

# ADRP Conference Summary

## 2019/114 Quenched and Tempered Steel Plate exported from Finland, Japan and Sweden

Panel Member	Paul O'Connor
Review type	Review of Minister's decision
Date	14 January 2020
Participants	Justin Wickes, An Chew, Carina Oh, Phillip Sheath and Larry Isaac (Anti-Dumping Commission representatives) Pip Fairbairn and Genevieve Ilic (Department of Industry, Innovation and Science)
Time opened	15:30 AEDT
Time closed	15:50 AEDT

### Purpose

The purpose of this Conference was to obtain further information in relation to the Review before the Anti-Dumping Review Panel (Panel) in relation to Quenched and Tempered Steel Plate exported from Finland, Japan and Sweden.

The Conference was held pursuant to section 269ZZHA of the *Customs Act 1901* (the Act) and relates to a review of a Minister's decision.

In the course of the Conference, I asked the Anti-Dumping Commission (Commission) Representatives to comment on my understanding of the Applicant's claims in relation to a procedural fairness issue and the operation of the Model Control Code (MCC) methodology.

I have only had regard to information provided at this Conference as it relates to relevant information (within the meaning of section 269ZZK(6) of the Act). Any conclusions reached at this Conference are based on that relevant information. Information that relates to some new argument, not previously put in an application or submission, is not something that the Panel has regard to and is therefore not reflected in this Conference Summary.

### Discussion

1. The Commission Representatives noted that the use of the MCC methodology is widely publicised and was not objected to by the Applicant.

2. Chapter 14 of the Commission's Dumping and Subsidy Manual, at page 61, states "*the Commission may also have regard to the MCC structure in its assessment of material injury to the Australian industry, such as for an undercutting analysis.*"
3. The Commission Representatives noted the MCC methodology had been applied in the SEF, albeit at a two-level comparison. The Commission referred to footnote 71 at page 41 of the SEF which made the application of the methodology clear. The Applicant did not raise any objection to the application of the methodology for the Commission's undercutting analysis.
4. The Panel referred to the MCC structure as detailed in the Initiation Notice. It comprised six item numbers, which are commonly referred to as levels. The Commission Representatives confirmed that the analysis detailed in the Report, and more particularly outlined in Confidential Attachment 9.3, was undertaken at a three-level analysis. That is, structural products sold by the Applicant and the Australian industry were classified for comparison by reference to 3 items or levels: namely, 1, 2 and 4. Wear grade products were classified by items 1, 3 and 4.
5. The Commission Representatives noted that Confidential Attachment 9.3 focused on products common to both the Applicant and the Australian industry.
6. One of the five models produced by the Australian industry's was excluded from the 87% as it has a different MCC composition or classification to the Applicant's products. Another model, although similar to one of the Applicant's models, does form part of the 87%. This model is regarded as a specialty grade with a low volume of sales. The Commission was not able to isolate such sales from the data available as the issue was not raised with the Commission during the inquiry. The Commission representatives stated that given the very small sales volume of this product during the inquiry such sales would not have had a material impact on the 87% figure. Noting this exception, the aim of the Commission's analysis was directed to ensuring that the undercutting and directly competitive analysis was limited to a comparison of like with like.

Paul O'Connor  
Member  
Anti-Dumping Review Panel  
23 January 2020