



Anti-Dumping Notice No. 2016/105

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

Zinc Coated (Galvanised) Steel

**Exported from the Republic of India, Malaysia and the
Socialist Republic of Vietnam**

**Initiation of an Investigation into Alleged Dumping and
Subsidisation**

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an investigation following an application lodged by BlueScope Steel Ltd, a manufacturer of zinc coated (galvanised) steel (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 India (India), Malaysia and the Socialist Republic of Vietnam (Vietnam), and a countervailing duty notice in respect of the goods exported to Australia from India and Vietnam.

The application alleges that the goods have been exported to Australia at prices less than their normal value from India, Malaysia and Vietnam and were in receipt of countervailable subsidies from India and Vietnam and that the dumping and subsidisation has caused material injury to the Australian industry through:

- lost sales volumes
- loss of market share
- price depression
- price suppression
- reduced sales revenue
- reduced profit and profitability
- reduced employment
- reduced return on investment

The non-confidential version of the application, which contains the basis of the alleged dumping, subsidisation and injury, is available on the public record (www.adcommission.gov.au).

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 370*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice, which is 7 October 2016.

The Goods

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

“Flat rolled iron or steel goods (whether or not containing alloys) that are plated or coated with zinc. The goods are also generically described as galvanised steel. Galvanised steel of any width is included in this application.

Trade or further generic names often used to describe the goods the subject of the application include:

- *“GALVABOND®” steel*
- *“ZINCFORM®” steel*
- *“GALVSPAN®” steel*
- *“ZINCHITEN®” steel*
- *“ZINCANNEAL” steel*
- *“ZINCSEAL” steel*
- *Galv*
- *GI*
- *Hot Dip Zinc coated steel*
- *Hot Dip Zinc/Iron alloy coated steel*
- *Galvanneal*

The amount of zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared (g/m²) with the prefix being Z (Zinc) or ZF (Zinc converted to a Zinc/Iron alloy coating). The common coating masses used for zinc coating are: Z350, Z275, Z200/Z180, Z100, and for zinc/iron alloy coatings are ZF100, ZF80 and ZF30 or equivalents based on international standards and naming conventions.

Surface treatments can include but not be limited to; passivated or not passivated (often referred to as chromated or unchromated), oiled or not oiled, skin passed or not skin passed, phosphated or not phosphated (for zinc iron alloy coated steel only).

There are a number of relevant International Standards for zinc coated goods that cover BlueScope’s goods, including the recommended or guaranteed properties of each of these grades.

Relevant International Standards for galvanised steel are set out below:

International Standards	Product Grade Names
General and Commercial Grades	
AS/NZS 1397	G1, G2
ASTM A 653/A 653M	CS type A, B and C
EN10346	DX51D, DX52D
JIS 3302	SGCC, SGHC
Forming, Pressing & Drawing Grades	
AS/NZS 1397	G3
ASTM A 653/A 653M	FS, DS type A and B
EN10346	DX53D, DX54D
JIS 3302	SGCD, SGCDD,
Structural Grades	
AS/NZS 1397	G250, G300, G350, G450, G500, G550
ASTM A 653/A 653M	33 (230), 37 (255), 40 (275), 50 (340), 55 (380), 80 (550)
EN10346	S220GD, S250GD, S280GD, S320GD, S350GD, S550GD
JIS 3302	SGC340, SGC400, SGC440, SGC490, SGC570 SGH340, SGH400, SGH440, SGH490, SGH570

Exclusions

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised steel, corrugated galvanised steel or aluminium zinc alloy coated or plated steel are excluded from the application.

Tariff classification

The goods are normally classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

Tariff classification (Schedule 3 of the Customs Tariff Act 1995)				
<i>Tariff code</i>	<i>Statistical code</i>	<i>Unit</i>	<i>Description</i>	<i>Duty rate¹</i>
7210.49.00	55, 56, 57 and 58	Tonne	Flat -rolled products of iron or non-alloy steel, of width of 600mm or more, clad, plated or coated	No duty is applicable for imports from India, Malaysia and Vietnam
7212.30.00	61	Tonne	Flat- rolled products of iron or non-alloy steel, of a width of less than 600mm, clad, plated or steel coated. Otherwise plated or coated with zinc	No duty is applicable for imports from India, Malaysia and Vietnam
7225.92.00	38	Tonne	Flat-rolled products of other alloy steel, of a width of 600mm or more.	India, Malaysia and Vietnam have a duty rate of 4%

¹ Source –Schedule 3 of the *Customs Tariff Act 1995*.

