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駐澳大利亞代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國109年9月11日

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速別：最速件

密等及解密條件或保密期限：

附件：如文(共6頁) (澳經發1090000579_Attach1.pdf)

經濟
貿易局

主旨：有關澳洲反傾銷委員會公告針對自韓國、新加坡、臺灣(源鋼企業有限公司除外)及西班牙(Nervacero除外)進口強化鋼條展開反傾銷措施檢討事，請查照。

說明：

一、依據澳洲反傾銷委員會(ADC)本(109)年9月10日ADN No. 2020/102號公告辦理。

二、前揭公告要點略如次：

(一)澳洲於2015年11月19日公告對自韓國、新加坡、臺灣(源鋼企業有限公司除外)及西班牙(Nervacero除外)進口強化鋼條(steel reinforcing bar)之反傾銷措施，適用產品包括 HS Code 7213.10.00、7214.20.00、7227.90.10、7227.90.90、7228.30.10、7228.30.90與7228.60.10。該措施將於2020年11月19日屆滿。

(二)澳洲反傾銷委員會(ADC)於本年3月3日ADN No. 2019/020號公告，就是否繼續實施前揭反傾銷措施展開調查。該委員會接獲澳洲業者Infrabuild (Newcastle) Pty Ltd之申請就旨揭國家進口之強化鋼條反傾銷措施進行檢

國際貿易局

109/09/11



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討，並決定受理(not reject)本項申請案並就旨揭反傾銷措施展開檢討，相關理由詳如「第566號反傾銷委員會考量報告」(Anti-Dumping Commission Consideration Report No. 566)。本案調查期間為2019年1月1日至2020年6月30日，嗣完成調查，該委員會將向產業、科學暨技術部長提出下列建議：旨揭反傾銷措施是否維持不變或當不同可變因素均確定後，旨揭反傾銷措施是否適用單一出口商與全部出口商。倘受影響者認為，可提出充分證據且合理說明不再需要旨揭反傾銷措施，得於本年10月19日前提出申請，要求該委員會考量該證據而延長本次反傾銷措施檢討之調查(包括取消旨揭反傾銷措施)。

(三)澳洲反傾銷委員會依據2018年8月9日公告實施(ADN No. 2018/128)之型號代碼結構(MCC structure)進行旨揭反傾銷措施檢討案，即按照產品不同物理特性區分其價格，該會將強化鋼條分為6類型號代碼，利害關係人可就前揭型號代碼結構之合理性於本年10月19日前提出意見，逾期則視同無意見，該委員會將逕依據前揭型號代碼結構，決定銷貨資料或成本資料是否納入前揭延續反傾銷措施調查之查核報告或基礎事實報告。

(四)相關利害關係人得於本年10月19日前依下列管道向該會提出相關書面意見：

- 1、電郵：investigations2@adcommision.gov.au；
- 2、郵寄：The Director, Investigations 2, Anti-Dumping Commission, GPO Box 2013, Canberra ACT 2601。

(五)澳洲反傾銷委員會訂於本年12月29日前完成本案之基礎事實報告(Statement of Essential Facts)，並訂於20

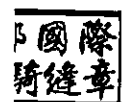
21年2月12日前向澳洲產業、科學暨技術部長提出報告及建議。

(六)本案相關詢問可逕洽澳洲反傾銷委員會專案經理，電郵：investigations2@adcommission.gov.au、電話：+61 3 8539 2462。

三、檢附前揭公告1份如附件，併請查參。

正本：經濟部國際貿易局

副本：電子公文交換章
2020/09/11 16:15:11





Customs Act 1901 – Part XVB

ANTI-DUMPING NOTICE NO. 2020/102

Steel reinforcing bar

Exported from the Republic of Korea, Singapore, Spain (except Nervacero S.A.) and Taiwan (except Power Steel Co. Ltd.)

Initiation of a Review of Anti-Dumping Measures No. 566

Notice under section 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 Republic of Korea, Singapore, Spain (except Nervacero S.A.) and Taiwan (except Power Steel Co. Ltd) (collectively referred to hereafter as, the subject countries). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures as they affect all exporters¹ of the goods from the subject countries have changed.

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. The goods include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

The goods subject to the anti-dumping measures do not include:

- Plain round bar.
- Stainless steel.
- Reinforcing mesh.

¹ Except Nervacero S.A. and Power Steel Co. Ltd.

The goods are generally, but not exclusively, classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*.²

Tariff Subheading	Statistical Code	Description
7213		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF IRON OR NON-ALLOY STEEL
7213.10.00	42	Containing indentations, ribs, grooves or other deformations produced during the rolling process
7214		OTHER BARS AND RODS OF IRON OR NON-ALLOY STEEL, NOT FURTHER WORKED THAN FORGED, HOT-ROLLED, HOT-DRAWN OR HOT-EXTRUDED, BUT INCLUDING THOSE TWISTED AFTER ROLLING
7214.20.00	47	Containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling
7227		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF OTHER ALLOY STEEL
7227.90		Other
7227.90.10	69	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(l) to Chapter 72
7227.90.90	01	<i>Containing indentations, ribs, grooves or other deformations produced during the rolling process</i>
	02	<i>Of circular cross-section measuring less than 14 mm in diameter</i>
	04	<i>Other</i>
7228		OTHER BARS AND RODS OF OTHER ALLOY STEEL; ANGLES, SHAPES AND SECTIONS, OF OTHER ALLOY STEEL; HOLLOW DRILL BARS AND RODS, OF ALLOY OR NON-ALLOY STEEL
7228.30		Other bars and rods, not further worked than hot-rolled, hot-drawn or extruded
7228.30.10	70	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(m) to Chapter 72
7228.30.90	40	<i>Containing indentations, ribs, grooves or other deformations produced during the rolling process</i>
7228.60		Other bars and rods
7228.60.10	72	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(m) to Chapter 72

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for reference only and do not form part of the goods description.

² Tariff classification 7227.90.90 (statistical code 42) was replaced by 7227.90.90 (statistical code 02) from 1 July 2015.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 19 November 2015 by the then Parliamentary Secretary to the Minister for Industry, Innovation and Science following consideration of *Anti-Dumping Commission Report No. 264* (REP 264). These measures are applicable to all exporters³ of the goods from the subject countries.

The Anti-Dumping Commission (the Commission) initiated a continuation inquiry in relation to the measures on 3 March 2020.⁴ Unless continued the anti-dumping measures are due to expire on 19 November 2020.

The current review

An application was lodged by InfraBuild (Newcastle) Pty Ltd (InfraBuild) under section 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 the subject countries.

The reasons for my decision not to reject the application for review are set out in *Anti-Dumping Commission Consideration Report No. 566*, which has been placed on the public record.

The review period is 1 July 2019 to 30 June 2020 and covers all exporters of the goods from the subject countries (except Nervacero S.A. in Spain and Power Steel Co. Ltd in Taiwan). The review will examine whether the variable factors relevant to the taking of the measures have changed.

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

- i. remain unaltered; or
- ii. have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that the anti-dumping measures are no longer warranted, that party may lodge an application⁵ no later than **19 October 2020**⁶ to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Future Reviews

Under section 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.

³ Except Nervacero S.A. and Power Steel Co. Ltd .

⁴ [Anti-Dumping Notice 2020/020](#)

⁵ In accordance with section 269ZCB of the Act.

⁶ This is the next working day after 17 October 2020 which is 37 days after the publication of this notice

Proposed model control code structure

On 9 August 2018, the Commission advised in Anti-Dumping Notice 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.⁷

The table below outlines the Commission's proposed MCC structure for this review.

Item	Category	Sub-category	Identifier	Sales Data	Cost Data
1	Prime	Prime	P	Mandatory	N/A
		Non-Prime	N		
2	Minimum yield strength specified by product standard (Mega Pascals or "MPa")	Less than or equal to 300	A	Mandatory	Mandatory
		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
		Rebar in coil	C		
4	Nominal diameter (millimetres or "mm")	Less than 12	A	Mandatory	Optional
		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 and less than or equal to 50	D		
5	Length (metres or "m")	Less than or equal to 6	1	Mandatory	Optional
		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	Mandatory	Optional
		Non-Threaded	N		

Proposals to modify the proposed MCC structure outlined above should be raised as soon as is practicable, but no later than **19 October 2020**⁸, the day submissions concerning the review of the measures are due.

Interested parties are encouraged to make submissions on whether proposed modifications to the MCC structure should be accepted by the Commission. Any changes

⁷ Full guidance regarding the Commission's MCC structure is provided in Anti-Dumping Notice No. 2018/128 on the Commission's website.

⁸ This is the next working day after 17 October 2020 which is 37 days after the publication of this notice

to the MCC structure will be considered by the Commission and reported in verification reports or in the statement of essential facts.

Public Record

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

Documents included in the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **19 October 2020⁹**, addressed to:

The Director - Investigations 2
GPO Box 2013
CANBERRA ACT 2601

or email:

investigations2@adcommission.gov.au

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 statement of essential facts 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 "OFFICIAL: Sensitive".

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

⁹ This is the next working day after 17 October 2020 which is 37 days after the publication of this notice

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 statement of essential facts (SEF) will be placed on the public record by **29 December 2020**, or by such later date as allowed in accordance with section 269ZHI of the Act.¹⁰ 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 **12 February 2021** (or such later date as allowed under section 269ZHI of the Act).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2462 or investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

10 September 2020

¹⁰ 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.



