

The Commissioner,
Anti-Dumping Commission
Ground Floor, Customs House,
1010 LaTrobe St.,
Docklands. Vic. 3008



23rd July, 2014

Exemption Application

Dear Sir,

On behalf of Amity Pacific Pty.Ltd., I hereby make application under Sub Sections 8(7) (b) & 10 (8) (aa) of the Customs Tariff (Anti-Dumping) Act 1975, for exemption for certain Hot Rolled Steel Plate, from the current Anti-Dumping measures.

The following details are supplied in support of this application :-

1. Applicant : Amity Pacific Pty.Ltd.
2. Address : Suite 301, 270 Pacific Hwy., Crows Nest. NSW. 2065
3. Postal Address : c/- Mr. Maurie Bilston, Xpress Trade Consulting,
P.O. Box 474, Tullamarine. Vic. 3043
4. Telephone : 0408 488849
5. Email : mbilston@asean.com.au
6. Applicants Interest : Amity Pacific is an importer of the subject goods &
Was also the applicant for the relevant Tariff Concession
7. Other Parties having an interest :
 - BlueScope Australia & New Zealand
Level 2, Sirius Building, Five Islands Rd.
Port Kembla. NSW. 2505
 - Mr. Chad Uphill - Senior Finance Analyst, International Trade
Affairs - phone (02) 4275 4638
 - Only possible local manufacturer



2.

- *BlueScope did not oppose Tariff Concession application*
- *See confidential attachment "A"*

8. Grounds on which Exemption is sought :

- *Exemption 2 - Paragraphs 8 (7) (b) & 10 (8) (aa) of The Customs Tariff (Anti-Dumping) Act 1975*
- *Tariff Concession TC 1413674 is now in place for the subject goods – Copy at attachment "B"*

9. Evidence that all known Producers Contacted :

- *Letter sent to BlueScope asking whether or not it supports thus application - Copy at attachment "C"*
- *There is no other known local producer*

10. Details of Current Measures :

- *Hot Rolled SteelPlate exported from the Peoples Republic of China , Republic of Indonesia , Japan & the Republic of Korea*
- *Tariff Classifications - 7208.40.00 statistical code 39*
 - *7208.51.00 statistical code 40*
 - *7208.52.00 statistical code 41*
 - *7225.40.00 statistical code 22 & 24*
- *Copy of ACDN 2013/72 at attachment "D" announcing measures 19 December, 2013*
- *Copy of ACDN 2013/18 at attachment "E" announcing initiation of Investigation resulting from application by BlueScope Steel*

11. Description of Goods for which Exemption is Sought :

- *Please see wording of Tariff Concession TC1413674 at attachment "F"*

12. Reason For Seeking Exemption :

- *A Tariff Concession now exists for these goods attesting to the fact that no local manufacturer of this or a substitutable product currently exists.*

Yours Faithfully


Maurie Bilston
National Manager,
Tariff & Trade ,
Xpress Trade Consulting

**[CONFIDENTIAL ATTACHMENT A
2 PAGES]**



Australian Government
Australian Customs and
Border Protection Service

(B)

Reply to the Chief Executive Officer

Quote: TC 1413674

Your Ref: S TEN

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6483
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

21 July 2014

MR MAURIE BILSTON
ASEAN CARGO PTY LTD
PO BOX 474
TULLAMARINE VIC 3043

Dear Mr Bilston,

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 1413674 lodged on 23 April 2014.

As a delegate of the Chief Executive Officer I am satisfied that the application meets the core criteria on the basis of section 269C of the *Customs Act 1901* and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette Number TC14/28 of 23 July 2014.

The TCO, as detailed in the attachment, will also be published in the Schedule of Concessional Instruments as soon as possible.

