



ANTI-DUMPING NOTICE NO. 2024/070

Public notice under section 269TC(4) of the *Customs Act 1901*

Certain Hot-rolled Deformed Steel Reinforcing Bar in Lengths

Exported from the Republic of Indonesia by PT Ispat Panca Putera and PT Putra Baja Deli, Malaysia, the Kingdom of Thailand, the Republic of Türkiye and the Socialist Republic of Vietnam

Initiation of Investigation No 655 into alleged dumping

*Customs Act 1901 – Part XVB*¹

I, Isolde Lueckenhausen, the Acting Commissioner of the Anti-Dumping Commission (the Commissioner),² have initiated an investigation following an application lodged by Infrabuild NSW Pty Limited (the Applicant), a manufacturer of hot-rolled deformed steel reinforcing bar in lengths (the goods) in Australia.

The application seeks the publication of a dumping duty notice in respect of the goods exported to Australia from the Republic of Indonesia by PT Ispat Panca Putera and PT Putra Baja Deli, Malaysia, the Kingdom of Thailand, the Republic of Türkiye and the Socialist Republic of Vietnam (collectively, the application countries³).

The application alleges that the goods have been exported to Australia at prices less than their normal values and that the dumping has caused material injury to the Australian industry producing like goods through:

- Lost sales volume
- Lost market share
- Price depression
- Price suppression

¹ All legislative references in this notice are to the *Customs Act 1901*(Cth) unless otherwise specified.

² References in this document to individuals holding positions within the Anti-Dumping Commission (commission) are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

³ In respect to Indonesia, this only applies to the exporters nominated in the application, PT Ispat Panca Putera and PT Putra Baja Deli.

- Loss of profits
- Reduced profitability
- Reduced revenue
- Reduced return on investment
- Reduced capacity utilisation rates
- Increased stock holding
- Reduced cash flow in the industry
- Lost revenue.

The non-confidential version of the application contains the basis of the alleged dumping and material injury to the Australian industry. The application is available on the electronic public record (EPR) for this case.⁴ The EPR can be found on the commission's website at www.adcommission.gov.au.

The reasons for the decision to initiate this investigation are in *Anti-Dumping- Commission Consideration Report No.655* (CON 655), which is available on the public record.⁵ CON 655 outlines the basis upon which the dumping is alleged to have occurred. Additionally, the factors upon which the allegation of material injury caused by the dumping to the Australian industry are also summarised in the report.

In accordance with section 269ZI(3), a copy of this notice and accompanying reasons will be provided to each of the countries whose exporters are affected by the decision to not reject the application.

The date of initiation of this investigation is the date of publication of this notice.

Particulars of the Goods

The goods, being the subject of the application (the goods) are:

Hot-rolled deformed steel reinforcing bar, 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.

Further information:

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

Exclusions:

Goods excluded from the measures are hot-rolled deformed reinforcing steel in coil form, plain round bar, stainless steel and reinforcing mesh.

⁴ EPR 655, document number 1

⁵ EPR 655, document number 2

Tariff Classifications

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

- 7214.20.00 (statistical code 47)
- 7228.30.10 (statistical code 70)
- 7228.30.90 (statistical code 40)
- 7228.60.10 (statistical code 72)

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description set out above. Please refer to the goods description for authoritative detail regarding the particulars of the goods, the subject of this investigation.

Investigation Process

The investigation period is 1 July 2023 to 30 June 2024. I will examine exports to Australia of the goods during this period to determine whether dumping has occurred. I will examine details of the Australian market from 1 July 2020 for the purposes of injury analysis.

Where the Minister for Industry and Science (the Minister) is satisfied, as to goods of any kind, that: ⁶

- (a) the amount of the export price of the goods that have been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim dumping duties.

Where there are grounds for the Minister to publish a dumping duty notice applying to the application countries⁷ in respect of the goods, I will examine whether the trade in the dumped goods gives rise to retrospective notices being published pursuant to section 269TN, and make recommendations to the Minister accordingly.⁸

⁶ In accordance with section 269TG.

⁷ In respect to Indonesia, this only applies to the exporters nominated in the investigation, PT Ispat Panca Putera and PT Putra Baja Deli.