Australian Government
**Department of Industry, Science,
Energy and Resources**

**Anti-Dumping
Commission**

CUSTOMS ACT 1901 - PART XVB

**CONSIDERATION REPORT
NO. 566**

**Consideration of an application for
a review of variable factors in relation to
the anti-dumping measures applying to:**

Steel reinforcing bar

**exported to Australia from
the Republic of Korea, Singapore,
Spain (except Nervacero S.A.) and
Taiwan (except Power Steel Co. Ltd)**

10 September 2020

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PUBLIC RECORD

ABBREVIATIONS

Abbreviation	Full title
ABF	Australian Border Force
the Act	the <i>Customs Act 1901</i>
ADN	Anti-Dumping Notice
ADRP	Anti-Dumping Review Panel
InfraBuild	InfraBuild (Newcastle) Pty Ltd
the Commission	the Anti-Dumping Commission
the Commissioner	the Commissioner of the Anti-Dumping Commission
the goods	steel reinforcing bar
the Minister	the Minister for Industry, Science and Technology
NIP	non-injurious price
USP	unsuppressed selling price

1 SUMMARY AND RECOMMENDATIONS

1.1 Background

This report outlines the consideration by the Anti-Dumping Commission (the Commission) of an application lodged by InfraBuild (Newcastle) Pty Ltd (InfraBuild, or the applicant). InfraBuild's application requests a review of the anti-dumping measures applying to steel reinforcing bar (the goods, or rebar) exported to Australia from the Republic of Korea (Korea), Singapore, Spain (except Nervacero S.A.) and Taiwan (except Power Steel Co. Ltd) (collectively referred to hereafter as, the subject countries).

The anti-dumping measures are in the form of a dumping duty notice. The dumping duty notice applies to exporters of rebar from the subject countries.

InfraBuild considers it appropriate to review the anti-dumping measures on the basis that one or more of the variable factors relevant to the anti-dumping measures have changed.¹ The variable factors alleged to have changed are the export price and normal value.

1.2 Legislative background

Division 5 of Part XVB of the *Customs Act 1901* (the Act)² sets out, among other things, the procedures to be followed by the Commissioner of the Anti-Dumping Commission (the Commissioner) in assessing applications for a review of anti-dumping measures.

Division 5 empowers the Commissioner to reject or not reject such applications. If the Commissioner does not reject an application, he is required to publish a notice indicating that he is proposing to review the anti-dumping measures covered by the application.

1.3 Findings and conclusions

The Commission is satisfied that, in relation to InfraBuild's application for a review of variable factors:

- the application complies with sections 269ZB(1) and (2); and
- there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures have changed.

1.4 Recommendation

The Commission recommends that the Commissioner not reject the application, for the reasons outlined in chapter 3 of this report.

¹ Section 269ZA(1)(b)(i) of the *Customs Act 1901*.

² All legislative references are to the *Customs Act 1901*, unless otherwise stated.

2 BACKGROUND

2.1 Current anti-dumping measures

The anti-dumping measures, in the form of a dumping duty notice, were initially imposed on 19 November 2015 by the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science after consideration of *Anti-Dumping Commission Report No. 264*.³

2.1.1 Summary of measures

The current anti-dumping measures applying to all exports of rebar from the subject countries are summarised in the following table:

Country	Exporter	Form of measure	Fixed component of interim dumping duty
Korea	Daehan Steel Co., Ltd Daehan Integrated Steel Co., Ltd	<i>ad valorem</i>	3.9%
	All other exporters - Korea	<i>ad valorem</i>	4.0%
Singapore	NatSteel Asia (S) PL NatSteel Holdings Pte Ltd	<i>ad valorem</i>	3.0%
	All other exporters - Singapore	<i>ad valorem</i>	3.0%
Spain	Compañía Española de Laminación, S.L.	<i>ad valorem</i>	4.5%
	Nervacero S.A. ⁴	<i>ad valorem</i>	6.3%
	All other exporters – Spain	<i>ad valorem</i>	8.2%
Taiwan	Wei Chih Steel Industrial Co., Ltd	Floor price	Confidential
	Power Steel Co. Ltd ⁵	<i>ad valorem</i>	4.4%
	All other exporters – Taiwan	Floor price	Confidential

Table 1: Summary of current measures as they relate to the subject countries

³ Available on the Commission's [website](#)

⁴ Measures relating to Nervacero S.A. are not subject to this review

⁵ Measures relating to Power Steel Co. Ltd are not subject to this review

PUBLIC RECORD

2.1.2 Past cases

The table below summarises past investigations and reviews relating to rebar exported from the subject countries. Full details can be found on the Commission's electronic public record (EPR) at www.adcommission.gov.au.

Case type and No.	ADN No.	Date of decision	Country of export	Outcome
Investigation - 264	2015/133	19/12/2015	Korea, Singapore, Spain and Taiwan	Imposition of measures subject to this inquiry
Review – 380	2017/33	13/04/2017	CELSA of Spain	Change to the variable factors
Investigation – 418	2018/10	7/3/2018	Greece, Indonesia, Spain (Nervacero S.A), Taiwan (Power Steel Co. Ltd) and Thailand	Imposition of measures
Review – 486/489	2019/054	31/5/2019	Korea and Taiwan	Changes to the variable factors

Table 2: Summary of investigations and reviews relating to rebar from the subject countries

2.1.3 Continuation Inquiry 546

The Commission initiated a continuation inquiry in relation to the goods from the subject countries on 3 March 2020.⁶ The anti-dumping measures being considered in Continuation Inquiry 546 are the same as those being considered in this proposed Review of Measures. The Commissioner's recommendation to the Minister is due on 9 October 2020. Unless continued, the anti-dumping measures are due to expire on 19 November 2020.

⁶ [Anti-Dumping Notice No. 2020/020](#)

2.2 The current application

On 21 August 2020, the Commission received an application from InfraBuild for a review of the anti-dumping measures applying to the goods exported to Australia from the subject countries. InfraBuild claims there has been a change in normal value and the export price.

The application is not prevented by section 269ZA(2), which requires that an application for review of anti-dumping measures must not be made earlier than 12 months after the publication of a dumping duty and/or countervailing duty notice or a notice declaring the outcome of the last review of the dumping duty notice.⁷

Pursuant to section 269ZC(1), the Commissioner must examine the application and, within 20 days, decide whether to reject the application. As such, a decision to reject the application must be made no later than **9 September 2020**. If the Commissioner is not satisfied, having regard to the application and to any other information that he considers relevant, of one or more of the matters referred to in section 269ZC(2), the Commissioner must reject the application.

2.3 The goods subject to the anti-dumping measures

The goods subject to the anti-dumping measures 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 include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

The goods subject to the anti-dumping measures do not include:

- Plain round bar.
- Stainless steel.
- Reinforcing mesh.

⁷ The relevant notice has not been altered since 31 May 2019.

PUBLIC RECORD

2.3.1 Tariff classification

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

Tariff Subheading	Statistical Code	Description
7213		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF IRON OR NON-ALLOY STEEL
7213.10.00	42	Containing indentations, ribs, grooves or other deformations produced during the rolling process
7214		OTHER BARS AND RODS OF IRON OR NON-ALLOY STEEL, NOT FURTHER WORKED THAN FORGED, HOT-ROLLED, HOT-DRAWN OR HOT-EXTRUDED, BUT INCLUDING THOSE TWISTED AFTER ROLLING
7214.20.00	47	Containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling
7227		BARS AND RODS, HOT-ROLLED, IN IRREGULARLY WOUND COILS, OF OTHER ALLOY STEEL
7227.90		Other
7227.90.10	69	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(l) to Chapter 72
7227.90.90	01	Containing indentations, ribs, grooves or other deformations produced during the rolling process
	02	Of circular cross-section measuring less than 14 mm in diameter
	04	Other
7228		OTHER BARS AND RODS OF OTHER ALLOY STEEL; ANGLES, SHAPES AND SECTIONS, OF OTHER ALLOY STEEL; HOLLOW DRILL BARS AND RODS, OF ALLOY OR NON-ALLOY STEEL
7228.30		Other bars and rods, not further worked than hot-rolled, hot-drawn or extruded
7228.30.10	70	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(m) to Chapter 72
7228.30.90	40	Containing indentations, ribs, grooves or other deformations produced during the rolling process
7228.60		Other bars and rods
7228.60.10	72	Goods, as follows: <ul style="list-style-type: none"> a. of high alloy steel; b. "flattened circles" and "modified rectangles" as defined in Note 1(m) to Chapter 72

Table 3: General tariff classification for the goods

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for reference only and do not form part of the goods description.

3 CONSIDERATION OF THE APPLICATION

3.1 Legislative background

Section 269ZB(1) requires that an application:

- be in writing;
- be in a form approved by the Commissioner for the purposes of this section;
- contain such information as the form requires;
- be signed in the manner indicated by the form; and
- be lodged in a manner approved under section 269SMS.