Yours sincerely,

Paul Mercer
Delegate of the Chief Executive Officer

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>7208.52.00 STEEL PLATE, hot rolled, non-alloy, conforming to Japanese Industrial Standard G3106, (JIS G3106), grade SM400A, having ALL of the following:</p> <ul style="list-style-type: none"> (a) hydrochloric acid (HCl) corrosion rate NOT greater than 1 mg/cm²/h, with HCl concentration of 20% at 40 degrees Celsius; (b) sulphuric acid (H₂SO₄) corrosion rate NOT greater than 150g/M²/h, with H₂SO₄ concentration of 50% at 70 degrees Celsius; (c) thickness NOT less than 4.75 mm and NOT greater than 10 mm; (d) tensile strength NOT less than 400 Mpa and NOT greater than 510 Mpa; (e) yield strength NOT less than 245 Mpa and NOT greater than 400 Mpa; (f) chemical composition by weight of ALL of the following: <ul style="list-style-type: none"> (i) carbon content NOT greater than 0.14%; (ii) silicon content NOT greater than 0.55%; (iii) magnesium content NOT greater than 1.60%; (iv) phosphorus content NOT greater than 0.025%; (v) sulphur content NOT greater than 0.025%; (vi) copper content NOT less than 0.25% and NOT greater than 0.4%; (vii) antimony content NOT less than 0.01% and NOT greater than 0.1%; (viii) NOT greater than 0.08% of any other alloying element if present <p>Op. 23.04.14 Dec. date 21.07.14 - TC 1413674</p>	50

*Mr. Chad Uphill
Senior Finance Analyst,
International Trade Affairs,
BlueScope Australia & New Zealand,
Level 2 , Sirius Building,
Five Islands Road,
Port Kembla. NSW. 2505*

22nd July , 2013

Dear Sir,

Australian Customs today approved our Tariff Concession Application No TC 1413674 , lodged on behalf of Amity Pacific Pty.Ltd., for Steel Plate to S-TEN 1 (NSSMC) as per the attached letter.

The description of goods to which the Concession relates is also attached.

We now wish to apply to the Anti-Dumping Commission for an exemption of the subject goods from the current Dumping measures applicable to Hot Rolled Steel Plate , in accordance with Sub Section 8 (7) (b) of the Customs Tariff (Anti-Dumping) Act , 1975, on the grounds that a Tariff Concession is now in force for these goods.

As BlueScope did not object to the granting of the Concession , we would thus now ask you to please advise whether you will support our exemption application.

Yours Faithfully



*Maurie Bilston
National Manager
Tariff & Trade
Xpress Trade Consulting*

▲
Lift and
peel
Sender to keep
605 08162390 097



Australian Government
Australian Customs and
Border Protection Service



Reply to the Chief Executive Officer

Quote: TC 1413674
Your Ref: S TEN

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6483
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

21 July 2014

MR MAURIE BILSTON
ASEAN CARGO PTY LTD
PO BOX 474
TULLAMARINE VIC 3043

Dear Mr Bilston,

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 1413674 lodged on 23 April 2014.

As a delegate of the Chief Executive Officer I am satisfied that the application meets the core criteria on the basis of section 269C of the *Customs Act 1901* and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette Number TC14/28 of 23 July 2014.

The TCO, as detailed in the attachment, will also be published in the Schedule of Concessional Instruments as soon as possible.

Yours sincerely,

Paul Mercer
Delegate of the Chief Executive Officer

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>7208.52.00 STEEL PLATE, hot rolled, non-alloy, conforming to Japanese Industrial Standard G3106, (JIS G3106), grade SM400A, having ALL of the following:</p> <ul style="list-style-type: none"> (a) hydrochloric acid (HCl) corrosion rate NOT greater than 1 mg/cm²/h, with HCl concentration of 20% at 40 degrees Celsius; (b) sulphuric acid (H₂SO₄) corrosion rate NOT greater than 150g/M²/h, with H₂SO₄ concentration of 50% at 70 degrees Celsius; (c) thickness NOT less than 4.75 mm and NOT greater than 10 mm; (d) tensile strength NOT less than 400 Mpa and NOT greater than 510 Mpa; (e) yield strength NOT less than 245 Mpa and NOT greater than 400 Mpa; (f) chemical composition by weight of ALL of the following: <ul style="list-style-type: none"> (i) carbon content NOT greater than 0.14%; (ii) silicon content NOT greater than 0.55%; (iii) magnesium content NOT greater than 1.60%; (iv) phosphorus content NOT greater than 0.025%; (v) sulphur content NOT greater than 0.025%; (vi) copper content NOT less than 0.25% and NOT greater than 0.4%; (vii) antimony content NOT less than 0.01% and NOT greater than 0.1%; (viii) NOT greater than 0.08% of any other alloying element if present <p>Op. 23.04.14 Dec. date 21.07.14 - TC 1413674</p>	50