⁸ In accordance with sections 269TG(1).

Proposed model control code structure

The Commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.⁹

The table below outlines the Commission’s proposed MCC structure for this investigation.

Item	Category	Sub-category	Identifier	Sales data	Cost data
1	Prime	Prime	P	Mandatory	Not applicable
		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 but less than 650	D		
		Equal to or greater than 650	E		
3	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		
4	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		
5	Deformation pattern along Length	Threaded	T	Mandatory	Optional
		Non-threaded	N		

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than **31 October 2024**.

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

⁹ Guidance on the Commission’s approach to model matching is in the Dumping and Subsidy Manual, available at www.adcommission.gov.au.

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

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at www.adcommission.gov.au.

The public record will contain, among other things, a non-confidential version of the application, *Anti-Dumping Commission Consideration Report No. 655* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

Lodgement of Submissions

Interested parties, as defined by section 269T(1), are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on **31 October 2024**, addressed to:

The Director
Investigations 1
GPO Box 2013
Canberra ACT 2601
Australia

or by email to investigations1@adcommission.gov.au.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record¹⁰.

Interested parties should also note that I am directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances.¹¹ This is available at: www.legislation.gov.au

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the SEF.

¹⁰ Under section 269TDAA(3).

¹¹ Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* have been delegated to the Anti-Dumping Commission's Deputy Commissioners (Anti-Dumping Notice No. 2017/10, available at: www.adcommission.gov.au refers).

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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Lodgement of Exporter Questionnaires

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **31 October 2024**. The commission will use the information provided in response to the exporter questionnaires to determine whether goods exported to Australia in the investigation period were dumped and to calculate dumping margins.

The exporter questionnaire and the associated spreadsheets are available under the case information for case number 655 (which can be found under 'current cases and the electronic public record' on the Commission website, www.adcommission.gov.au). Alternatively, exporters can email investigations1@adcommission.gov.au and the commission will forward the exporter questionnaire and spreadsheets for completion.

If an exporter submits an exporter questionnaire, the commission may visit its premises to verify the information (see ADN2016/30). If an exporter does not participate in the investigation, the commission will calculate a dumping margin having regard to all relevant information¹².

The case team may use the responses to exporter questionnaires to determine whether sampling is required due to the large number of exporters of the goods ¹³.

Provisional Measures

Pursuant to section 269TD, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice or there appears that there will be sufficient grounds for the

¹² Under section 269TACAB.

¹³ Under section 269TACAA.

publication of a dumping duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD, the Commonwealth may apply provisional measures, including the taking of securities under section 42, in respect of interim dumping duty that may become payable on the goods, where: a PAD has been made; and the Commissioner is satisfied that it is necessary to do so to prevent material injury to an Australian industry occurring while the investigation continues.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website, www.legislation.gov.au.

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. In accordance with section 269TDAA of the Act, a SEF will be placed on the public record by **13 January 2025**¹⁴, or by such later date as allowed in accordance with section 269ZHI.¹⁵ The SEF will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of it being placed on the public record.

Submissions received in response to the SEF within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Minister. I am not obliged to have regard to submissions received more than 20 days following publication of the SEF if to do so would, in my opinion, prevent the timely preparation of the report to the Minister.¹⁶

Report to the Minister

A recommendation to the Minister will be made in a report on or before **26 February 2025** (or such later date as allowed under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

Anti-Dumping Review Panel

¹⁴ As 12 January 2025 is a Sunday, the due date becomes the next business day (13 January 2025).

¹⁵ On 14 January 2017, certain powers and functions of the Minister under section 269ZHI were delegated to the Commissioner of the Anti-Dumping Commission. Refer to ADN No. 2017/10 for further information.

¹⁶ Under section 269TEA(4).

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB in relation to a decision by me to terminate the investigation or a decision of the Minister to publish or not to publish a dumping duty notice after considering my report.

Interested Party List

Throughout the investigation, the Commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email investigations1@adcommission.gov.au.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number 03 8539 2447, or investigations1@adcommission.gov.au.

Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission

24 September 2024