Without otherwise limiting the matters that can be required by the form, section 269ZB(2) provides that an application must include:

- a description of the kind of goods to which the anti-dumping measures the subject of the application relate;
- a description of the anti-dumping measures the subject of the application; and
- if the application is based on a change in variable factors, a statement of the opinion of the applicant concerning:
 - the variable factors relevant to the taking of the anti-dumping measures that have changed; and
 - the amount by which each such factor has changed; and
 - the information that establishes that amount; and
- if the application is based on circumstances that in the applicant's view indicate that anti-dumping measures are no longer warranted, evidence (in accordance with the form) of the circumstances.

Section 269ZC(2) specifies the matters which must be considered in making a decision whether to reject an application. These matters are:

- that the application complies with section 269ZB; and
- that there appear to be reasonable grounds for asserting either, or both, of the following:
 - that the variable factors relevant to the taking of anti-dumping measures have changed; and
 - that the anti-dumping measures are no longer warranted.

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3.2 Assessment of the application – compliance with section 269ZB

When considering the requirements of sections 269ZB(1) and (2), the Commission notes that the application submitted by InfraBuild:

- is in writing;
- is in the approved form (*Form B602 – Application for a review of measures*), and contains such information as the form requires. This includes evidence in support of the amount by which the variable factors have changed since last ascertained, information on the causes of the change to the variable factors and an opinion of whether these causes are likely to persist;⁸
- is signed in the manner required by the form;
- was lodged in a manner approved under section 269SMS, being by email to the Commission's nominated email address (as nominated in the Commissioner's instrument made under section 269SMS);
- provides a description of the kind of goods to which the anti-dumping measures the subject of the application relates; and
- provides a description of the anti-dumping measures the subject of the application; and
- includes a statement of the opinion of InfraBuild concerning the variable factors relevant to the taking of the anti-dumping measures that have changed, the amount by which each factor has changed, and the information that establishes that amount.

The Commission is satisfied that the application complies with sections 269ZB(1) and 269ZB(2).

3.3 Grounds for asserting that variable factors have changed

As defined in section 269T(4E), in relation to a review of a dumping duty notice, the variable factors are the:

- export price;
- normal value; and
- non-injurious price (NIP).

3.3.1 Applicant's claims regarding export price

InfraBuild claims that the price of the goods exported from the subject countries have changed in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor.⁹ Specifically, InfraBuild estimates that the export price for exporters of the goods have changed as follows:

- Korea - decreased by up to 2.9 per cent;
- Taiwan (except Power Steel) - decreased by up to 29.7 per cent;
- Spain (except Nervacero S.A.) - decreased by up to 11.0 per cent; and
- Singapore – decreased by up to 10.9 per cent.

InfraBuild has based its estimate on the price of rebar on published industry information.

⁸ Section 3.3 of this report refers.

⁹ Page 9 in InfraBuild's application.

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3.3.2 Applicant's claims regarding normal value

InfraBuild claims that the normal value for each of the subject countries have changed in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor.¹⁰ Specifically, InfraBuild estimates that the normal value for exporters of the goods have changed as follows:

- Korea - increased by up to 0.3 per cent;
- Taiwan (except Power Steel) - decreased by up to 7.9 per cent;
- Spain (except Nervacero S.A.) - decreased by up to 10.9 per cent; and
- Singapore – decreased by up to 4.1 per cent.

InfraBuild has based its estimate of the change in the normal value on published industry information.

3.3.3 Applicant's claims regarding the NIP

InfraBuild did not make any claims in its application regarding the NIP.

3.3.4 Commission's assessment

The Commission has considered InfraBuild's claims with respect to each of the relevant variable factors.

Export price

The Commission has compared the information provided by InfraBuild to relevant consignments of the goods as reported in the Australian Border Force (ABF) import database. The Commission identified material changes in export prices since the last review or investigation that warrant further examination (**Confidential Attachment 1** refers). The Commission therefore is satisfied that there appear to be reasonable grounds for asserting that the export price has changed.

Normal value

The Commission considers that the information and data relied upon by InfraBuild to demonstrate that steel prices have increased has been obtained from reputable publishers of industry information (**Confidential Attachment 2** refers). The Commission therefore is satisfied that there appear to be reasonable grounds for asserting that the normal value has changed for Taiwan, Spain and Singapore. The Commission did not find evidence of a material change for Korea.

3.3.5 Conclusion - section 269ZC(2)(b)

Based on the Commission's analysis outlined in section 3.3 of this report, the Commission considers that there appear to be reasonable grounds for asserting, under section 269ZC(2)(b)(i), that the variable factors relevant to the anti-dumping measures have changed.

Therefore, the Commission recommends that the Commissioner not reject the application pursuant to section 269ZC(1).

¹⁰ Page 8 in InfraBuild's application.

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3.4 Conclusions and recommendations

The Commission has considered InfraBuild's application in accordance with sections 269ZB and 269ZC. The Commission is satisfied, on the basis of the information provided in the application and other relevant information listed in section 3.3 of this report, that:

- InfraBuild has submitted an application that complies with section 269ZB; and
- there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures with respect to exports of the goods from the subject countries have changed.

The Commission recommends that the Commissioner:

- not reject the application for a review of variable factors and initiate a review into the current anti-dumping measures applying to exports of the goods to Australia from Korea, Singapore, Spain (except Nervacero S.A.) and Taiwan (except Power Steel Co. Ltd); and
- examine the period from 1 July 2019 to 30 June 2020 for the purpose of reviewing the variable factors.

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4 ATTACHMENTS

Confidential Attachment 1	Export price analysis
Confidential Attachment 2	Normal value analysis



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Received

Anti-Dumping Commission 20/08/2020

Application for a
review of
anti-dumping measures
applying to steel reinforcing bar
exported to Australia from the
Republic of Korea, Republic of
Singapore, Taiwan (except Power
Steel Co. Ltd) and Kingdom of Spain
(except Nervacero S.A)

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APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901* (the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. ☒ **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- ☒ normal value
☒ export price
☐ non injurious price
☐ subsidy

The variable factors review is in relation to:

- ☐ a particular exporter (*if so provide name and country details*)
☒ exporters generally

or

2. ☐ **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- ☐ the dumping duty notice
☐ the countervailing duty notice
☐ the undertaking

The revocation review is in relation to:

- ☐ a particular exporter (*if so provide name and country details*)
☐ exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

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DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature: [REDACTED]

Name: [REDACTED]

Position: [REDACTED]

Company: **INFRABUILD (NEWCASTLE) PTY LTD**

ABN: **50 623 285 718**

Date: **20 August 2020**

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Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Review Period

The review period is *generally* the 12 month period preceding the initiation date and ending on the most recently completed month or quarter.

For the purposes of information requested in this application, please consider the review period as the 12 month period ending on the most recently completed quarter prior to the date that you submit the application.

The actual review period will be set by the Commissioner if a review is initiated, and may differ to that used by the applicant in the application form.

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Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.

Applicant details:-

Name: INFRABUILD (NEWCASTLE) PTY LTD (**InfraBuild Steel**)

Street address: Level 28, 88 Phillip Street, SYDNEY NSW 2000

Postal address: LOCKED BAG 3050, ARTARMON NSW 1570

2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.

Contact person for applicant:-

Full name: [REDACTED]

Position: [REDACTED]

Telephone number: [REDACTED]

Facsimile number: N/A

Email address: [REDACTED]

3. Name other parties supporting this application.

The applicant, INFRABUILD (NEWCASTLE) PTY LTD; formerly LIBERTY ONESTEEL (NEWCASTLE) PTY LTD; ABN 50 623 285 718, is a proprietary company and manufactures and sells like goods to the goods the subject of the anti-dumping measures.

There are two further producers in Australia of like goods, both of whom are related to the applicant, namely:

- INFRABUILD NSW PTY LTD (formerly, ONESTEEL NSW PTY LIMITED), ABN 59 003 312 892; and
- THE AUSTRALIAN STEEL COMPANY (OPERATIONS) PTY LTD, ABN 89 069 426 955.

Collectively, the applicant and the other two related producers of the like goods in Australia are known as '**InfraBuild Steel**', formerly known as

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'Liberty Steel'.

The other two related Australian manufacturers share the same registered address and telephone contact details listed above as that for the applicant and support this application.

4. Describe your interest as an affected party (e.g. are you concerned with the exportation of the goods, the importation of the goods, or part of the Australian industry, or acting on behalf of the Government of an exporting country).

The applicant is a person representing a portion of the Australian industry producing like goods to the goods covered by the dumping duty notice the subject of this review application.

5. Provide details of the current anti-dumping measure(s) the subject of this review application and the goods subject to the measure(s), including:

The goods subject to the measures 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.

Goods excluded from this application are plain round bar, stainless steel and reinforcing mesh.

- tariff classification

Goods identified as steel reinforcing bar, as described above, are generally 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;

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- 7227.90.90 statistical code 01, 02 and 04;
- 7228.30.10 statistical code 70;
- 7228.30.90 statistical code 40; and
- 7228.60.10 statistical code 72.

- the countries and/or companies

Republic of Korea (**Korea**), Republic of Singapore (**Singapore**), Taiwan (except Power Steel Co. Ltd) and Kingdom of Spain (**Spain**) (except Nervacero S.A)

- specified date of publication of the measure

The anti-dumping measures were initially imposed by public notice (a dumping duty notice) on **19 November 2015** by the then Parliamentary Secretary to the Minister for Industry, Innovation and Science following consideration of *Anti-Dumping Report No. 264*.