			Otherwise plated or coated with zinc.	
7226.99.00	71	Tonne	Flat-rolled products of other alloy steel, of a width of less than 600mm	India, Malaysia and Vietnam have a duty rate of 4%

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. Please refer to the goods description for authoritative detail regarding goods the subject of this investigation.

Investigation Process

The investigation period is from 1 July 2015 to 30 June 2016. I will examine exports to Australia of the goods during this period to determine whether dumping and subsidisation has occurred. I will examine details of the Australian market from 1 July 2012 for injury analysis purposes.

Where the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)² is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already 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 Parliamentary Secretary may, by public notice, impose interim dumping duties.³

Where the Parliamentary Secretary is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect of the goods that have been exported to Australia, and may be received in respect of like goods that may be exported to Australia in the future; 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 Parliamentary Secretary may, by public notice, impose interim countervailing duties.⁴

² The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, and accordingly, the Parliamentary Secretary is the relevant decision maker. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

³ In accordance with section 269TG of the Customs Act 1901.

⁴ In accordance with section 269TJ of the Customs Act 1901.

Where there are grounds for the Parliamentary Secretary to publish a dumping and /or countervailing duty notice in respect of the goods, I will examine whether the circumstances of section 269TN of the *Customs Act 1901* (the Act) have been met and whether retrospective notices should be published pursuant to section 269TN of the Act, and make recommendations to the Parliamentary Secretary accordingly.

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at www.adcommission.gov.au or can be examined at the Commission's office by contacting the Case Manager on the details provided below.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 370* 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 subsection 269T(1) of *the Act*, are invited to lodge submissions concerning the publication of the dumping or countervailing duty notice sought in the application, no later than the close of business on **13 November 2016**⁵, addressed to:

The Director
Operations 5
Anti-Dumping Commission
SAP House, Level 4
224 Bunda Street,
Canberra ACT 2601
Australia

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

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 statement of essential facts on the public record.

Interested parties should also note that I am now directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances. 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 statement of essential facts.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or

⁵ As this is a Sunday the effective due date for submissions will be the following business day, 14 November 2016.

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 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 the Commission's investigation by completing the exporter questionnaire and the associated spreadsheets by 13 November 2016.

The exporter questionnaire and the associated spreadsheets are available at www.adcommission.gov.au. Alternatively, exporters can email operations5@adcommission.gov.au as soon as possible and the Commission will forward the exporter questionnaire and associated spreadsheets for completion.

Provisional Measures

Pursuant to section 269TD of the Act, I will make a preliminary affirmative determination (PAD) 60 days after the initiation of the investigation, provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping and/or countervailing duty notice or there appears that there will be sufficient grounds for the publication of a dumping and/or countervailing 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 of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping and/or countervailing duty that may become payable on the goods, where a PAD has been made.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs Preliminary Affirmative Determination 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 Parliamentary Secretary within the legislative timeframe. In accordance with section 269TDAA of the Act, a statement of essential facts will be placed on the public record by **25 January 2017**, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which I propose to base my

recommendations to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the statement within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts 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 Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before **11 March 2017**⁶ (or such later date as the Parliamentary Secretary may allow 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 Parliamentary Secretary must make a declaration within 30 days after receiving the report, or such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by me to terminate the investigation, or a decision of the Parliamentary Secretary to publish or not to publish a dumping duty notice and/or countervailing duty notice after considering my report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 2 6276 1462, or by email operations5@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

07 October 2016

⁶ As this is a Saturday the effective due date for the Final Report will be the following business day, 14 March 2017 (as 13 March 2017 is a public holiday in Victoria).