ANTI-DUMPING NOTICE NO. 2013/72

Hot rolled plate steel

**Exported from the People's Republic of China,
the Republic of Indonesia, Japan, the Republic of Korea and
Taiwan**

Findings in relation to a dumping and subsidisation investigation

Customs Act 1901 – Part XVB

The Anti-Dumping Commission (the Commission) has completed its investigation, which commenced on 12 February 2013, into the alleged dumping of plate steel (the goods) exported to Australia from the People's Republic of China (China), Republic of Indonesia (Indonesia), Japan, the Republic of Korea (Korea) and Taiwan, and the alleged subsidisation of the goods exported to Australia from China.

The Commission has published a dumping duty notice in respect of the goods exported to Australia from China, Indonesia, Japan and Korea and has published a countervailing duty notice in respect of the goods exported to Australia from China.

The goods are currently classified to tariff subheadings:

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40;
- 7208.52.00 statistical code 41;
- 7225.40.00 statistical codes 22 and 24

in Schedule 3 of the *Customs Tariff Act 1995*.

A full description of the goods is available in Australian Customs Dumping Notice (ACDN) No. 2013/18 (relating to the initiation) and ACDN 2013/20 (relating to the clarification of the goods). These ACDNs are available at the Commission website www.adcommission.gov.au.

The Commission reported its findings and recommendations to the Minister for Industry (the Minister) in Anti-Dumping Commission Report to the Minister No. 198 (REP 198), in which it outlines the investigations carried out by the Commission and recommends the publication of a dumping duty notice and a countervailing duty notice in respect of the goods. The Minister has considered REP 198 and has accepted the Commission's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commission's recommendations were based, and particulars of the evidence relied on to support the findings.

Notice of the Minister's decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 19 December 2013.

Termination 198a

On 10 September 2013, the Commission terminated its dumping investigation into the goods exported by all exporters from Taiwan, Hyundai Steel Company and POSCO from Korea and Shandong Iron and Steel, Jinan Company (JIGANG) from China. *Termination Report No. 198* (TER 198) sets out the reasons for these terminations. This report is available on the Commission's website.

Imposed measures

In REP 198, the Commission found that:

- plate steel exported by all exporters from China (except JIGANG), was dumped with a margin of 22.1%;
- plate steel exported by all exporters from China (except JIGANG), was subsidised to 36.9%;
- plate steel exported by JIGANG was subsidised to 2.6%;
- plate steel exported by all exporters from Indonesia was dumped with margins ranging from 8.6% to 19%;
- plate steel exported by all exporters from Japan was dumped with a margin of 14.3%;
- plate steel exported by all exporters from Korea (except Hyundai and POSCO) was dumped with margins ranging from 18.4% to 20.6%;
- the dumped exports caused material injury to the Australian industry producing like goods;
- the subsidised exports caused material injury to the Australian industry producing like goods; and
- continued dumping and subsidisation may cause further material injury to the Australian industry.

The interim dumping duty payable is an amount worked out in accordance with the combination of fixed and variable duty method, as detailed in the table below.

Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are set out in the following table.