6. If you are an exporter of the goods the subject of this application please answer the following questions:

- Have you exported the goods to Australia during the review period?
 - o If yes, what was the total quantity and total value of the goods exported to Australia during the review period?
- Have you previously (prior to the review period) exported the goods to Australia?
 - o If yes, please provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period.
- Have you exported like goods to countries other than Australia during the review period?
 - o If yes, please provide the total quantity and total value of exports of the goods to each other country during the review period. Please indicate if any of the sales are to a related party.

NB: In relation to the goods the subject of this application, 'like goods' means goods that are identical in all respects to the goods the subject of this application or, although not alike in all respects to the goods the subject of this application, have characteristics closely resembling those goods (s 269T(1) refers).

NB: Please note you must provide this information if you are an exporter of the goods the subject of the application. If you are not an exporter of the goods, you may choose to provide information relevant to this question.

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InfraBuild Steel is not an exporter of the goods the subject of the application.

7. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

Importers:-

Name: DITH AUSTRALIA PTY LIMITED

Address: [REDACTED]
[REDACTED]

Telephone number: [REDACTED]

Facsimile number: Not known

Name: MACSTEEL INTERNATIONAL AUSTRALIA PTY LTD

Address: [REDACTED]

Telephone number: [REDACTED]

Facsimile number: Not known

Name: SANWA PTY LTD

Address: [REDACTED]
[REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

Name: BEST BAR PTY LTD

Address: [REDACTED]
[REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

Exporters:-

Name: DAEHAN STEEL CO., LTD (Daehan)

Address: [REDACTED]
[REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

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Name: NATSTEEL HOLDINGS PTE. LTD. (Natsteel)

Address: [REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

Name: COMPAÑÍA ESPAÑOLA DE LAMINACIÓN, S.L. (Celsa Barcelona)

Address: [REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

Name: WEI CHIH STEEL INDUSTRIAL CO., LTD. (Wei Chih)

Address: [REDACTED]

Telephone number: [REDACTED]

Facsimile number: [REDACTED]

Applications for review of variable factors

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- in your opinion the causes of the change and whether these causes are likely to persist.

Elaboration of the reasons for applying for a variable factors review can be found at Appendix A, attached.

In summary, InfraBuild Steel considers that:

- the ascertained normal values are estimated to have changed as follows:
 - for exporters of the goods from Korea, increased by up to 0.3 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2017 to 30 June 2018),
 - for exporters of the goods from Taiwan (except Power Steel), decreased by up to 7.9 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this

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- variable factor (1 July 2017 to 30 June 2018),
 - for exporters of the goods from Spain (except Nervacero S.A.), decreased by up to 10.9 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2013 to 30 June 2014), and
 - for exporters of the goods from Singapore, decreased by up to 4.1 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2013 to 30 June 2014);
- the ascertained export prices are estimated to have changed as follows:
 - for exporters of the goods from Korea, decreased by up to 2.9 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2017 to 30 June 2018),
 - for exporters of the goods from Taiwan (except Power Steel), decreased by up to 29.7 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2017 to 30 June 2018),
 - for exporters of the goods from Spain (except Nervacero S.A.), decreased by up to 11.0 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2013 to 30 June 2014), and
 - for exporters of the goods from Singapore, decreased by up to 10.9 per cent in the likely review period (1 July 2019 to 30 June 2020) since the last review of this variable factor (1 July 2013 to 30 June 2014); and
- the changes to these variable factors reflect the onset of negative market conditions in 2020, and are, therefore, likely to persist.

Application for a revocation review

If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.

Include evidence in support of your view that there are reasonable grounds for asserting that the measures are no longer warranted. Refer to the '*Instructions and guidelines for applicants: Application for review or revocation of measures*' as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:

- *no dumping or no subsidisation*: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.

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- *no injury*: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.

This section is not applicable as InfraBuild Steel is not applying for a revocation review.

Lodgement of the application

In accordance with subsection 269SMS(2) of the Act, this application, together with the supporting evidence, must be lodged by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:
The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499 (or +61 3 8539 2499 if outside Australia)

Public Record

During a review all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

APPENDIX A

**STATEMENT SETTING OUT REASONS FOR APPLYING FOR A VARIABLE
FACTORS REVIEW**

1. The factor(s) you wish to have reviewed

InfraBuild Steel wishes to have the following variable factors reviewed:

- (i) the ascertained normal values; and
- (ii) the ascertained export prices.

2. The amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support

(a) SOUTH KOREA

(i) Ascertained normal values

In *Review of Measures No. 489 (REV 489)*, Daehan Steel Co., Ltd. (**Daehan**) was the only exporter of the goods from South Korea. The normal value ascertained for this exporter in the review was determined under subsection 269TAC(1). For uncooperative and all other exporters from South Korea, the normal value was established under subsection 269TAC(6) using Daehan's normal value for the entire review period, excluding any favourable downward adjustments. In other words, the normal value for all other exporters from South Korea was established by reference to the normal value determined for Daehan. Therefore, changes to the normal value for Daehan will result in changes to the country rate for 'other' exporters from South Korea.

Published sales information is available for domestic sellers of like goods to the goods in South Korea. Movements in the domestic sales price for like goods (expressed in KRW/t) since the review period for REV 489 (1 July 2017 to 30 June 2018)¹ is illustrated in **CONFIDENTIAL FIGURE 2(a)(i)** (below).

¹ The date of sale for domestic sales for the review period are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that a domestic sale in May 2018 is comparable to an export sale entered for home consumption in June 2018.



CONFIDENTIAL FIGURE 2(a)(i) Median monthly movements in domestic sales prices in South Korea for like goods (KRW/t) since June 2017 (Source: CONFIDENTIAL ATTACHMENT 1)

Daehan and all other exporters from South Korea

The dumping duty notice applying to the goods exported to Australia from South Korea by Daehan and all other exporters remains subject to the normal values ascertained in REV 489, as amended following *ADRP Report No. 108*.

Conclusion – Change in ascertained normal value

Given the movements in domestic selling prices in South Korea for the like goods (as expressed in KRW/t) since the review period for REV 489 (refer **CONFIDENTIAL FIGURE 2(a)(i)** (above)), the industry applicant considers that the ascertained normal values for Daehan and all other exporters will have changed, specifically, it is likely to have increased by 0.3 per cent since this variable factor was last ascertained.

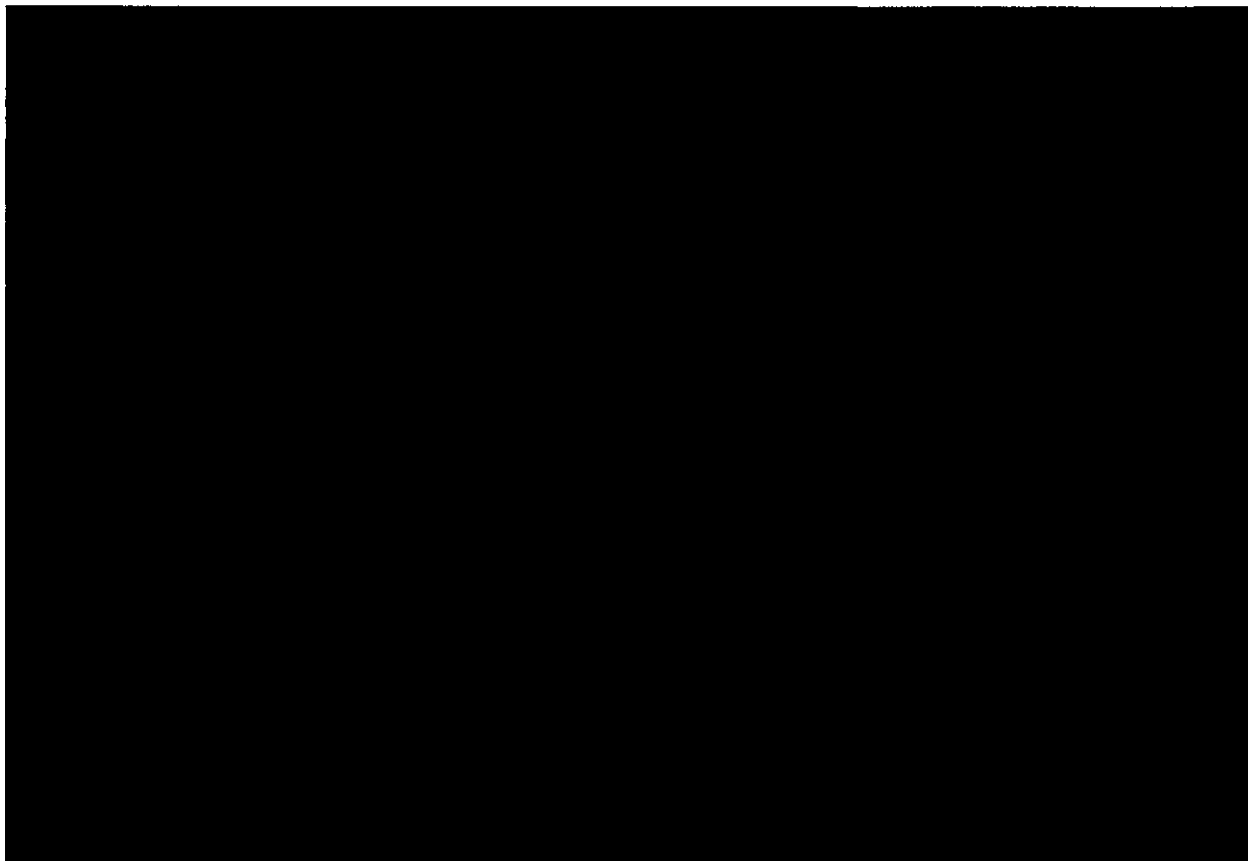
(ii) Ascertained export prices

As noted above, in REV 489, Daehan was the only cooperative exporter of the goods from South Korea. For the goods that were exported to Australia otherwise than by the importer and were purchased in arms length transactions by the importer from the exporter, the Commission calculated the export price under subsection 269TAB(1)(a), being the price paid by the importer to the exporter less transport and other costs arising after exportation. For other export sales where there was an intermediary involved between the exporter and importer, the Commission calculated the export price under subsection 269TAB(1)(c) based on all the circumstances of exportation, and using the price between Daehan and the intermediaries involved in the sale to Australia.

