



ANTI-DUMPING NOTICE NO. 2021/097

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Merchant Bar exported to Australia from Taiwan

Investigation No. 584 into alleged dumping

Day 60 Status Report

Introduction

This Status Report concerns the investigation into the alleged dumping of merchant bar (the goods) exported to Australia from Taiwan. The report reflects the status of the investigation at Day 60.

The Status Report sets out the reasons why I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission, have not made a preliminary affirmative determination (PAD) 60 days after the initiation of the investigation.

I note that I may make a PAD at any time from day 60 of the investigation onwards if I am satisfied the requirements under section 269TD(1) of the *Customs Act 1901*¹ have been met.

Background

On 31 May 2021, I initiated an investigation into the alleged dumping of merchant bar from Taiwan following an application by InfraBuild NSW Pty Ltd (InfraBuild) under section 269TB. Further details can be found in the public notice published on 31 May 2021, (refer to Anti-Dumping Notice No. 2021/073 at www.adcommission.gov.au).²

Under section 269TD(1), I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty, if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice; or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

¹ All legislative references in this report are to the *Customs Act 1901* unless otherwise specified.

² EPR 584, document no. [03](#).

Reasons for publishing a Status Report

In deciding whether to make a PAD on day 60 of this investigation (30 July 2021), I have had regard, in accordance with section 269TD(2), to:

- InfraBuild's application;
- submissions received in response to the initiation of the investigation; and
- importer questionnaire responses received from cooperating importers.

Circumstances arising from the COVID-19 pandemic have affected exporters of the goods from Taiwan. As a result, extensions of time to complete the exporter questionnaire were granted.³

The Anti-Dumping Commission (the Commission) is required to examine various issues in the investigation, including:

- export prices and normal values of the goods exported from Taiwan;
- volumes of the goods exported from Taiwan;
- the Australian market size for the goods and the market share held by interested parties; and
- whether the goods exported from Taiwan, if dumped at above negligible levels, have caused or are causing material injury to the Australian industry.

These issues are critical to determining whether the goods are dumped and therefore whether there are sufficient grounds for the publication of a dumping duty notice.

Presently, on the information available to the Commission at day 60 of the investigation, I am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD, at this particular time, because I am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice for the reasons outlined above.

I will continue to assess the need for a PAD and make one as soon as possible, assuming I attain the requisite level of satisfaction on the basis of the evidence available to me.

Reconsideration of making a PAD – section 269TDAA

The Direction requires me to reconsider whether or not to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA.

The SEF is due to be published on **20 September 2021**. Prior to the publication or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

³ Refer to EPR 584, document no. [06](#).

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2408 or at investigations1@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

30 July 2021