfraBuild requests that the Commission establish via the ABF import database the origin, volume and price trends of flat bar imported post investigation period and, in particular, assess whether significant volumes of flat bar continue to be exported from Taiwan at likely dumped prices. If so, we ask that the Commission reconsider the desirability of providing relief to an injured Australian industry as quickly as possible.

Extended investigation timeline increases the need for provisional measures

In the first round of import offers following initiation of the investigation, market feedback reported a mutual consensus on the part of the trading agents for a key Taiwanese exporter that a non-negligible dumping margin would be likely be determined, and a PAD may be imminent, necessitating an upward adjustment in import pricing. This may be discerned from the following extract dated 12 August 2026.



However, since the publication of the notice advising extension of the investigation timetable and the deferral of publication of the SEF until May 2027[4], InfraBuild has noted a marked shift in the pricing behaviour of importer and exporter interests. Customers have confirmed reduced Taiwanese price offers for flat bar in October and November on the basis of no provisional securities being taken and duties unlikely to be applied until May 2027. Such offers, where accepted by customers, will be likely entered for home consumption between November 2026 and January 2027. The following extracts evince the alleged exporter and importer behaviours.

[4] Anti-dumping Notice No. 2026/136 *Extension of time to issue SEF and Final Report*

[CONFIDENTIAL Market pricing feedback]

[CONFIDENTIAL Market pricing feedback]

As final duties are not commonly applied retrospectively by the Minister on the recommendation of the Commissioner under section 269TN, exporters appear to consider the extended period before any final investigation outcome as an opportunity to continue supplying the Australian market without the pricing discipline that would accompany provisional measures. The period between initiation and any eventual imposition of measures effectively operates, in commercial terms, as a duty-free window. The consequence is, that absent provisional measures, Australian industry is required to continue competing against dumped imports for an extended period before final measures can be determined and take effect.

The Commission has already found[5] reasonable grounds to consider that:

- Taiwanese flat bar was exported to Australia at dumped prices;
- the dumping margin was not negligible;
- the volume of dumped imports was not negligible;
- Taiwanese imports increased and gained market share while Australian industry lost sales volume and market share;
- the Australian industry has experienced injury has experienced price depression and price suppression; and
- the dumping caused material injury to Australian industry.

InfraBuild has now supplied contemporaneous evidence of injurious pricing designed to exploit delays in the Commission's conduct of this investigation.

Therefore, InfraBuild requests that the Commissioner reconsider, based on the information currently before him, whether a PAD must be applied urgently to avoid further injury to the Australian industry while the extended investigation timeframe progresses to completion.

Conclusion

InfraBuild requests that the Commission urgently examine the post-investigation-period ABF data and determine whether Taiwanese flat bar continues to enter Australia in significant volumes at likely dumped prices. Based on the information currently before it, InfraBuild urges the Commissioner to make a preliminary affirmative determination without waiting for publication of the SEF in May 2027. In circumstances where the Commission has already identified reasonable grounds for dumping, material injury and causation, Australian industry should not be required to absorb further injury throughout an extended investigation period where provisional measures are available to address that risk.

Please do not hesitate to contact your InfraBuild representative on record with any questions.

FOR AND ON BEHALF OF THE

AUSTRALIAN INDUSTRY APPLICANT

[5] CON 705 at pages 17 and 24