In REV 489, the Commission identified only one exporter from South Korea during the review period. After having regard to all relevant information, the export price for all other exporters was established in accordance with subsection 269TAB(3), using Daehan's export price for the entire review period, excluding any part of that price that relates to post-exportation charges. In other words, the export price for all other exporters from South Korea was established by reference to the export price determined for Daehan. Therefore, changes to the export price for Daehan will result in changes to the country rate for 'other' exporters from South Korea.

Published sales information is available for export sales of rebar from South Korea to Australia. Movements in the export sales price for the goods (expressed in KRW/t) since the review period for REV 489 (1 July 2017 to 30 June 2018)² is illustrated in **CONFIDENTIAL FIGURE 2(a)(ii)** (below).

² As the published sales information relates to export sales, the date of entry is the date of export, not the date of import in Australia. Therefore, entries are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that an export sale in May 2018 is treated as having been entered for home consumption in Australia in June 2018.



CONFIDENTIAL FIGURE 2(a)(ii) Average monthly movements in export sales prices for rebar exported from South Korea to Australia (KRW/t) since June 2017 (Source: CONFIDENTIAL ATTACHMENT 2.1)

Daehan and all other exporters from South Korea

The dumping duty notice applying to the goods exported to Australia from South Korea by Daehan and all other exporters remains subject to the export prices ascertained in REV 489, as amended following *ADRP Report No. 108*.

Conclusion – change in ascertained export price

Given the movements in export sales prices for rebar exported from South Korea to Australia (as expressed in KRW/t) since the review period for REV 489 (refer **CONFIDENTIAL FIGURE 2(a)(ii)** (above)), the industry applicant considers that the ascertained export prices for Daehan and all other exporters will have changed, specifically, it is likely to have decreased by 2.9 per cent on a weighted average basis since this variable factor was last ascertained.

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(b) TAIWAN (except Power Steel Co., Ltd)

(i) Ascertained normal values

In REV 489, Wei Chih Steel Industrial Co., Ltd (**Wei Chih**) was the only exporter of the goods from Taiwan. The normal value ascertained for this exporter in the review was determined under subsection 269TAC(1). For uncooperative and all other exporters from Taiwan, the normal value was established under subsection 269TAC(6) using Wei Chih's normal value for the entire review period, excluding any favourable downward adjustments. In other words, the normal value for all other exporters from Taiwan was established by reference to the normal value determined for Wei Chih. Therefore, changes to the normal value for Wei Chih will result in changes to the country rate for 'other' exporters from Taiwan.

Published sales information is available for domestic sellers of like goods to the goods in Taiwan. Movements in the domestic sales price for like goods (expressed in NTD/t) since the review period for REV 489 (1 July 2017 to 30 June 2018)³ is illustrated in **CONFIDENTIAL FIGURE 2(b)(i)** (below).



³ The date of sale for domestic sales for the review period are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that a domestic sale in May 2018 is comparable to an export sale entered for home consumption in June 2018.

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CONFIDENTIAL FIGURE 2(b)(i) Median monthly movements in domestic sales prices in Taiwan for like goods (NTD/t) since June 2017 (Source: CONFIDENTIAL ATTACHMENT 1)

Wei Chih and all other exporters from Taiwan (except Power Steel Co., Ltd)

The dumping duty notice applying to the goods exported to Australia from Taiwan by Wei Chih and all other exporters remains subject to the normal values ascertained in REV 489, as amended following *ADRP Report No. 108*.

Conclusion – Change in ascertained normal value

Given the movements in domestic selling prices in Taiwan for the like goods (as expressed in NTD/t) since the review period for REV 489 (refer **CONFIDENTIAL FIGURE 2(b)(i)** (above)), the industry applicant considers that the ascertained normal values for Wei Chih and all other exporters will have changed, specifically, it is likely to have decreased by 7.9 per cent since this variable factor was last ascertained.

(ii) Ascertained export prices

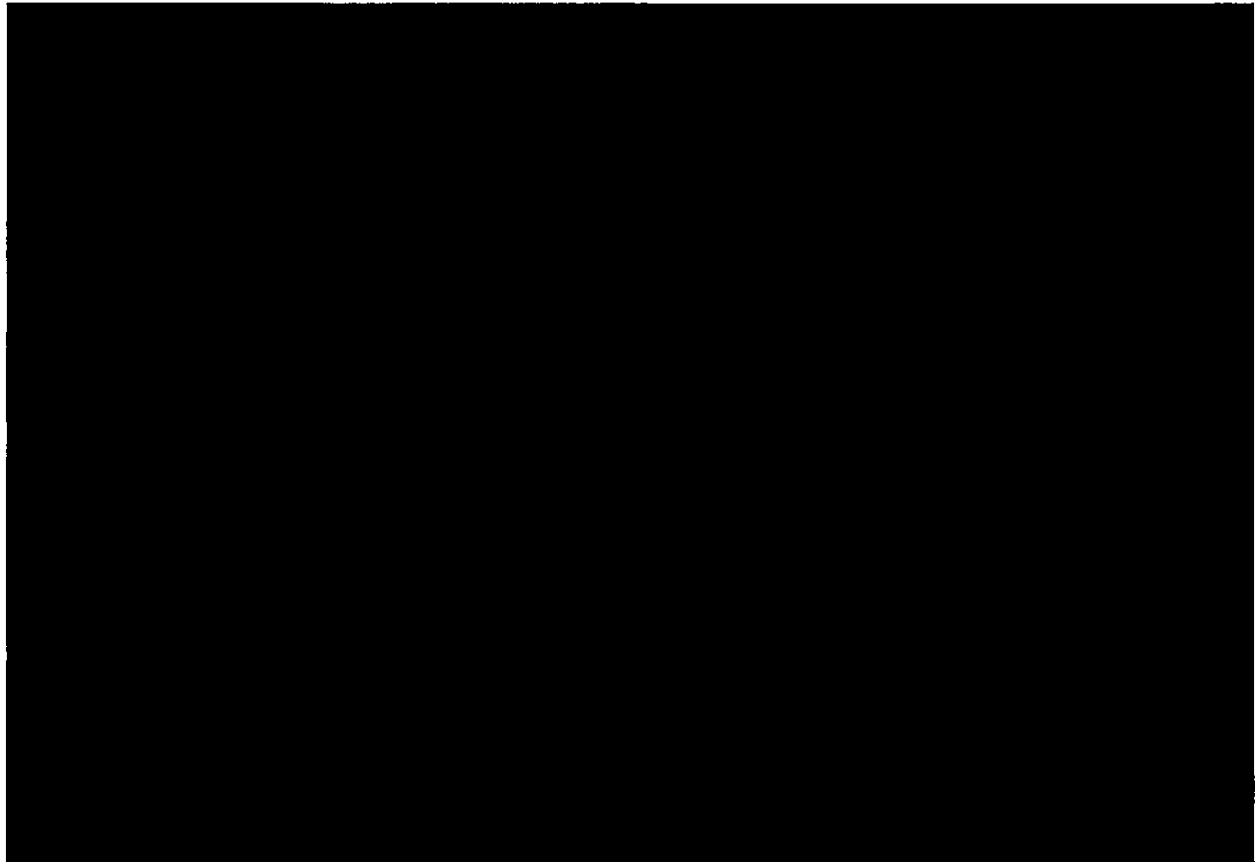
As noted above, in REV 489, Wei Chih was the only exporter of the goods from Taiwan. The Commission calculated the export price for Wei Chih under subsection 269TAB(1)(a), being the price paid by the importer to the exporter less transport and other costs arising after exportation.

In REV 489, the Commission identified only one exporter from Taiwan during the review period. After having regard to all relevant information, the export price for all other exporters was established in accordance with subsection 269TAB(3), using Wei Chih's export price for the entire review period, excluding any part of that price that relates to post-exportation charges. In other words, the export price for all other exporters from Taiwan was established by reference to the export price determined for Wei Chih. Therefore, changes to the export price for Wei Chih will result in changes to the country rate for 'other' exporters from Taiwan.

Published sales information is available for export sales of rebar from Taiwan to Australia. Movements in the export sales price for the goods (expressed in NTD/t) since

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the review period for REV 489 (1 July 2017 to 30 June 2018)⁴ is illustrated in **CONFIDENTIAL FIGURE 2(b)(ii)** (below).



