



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2016/43

Hot rolled Structural Steel Sections

**Exported from Japan, the Republic of Korea, Taiwan and the
Kingdom of Thailand**

Initiation of a Review of Anti-Dumping Measures

**Relating to Tung Ho Steel Enterprise Corporation and Siam
Yamato Steel Co., Ltd.**

Public 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 hot rolled structural steel sections (HRS) (the goods) exported to Australia from Taiwan and the Kingdom of Thailand (Thailand). The review will be limited to examining whether the variable factors relevant to the taking of anti-dumping measures as they affect Tung Ho Steel Enterprise Corporation (Taiwan) and Siam Yamato Steel Co., Ltd. (Thailand) should be varied.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

Hot rolled structural steel sections in the following shapes and sizes, whether or not containing alloys:

- *universal beams (I sections), of a height greater than 130mm and less than 650mm;*
- *universal columns and universal bearing piles (H sections), of a height greater than 130mm and less than 650mm;*
- *channels (U sections and C sections) of a height greater than 130mm and less than 400mm; and*
- *equal and unequal angles (L sections), with a combined leg length of greater than 200mm.*

Sections and/or shapes in the dimensions described above, that have minimal processing, such as cutting, drilling or painting do not exclude the goods from the goods under consideration.

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

- hot rolled 'T' shaped sections, sheet pile sections and hot rolled merchant bar shaped sections, such as rounds, squares, flats, hexagons, sleepers and rails; and*
- sections manufactured from welded plate (e.g. welded beams and welded columns).*

Goods identified as hot rolled non-alloy steel sections (meeting the specified shapes and sizes set out above) are currently classified to the tariff subheading in Schedule 3 of the *Customs Tariff Act 1995*:

- 7216.31.00 statistical code 30;
- 7216.32.00 statistical code 31;
- 7216.33.00 statistical code 32; and
- 7216.40.00 statistical code 33.

For the tariff subheadings outlined above, the general rate of duty is 5% for goods imported from Japan and imports from Korea, Taiwan and imports from Thailand are duty free.

Goods identified as hot rolled other alloy steel sections (meeting the specified shapes and sizes set out above) are classified to tariff subheading 7228.70.00 in Schedule 3 of the *Customs Tariff Act 1995*. The applicable duty rate for imports from Japan, Korea and Taiwan is 5%, and imports from Thailand are duty free.

Exporters to which the measures do not apply

As advised in ADN 2014/121 the investigation as it related to HRS exported by Feng Hsin Iron & Steel Co Ltd from Taiwan (FHS) was terminated on 31 October 2014. As such the anti-dumping measures do not apply to HRS exported by FHS..

Background to the measures

The anti-dumping measures were initially imposed by public notice on 20 November 2014 by the then Parliamentary Secretary to the Minister for Industry following consideration of *Anti-Dumping Commission Report No. 223 (REP 223)*. These measures are applicable to exporters from Japan, Korea, Taiwan (except FHS) and Thailand.

The current review

Applications have been lodged by Tung Ho Steel Enterprise Corporation and Siam Yamato Steel Co., Ltd under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for reviews of the anti-dumping measures in relation to HRS exported to Australia by those exporters.

Particulars of the reasons for the decision to undertake these reviews are set out in Consideration Reports 345 and 346, which have been placed on the public record.

The review period is from 1 January 2015 to 31 December 2015 and covers exports of HRS from Thailand by Tung Ho Steel Enterprise Corporation and exports of HRS from Taiwan by Siam Yamato Steel Co., Ltd. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Parliamentary Secretary to the Minister for Industry Innovation and Science and Assistant Minister for Science (the Parliamentary Secretary) that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect 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 anti-dumping measures are no longer warranted, that party may lodge an application¹ no later than **25 May 2016** to request that I consider that evidence to extend this review of anti-dumping measures to include revocation.

Future Reviews

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

Public Record

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

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

¹ In accordance with s.269ZCB of the Act.

Lodgment of submissions

Interested parties, as defined in subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **25 May 2016** addressed to:

The Director
Operations 5,
GPO Box 1632
Melbourne VIC 3001

or email operations5@adcommission.gov.au , or fax to +61 3 8539 2499.

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

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

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by **8 August 2016**, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZH1 of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. 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 Parliamentary Secretary

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before **20 September 2016** (or

such later date as the Parliamentary Secretary may allow in accordance with section 269ZH).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number 02 6213 6387 or by email to operations5@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

18 April 2016