



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2019/88

Steel reinforcing bar

Exported from the Kingdom of Thailand

Initiation of a Review of Anti-Dumping Measures

Millcon Steel Public Company Limited

Notice under subsection 269ZC(4) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain steel reinforcing bar (the goods) exported to Australia from the Kingdom of Thailand (Thailand). The review is limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Millcon Steel Public Company Limited (Millcon) should be varied.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice 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; and*
- *Regardless of the particular grade or alloy content or coating.*

Goods excluded from the measures are:

- *Plain round bar;*
- *Stainless steel; and*
- *Reinforcing mesh.*

Tariff classification

Goods identified as steel reinforcing bar, as described above, are generally but not exclusively classified to the following tariff subheadings in schedule 3 to the *Customs Tariff Act 1995*:

- 7213.10.00 statistical code 42;
- 7214.20.00 statistical code 47;
- 7227.90.10 statistical code 69;
- 7227.90.90 statistical code 01, 02 and 04;
- 7228.30.10 statistical code 70
- 7228.30.90 statistical code 40
- 7228.60.10 statistical code 72.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 7 March 2018 by the then Assistant Minister for Science, Jobs and Innovation and the Parliamentary Secretary to the Minister for Jobs and Innovation (the Parliamentary Secretary) following consideration of *Anti-Dumping Commission Report No. 418* (REP 418). These measures were imposed on steel reinforcing bar exported from Nervacero S.A (Spain), Power Steel Co. Ltd (Taiwan), the Republic of Indonesia (Indonesia), Greece and Thailand, except for PT Ispat Panca Putera and PT Putra Baja Deli from Indonesia.

The current review

On 12 June 2019, an application was lodged by Millcon under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the dumping duty notice in relation to the goods exported to Australia from Thailand by Millcon.

Particulars of the reasons for the decision to undertake this inquiry are shown in Anti-Dumping Commission Consideration Report No. 518, which has been placed on the public record.

The review period is 1 April 2018 to 31 March 2019, being the 12 months ending with the most recently completed financial quarter immediately preceding the receipt of the application. The review will examine whether the variable factors relevant to the taking of the measures as they affect Millcon's exports of the goods to Australia have changed.

After concluding the review, I will recommend to the Minister that the dumping duty notice:

- remain unaltered; or
- have effect as if different variable factors had been ascertained.

Application to extend review to include revocation

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures described in the notice are no longer warranted, that party may lodge an application no later than **9 August 2019** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.¹

¹ In accordance with section 269ZCB of the Act.

Proposed model control code structure

On 9 August 2018, the Commission advised in Anti-Dumping Notice (ADN) No. 2018/128 that a model control code (MCC) structure would be implemented in new investigations, reviews of exporters generally or continuations for cases initiated after this date.²

As noted in that ADN, in developing the MCC structure the Commission will have regard to differences in physical characteristics that give rise to distinguishable and material differences in price. The Commission's **proposed** MCC structure is as follows:

Item	Category	Sub-category	Identifier	Sales Data	Cost data	Key category
1	Prime	Prime	P	Mandatory	Optional	Yes
		Non-Prime	N			
2	Minimum yield strength specified by product standard (Mega Pascals or "MPa")	Less than or equal to 300	A	Mandatory	Mandatory	No
		Greater than 300 but less than or equal to 480	B			
		Greater than 480 but less than 550	C			
		Equal to or greater than 550	D			
3	Finished form	Rebar in length/straight	S	Mandatory	Mandatory	No
		Rebar in coil	C			
4	Nominal diameter (millimetres or "mm")	less than 12	A	Mandatory	Optional	No
		Greater than or equal to 12 and less than or equal to 16	B			
		Greater than 16 and less than or equal to 32	C			
		Greater than 32	D			
5	Length (metres or "m")	less than or equal to 6	1	Mandatory	Optional	No
		Greater than 6 and less than or equal to 12	2			
		Greater than 12	3			
		Coil product	C			
6	Deformation pattern along Length	Threaded	T	Optional	Optional	No
		Non-Threaded	N			

All exporters will also be requested to provide information concerning the relevant standard and grade.

² Full guidance regarding the Commission's application of an MCC structure is provided in ADN No. 2018/128 on the Commission website, www.adcommission.gov.au.

The Commission welcomes submissions with respect to the proposed MCC structure. Submissions should be raised as soon as is practicable, but no later than **9 August 2019**, being the day submissions concerning this review are due. Interested parties are also encouraged to make submissions on whether the proposed MCC structure should be accepted by the Commission in their particular circumstances. All submissions with respect to the proposed MCC structure will be considered by the Commission and reported in verification reports or in the Statement of Essential Facts (SEF).

Future Reviews

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on 9 August 2019 addressed to:

The Director
Investigations 2,
GPO Box 1632
Melbourne VIC 3001

or email investigations2@adcommission.gov.au or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- i. provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or

- ii. satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. A SEF will be placed on the public record by **21 October 2019**, or by such later date as allowed in accordance with section 269ZHI of the Act.³ The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before **5 December 2019** (or such later date as allowed).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number (03) 8539 2518 or email investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

3 July 2019

³ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.