CONFIDENTIAL FIGURE 2(b)(ii) Average monthly movements in export sales prices for rebar exported from Taiwan to Australia (NTD/t) since June 2017 (Source: CONFIDENTIAL ATTACHMENT 2.2)

Wei Chih and all other exporters from Taiwan (except Power Steel Co., Ltd)

The dumping duty notice applying to the goods exported to Australia from Taiwan by Wei Chih and all other exporters remains subject to the normal values ascertained in REV 489, as amended following *ADRP Report No. 108*.

Conclusion – change in ascertained export price

Given the movements in export sales prices for rebar exported from Taiwan to Australia (as expressed in NTD/t) since the review period for REV 489 (refer **CONFIDENTIAL**

⁴ As the published sales information relates to export sales, the date of entry is the date of export, not the date of import in Australia. Therefore, entries are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that an export sale in May 2018 is treated as having been entered for home consumption in Australia in June 2018.

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FIGURE 2(b)(ii) (above)), the industry applicant considers that the ascertained export price for Wei Chih and all other exporters will have changed, specifically, it is likely to have decreased by 29.7 per cent on a weighted average basis since this variable factor was last ascertained.

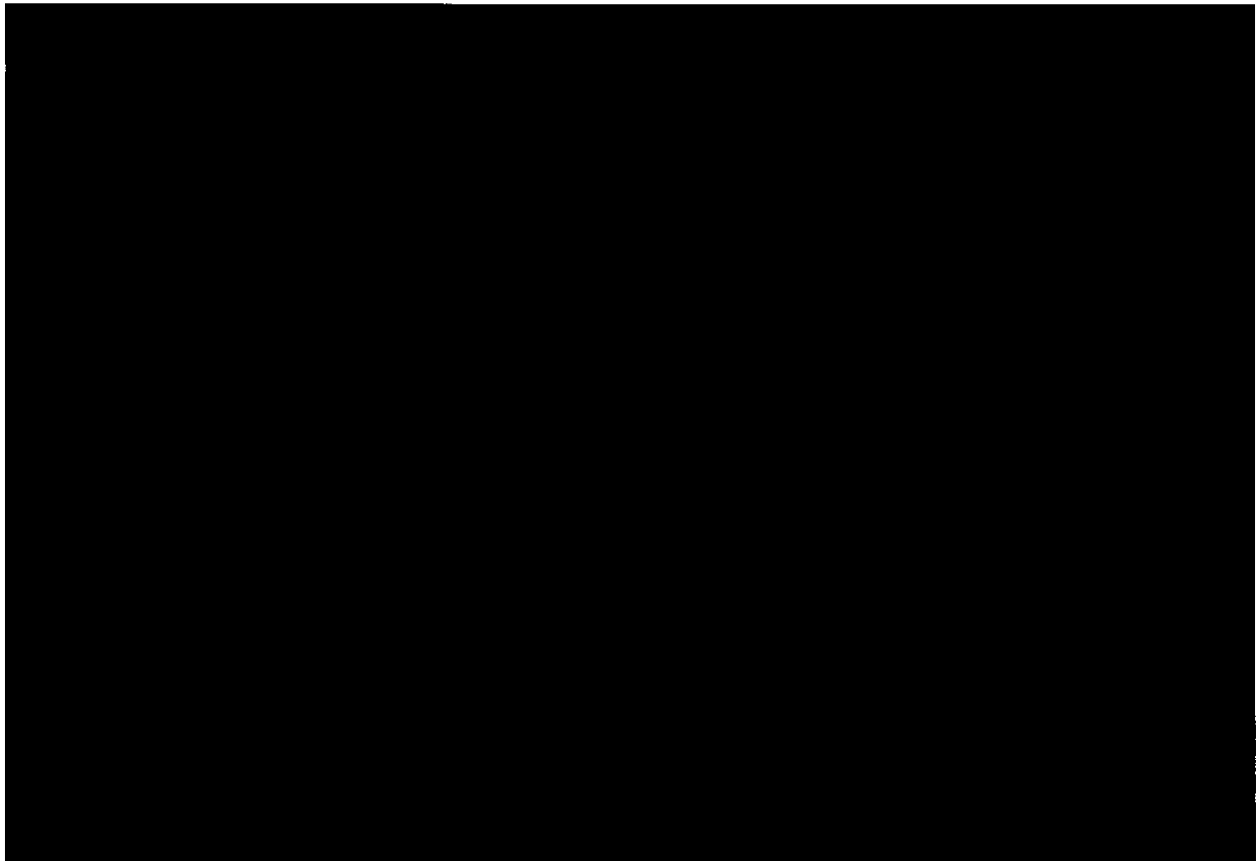
(c) **SPAIN (except Nervacero S.A.)**

(i) **Ascertained normal values**

In *Review of Measures No. 380 (REV 380)*, the variable factors applicable to Compañía Española de Laminación, S.L (**Celsa Barcelona**) was reviewed. The normal value ascertained for this exporter in the review was determined under subsection 269TAC(1). For uncooperative and all other exporters from Spain (except Nervacero S.A.), the normal value was previously established in the course of *Dumping Investigation No. 264 (INV 264)* under subsection 269TAC(6) using the highest weighted average normal value from the quarter of the investigation period with the greatest dumping margin from the cooperating exporters. In other words, the normal value for all other exporters from Spain was established, in part, by reference to the normal value determined for Celsa Barcelona. Therefore, changes to the normal value for Celsa Barcelona will result in changes to the country rate for 'other' exporters from Spain.

Published sales information is available for domestic sellers of like goods to the goods in Spain. Movements in the domestic sales price for like goods (expressed in EUR/t) since the review period for REV 380 (1 July 2013 to 30 June 2014)⁵ is illustrated in **CONFIDENTIAL FIGURE 2(c)(i)** (below).

⁵ The date of sale for domestic sales for the review period are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that a domestic sale in May 2018 is comparable to an export sale entered for home consumption in June 2018.



CONFIDENTIAL FIGURE 2(c)(i) Median monthly movements in domestic sales prices in Spain for like goods (EUR/t) since June 2013 (Source: CONFIDENTIAL ATTACHMENT 1)

Celsa Barcelona and all other exporters from Spain (except Nervacero S.A.)

The dumping duty notice applying to the goods exported to Australia from Spain by Celsa Barcelona and all other exporters remains subject to the normal values ascertained in REV 380.

Conclusion – Change in ascertained normal value

Given the movements in domestic selling prices in Spain for the like goods (as expressed in EUR/t) since the review period for REV 380 (refer **CONFIDENTIAL FIGURE 2(c)(i)** (above)), the industry applicant considers that the ascertained normal values for Celsa Barcelona and all other exporters will have changed, specifically, it is likely to have decreased by 10.9 per cent since this variable factor was last ascertained.

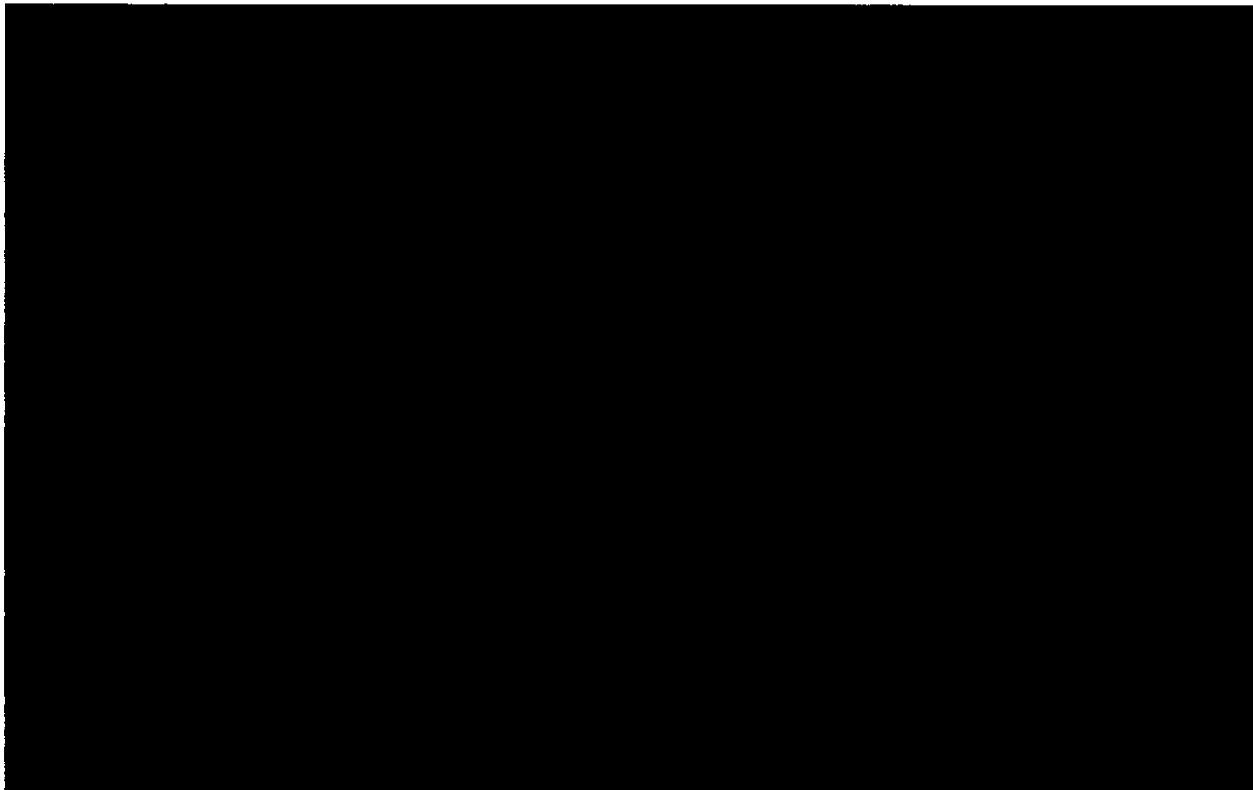
(ii) Ascertained export prices

As noted above, in REV 380, the variable factors applicable to Celsa Barcelona were reviewed. The Commission calculated the export price for Celsa Barcelona under subsection 269TAB(1)(a), using the invoiced price less any part of the price that represents a charge in respect of transport of the goods or in respect of any other matter arising after exportation.

In INV 264 the Commission established the export price for uncooperative exporters from Spain in accordance with subsection 269TAB(3), using the lowest weighted average export price from the quarter of the investigation period with the greatest dumping margin from the cooperating exporters, excluding any part of that price that relates to post-exportation charges. In other words, the export price for all other exporters from Spain (except Nervacero S.A.) was established, in part, by reference to the export price determined for Celsa Barcelona. Therefore, changes to the export price for Celsa Barcelona will result in changes to the country rate for 'other' exporters from Spain.

Published sales information is available for export sales of rebar from Spain to Australia. Movements in the export sales price for the goods (expressed in EUR/t) since the investigation period for INV 264 (1 July 2013 to 30 June 2014)⁶ is illustrated in **CONFIDENTIAL FIGURE 2(c)(ii)** (below).

⁶ As the published sales information relates to export sales, the date of entry is the date of export, not the date of import in Australia. Therefore, entries are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that an export sale in May 2018 is treated as having been entered for home consumption in Australia in June 2018.



CONFIDENTIAL FIGURE 2(c)(ii) Average monthly movements in export sales prices for rebar exported from Spain to Australia (EUR/t) since June 2013 (Source: CONFIDENTIAL ATTACHMENT 2.4)

Celsa Barcelona and all other exporters from Spain (except Nervacero S.A.)

The dumping duty notice applying to the goods exported to Australia from Spain by Celsa Barcelona remains subject to the normal values ascertained in REV 380, and the dumping duty notice applying to goods exported to Australia from Spain by all other exporters (except Nervacero S.A.) remains subject to the normal values ascertained in INV 264.

Conclusion – change in ascertained export price

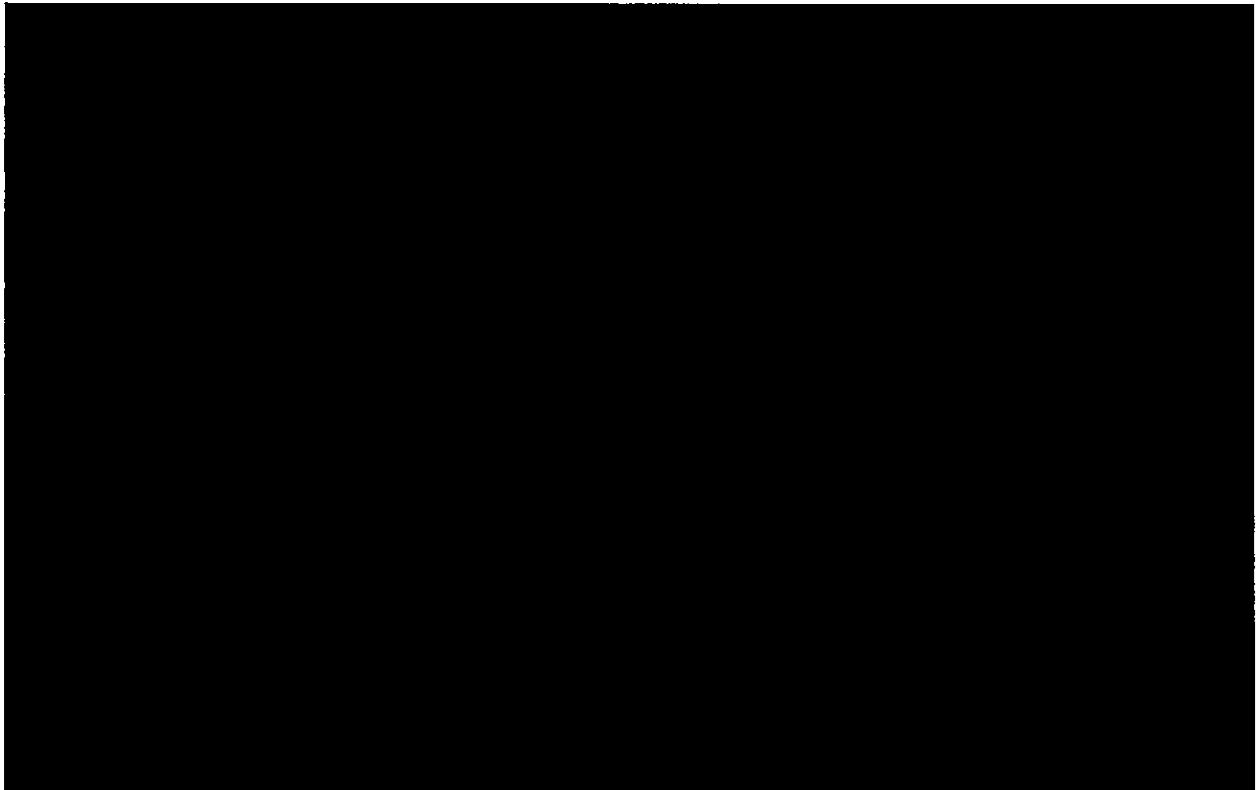
Given the movements in export sales prices for rebar exported from Spain to Australia (as expressed in EUR/t) since the review period for REV 380 (refer **CONFIDENTIAL FIGURE 2(c)(ii)** (above)), the industry applicant considers that the ascertained export price for Celsa Barcelona and all other exporters will have changed, specifically, it is likely to have decreased by 11.0 per cent on a weighted average basis since this variable factor was last ascertained.

(d) SINGAPORE

(i) Ascertained normal values

In INV 264, Natsteel Holdings Pte Ltd (**Natsteel**) was the only exporter of the goods from Singapore. The normal value ascertained for this exporter in the course of the investigation was determined under subsection 269TAC(1). As Natsteel was the only exporter, the Commission recommended that Natsteel's dumping margin apply as an 'All Other' rate for Singapore. Therefore, changes to the normal value for Natsteel will result in changes to the country rate for 'other' exporters from Singapore.

Published sales information is available for domestic sellers of like goods to the goods in Singapore. Movements in the domestic sales price for like goods (expressed in SGD/t) since the original investigation period for INV 264 (1 July 2013 to 30 June 2014)⁷ is illustrated in **CONFIDENTIAL FIGURE 2(d)(i)** (below).



CONFIDENTIAL FIGURE 2(d)(i) Average monthly movements in domestic sales prices in Singapore for like goods (SGD/t) since June 2013 (Source: CONFIDENTIAL ATTACHMENT 1.1)

⁷ The date of sale for domestic sales for the review period are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that a domestic sale in May 2018 is comparable to an export sale entered for home consumption in June 2018.

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Natsteel and all other exporters from Singapore

The dumping duty notice applying to the goods exported to Australia from Singapore by Natsteel and all other exporters remains subject to the normal values ascertained in INV 264.

Conclusion – Change in ascertained normal value

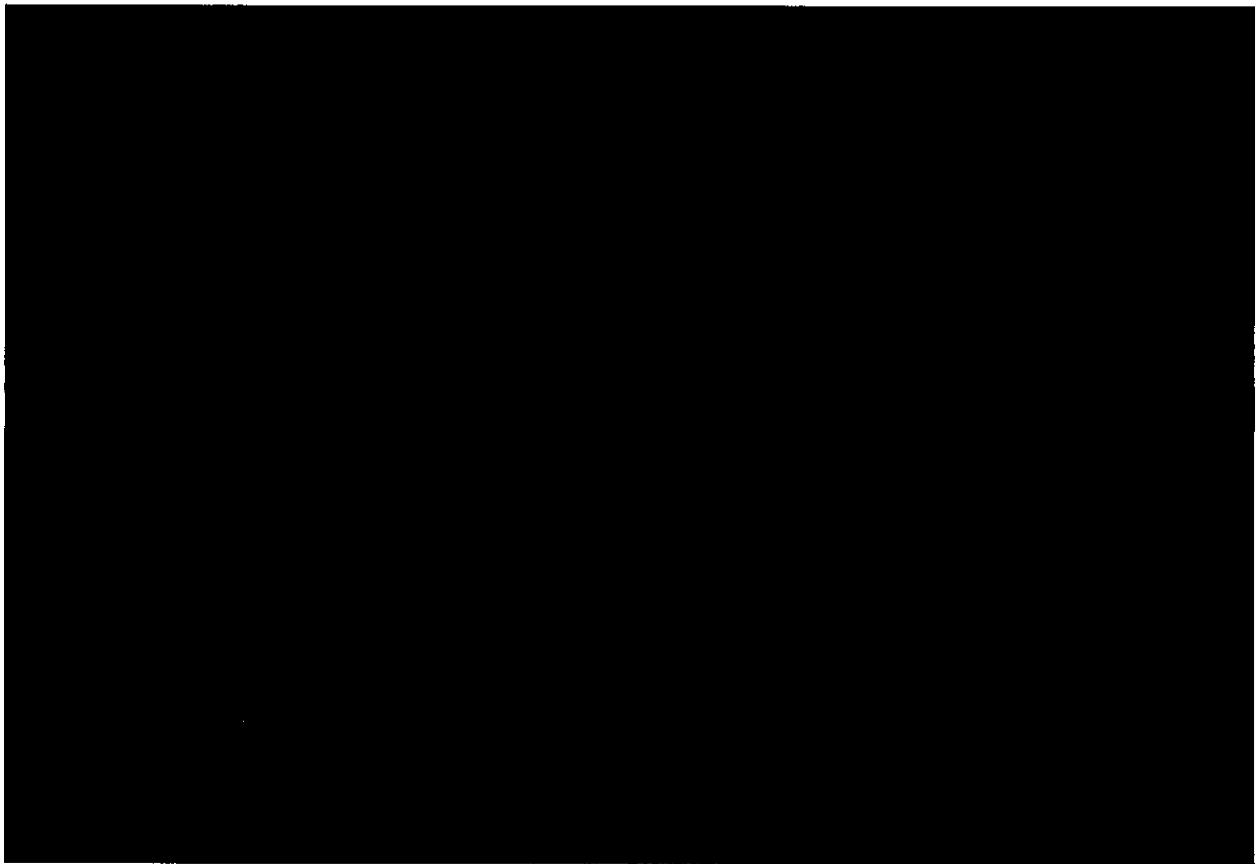
Given the movements in domestic selling prices in Singapore for the like goods (as expressed in SGD/t) since the original investigation period for INV 264 (refer **CONFIDENTIAL FIGURE 2(d)(i)** (above)), the industry applicant considers that the ascertained normal values for Natsteel and all other exporters will have changed, specifically, it is likely to have decreased by 4.1 per cent since this variable factor was last ascertained.

(ii) Ascertained export prices

As noted above, in INV 264, Natsteel was the only exporter of the goods from Singapore. As such the Commission recommended in INV 264 that Natsteel's dumping margin apply as an 'All Other' rate for Singapore. In other words, the export price for all other exporters from Singapore was established by reference to the export price determined for Natsteel. Therefore, changes to the export price for Natsteel will result in changes to the country rate for 'other' exporters from Singapore.

Published sales information is available for export sales of rebar from Singapore to Australia. Movements in the export sales price for the goods (expressed in SGD/t) since the original investigation period for INV 264 (1 July 2013 to 30 June 2014)⁸ is illustrated in **CONFIDENTIAL FIGURE 2(d)(ii)** (below).

⁸ As the published sales information relates to export sales, the date of entry is the date of export, not the date of import in Australia. Therefore, entries are adjusted to account for the one-month lead time between the date of export and the date of arrival for home consumption in Australia. That is to say that an export sale in May 2018 is treated as having been entered for home consumption in Australia in June 2018.



CONFIDENTIAL FIGURE 2(d)(ii) Average monthly movements in export sales prices for rebar exported from Singapore to Australia (SGD/t) since June 2017 (Source: CONFIDENTIAL ATTACHMENT 2.3)

Natsteel and all other exporters from Singapore

The dumping duty notice applying to the goods exported to Australia from Singapore by Natsteel and all other exporters remains subject to the export prices ascertained in INV 264.

Conclusion – change in ascertained export price

Given the movement in the export sales price for rebar exported from Singapore to Australia (as expressed in SGD/t) since the original investigation period for INV 264 (refer **CONFIDENTIAL FIGURE 2(d)(ii)** (above)), the industry applicant considers that the ascertained export price for Natsteel and all other exporters will have changed, specifically, it is likely to have decreased by 10.9 per cent on a weighted average basis since this variable factor was last ascertained.

3. In your opinion the causes of the change and whether these causes are likely to persist

The changes to the variable factors observed in section 2, above, reflect the onset of negative market conditions in 2020, and are, therefore, likely to persist.

According to the Organisation for Economic Co-operation and Development (**OECD**), steel market conditions have turned negative in 2020 and are facing contraction in the short and the medium term. Weakening economic conditions, increasing global trade restrictions, new capacity investments, the persistence of excess capacity all pose downside risks, and the evolving impact from the COVID-19 pandemic are all likely to have an impact on the steel industry.⁹ According to the World Steel Association (**WorldSteel**), global steel growth rates in 2019 and 2020 are expected to slow down with a slowing global economy. Uncertainties over the trade environment and volatility in the financial markets could pose downside risks to this forecast.¹⁰

In its Short Range Outlook (**SRO**) for 2020 and 2021, WorldSteel forecasts that steel demand will contract by 6.4% in 2020, dropping to 1,654 million MT (**metric tonnes**) due to the COVID-19 crisis. In 2021 steel demand is expected to recover to 1,717 million MT, an increase of 3.8 % over 2020.¹¹

Global demand for rebar is also forecasted to slow. The International Rebar Producers and Exporters Association (**IREPAS**) said surplus supply and inadequate demand is set to dominate the steel long products markets, due to both the coronavirus outbreak and geopolitical issues.¹² This forecast is consistent with a slowing global construction sector, with WorldSteel forecasting global construction growth to slow due to the construction industry in some countries suffering an abrupt halt of projects due to supply chain disruptions and a shortage of workers during the pandemic lockdown period. However, it is expected that the decline in the construction industry will be less severe than during the financial crisis.

Nevertheless, WorldSteel considers that new construction project starts have also worsened due to the deteriorated balance sheets of consumers and businesses. Similarly, government attempts to put a focus on new construction projects in an effort

⁹ <https://www.oecd.org/sti/ind/steel-market-developments-Q2-2020.pdf> at p. 6 (accessed on 30 May 2020)

¹⁰ <https://www.worldsteel.org/en/dam/jcr:96d7a585-e6b2-4d63-b943-4cd9ab621a91/World%2520Steel%2520in%2520Figures%25202019.pdf> at p. 3 (accessed on 30 May 2020)

¹¹ <https://www.worldsteel.org/media-centre/press-releases/2020/worldsteel-short-range-outlook-june-2020.html> (accessed, 5 June 2020)

¹² https://www.steelbb.com/?PageID=157&article_id=186254 (accessed on 30 May 2020).

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to support demand may be hindered by significantly worsened government balance sheets that will confine their ability to carry out public infrastructure investments.¹³

Global steelmaking capacity (in nominal crude terms) decreased from 2015 to 2018, but information available to the OECD (as of December 2019) suggests that capacity increased in 2019 for the first time since 2014. The net capacity change in 2019, taking into account new capacity additions and closures, brings current global steelmaking capacity up to 2,362.5 million MT, representing a 1.5% increase from the level at the end of 2018.¹⁴ Most of the capacity additions in 2019 took place in Asia, where an additional 30.4 million MT of capacity came on stream.¹⁵

The gap between global steelmaking capacity and production narrowed between 2016 and 2019 as a result of the decrease in global crude steelmaking capacity (i.e. by -0.2% from 2016 to 2019) and the gradual increase in steel production (an increase of 13.6% in the same period). In 2019, global capacity was 2,362.5 million MT and production was 1,848.5 million MT, therefore the gap between capacity and production has decreased to 513.9 million MT in 2019, from 520 million MT in 2018. WorldSteel production as a share of capacity has improved slightly, from 77.7% in 2018 to approximately 78.2% in 2019.¹⁶

The Commission acknowledged the direct link between excess capacity and dumping in its 2016 *Analysis of Steel and Aluminum Report*.

the OECD has highlighted that 'excess capacity in one region can displace production in other regions, thus harming producers in those markets', including through 'unfair trade practices such as dumping'.¹⁷

Excess capacity—a problem that afflicts the steel industry during every downturn in the business cycle—is a significant issue for the sector.¹⁸

Conclusion – cause of change are likely to persist

Therefore, in light of the global downturn, InfraBuild Steel expects the causes of the change to the variable factors identified are likely to persist.

¹³ <https://www.worldsteel.org/media-centre/press-releases/2020/worldsteel-short-range-outlook-june-2020.html> (accessed, 5 June 2020)

¹⁴ <https://www.oecd.org/sti/ind/steel-market-developments-Q2-2020.pdf> at p. 24 (accessed on 30 May 2020)

¹⁵ <https://www.oecd.org/sti/ind/steel-market-developments-Q2-2020.pdf> at p. 24 (accessed on 30 May 2020)

¹⁶ <https://www.oecd.org/sti/ind/steel-market-developments-Q2-2020.pdf> at p. 24 (accessed on 30 May 2020)

¹⁷ https://www.industry.gov.au/sites/default/files/2019-05/analysis_steel_aluminium_report_-_august_2016.pdf at p. 5.

¹⁸ *ibid.*, p. 12.