Country	Manufacturer / exporter ¹	Dumping margin	Subsidy margin	Effective rate of duty
China	JIGANG	<2%	2.6%	0.0%*
	<i>All other exporters</i>	22.1%	36.9%	54.9%
Indonesia	PT Gunung Rajapaksi (Rajapaksi)	8.6%	Not applicable	8.6%
	PT Krakatau Steel (Krakatau)	11.3%	Not applicable	11.3%
	PT Gunawan Dianjaya Steel (Dianjaya)	11.3%	Not applicable	11.3%
	<i>All other exporters</i>	19.3%	Not applicable	19.3%
Japan	<i>All exporters</i>	14.3%	Not applicable	14.3%
Korea	Dongkuk Steel Mill, Co., Ltd	18.4%	Not applicable	18.4%
	<i>All other exporters (except Hyundai Steel Company and POSCO)</i>	20.6%	Not applicable	20.6%

* Refer to section 12 of REP198

¹ The manufacturers / exporters listed in figure 1 may supply the goods directly or indirectly through traders.

The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters.

Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods exported from China is the sum of:

- the subsidy rate calculated for all countervailable programs; and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 1.

Anti-dumping measures apply to goods that are exported to Australia after publication of the Minister's notice.

The actual duty liability may be higher than the effective rate of duty due to a number of factors. Affected parties should contact the Commission on 1300 884 159 or +61 2 6275 6066 (outside Australia) or at clientsupport@adcommission.gov.au for further information regarding the actual duty liability calculation in their particular circumstance.

Any dumping securities that have been taken on and from 19 July 2013, will be converted to interim dumping duty.² Importers will be contacted by the Regional Securities Officer in their respective capital city detailing the required conversion action for each security taken.

To preserve confidentiality, the export price, normal value and non-injurious price applicable to the goods will not be published. Bona fide importers of the goods can obtain details of the rates from the Dumping Liaison Officer in their respective capital city.

Clarification about how measures securities are applied to 'goods on the water' is available in ACDN 2012/34, available on the Commission website at www.adcommission.gov.au.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel in accordance with the requirements in Division 9 of Part XVB of the *Customs Act 1901* within 30 days of the publication of the Minister's notice.

REP 198 and TER 198 have been placed on the Commission's public record, available at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission office by contacting the Case Manager on the details provided below.

Enquiries about this notice may be directed to the case manager on 02 6275 6129, fax number 1300 882 506 or operations2@adcommission.gov.au.

Lisa Hind
National Manager Operations
Anti-Dumping Commission

19 December 2013

² Within the time limitations of section 45 of the *Customs Act 1901*.



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/18

Hot rolled plate steel

Exported from the People's Republic of China, Republic of Indonesia, Japan, the Republic of Korea and Taiwan

Initiation of an Investigation into Alleged Dumping and Subsidisation

Customs Act 1901 – Part XVB

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has initiated investigations following an application lodged by BlueScope Steel Limited, a manufacturer of hot rolled plate steel (plate steel) ("the goods") in Australia. The application requests the publication of a dumping duty notice in respect of plate steel exported to Australia from the People's Republic of China (China), Republic of Indonesia (Indonesia), Japan, the Republic of Korea (Korea), and Taiwan and the publication of a countervailing duty notice in respect of plate steel exported to Australia from China.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that, in the case of China, countervailable subsidies have been received in respect of the goods. The application claims that the dumped and subsidised exports have caused material injury to the Australian industry through:

- loss of sales volume;
- lost market share;
- price depression;
- price suppression;
- reduced profits;
- reduced profitability;
- reduced revenues;
- reduced return on investment;
- lower employment levels; and
- reduced attractiveness for re-investment.

The non-confidential version of the application, available on the public record to interested parties (as defined by subsection 269T(1) of the *Customs Act 1901* (the Act)), contains the basis of the alleged dumping and subsidisation claims.

A notice under subsection 269TC(4) of the Act advising initiation of this investigation was published in *The Australian* newspaper on 12 February 2013.

The Goods

The goods the subject of the application are flat rolled products of:

- iron;
- non-alloy steel; or
- non-heat treated alloy steel of a kind commonly referred to as Quench and Tempered (Q&T) Green Feed;

of a width greater than 600mm, with a thickness equal to or greater than 4.75mm, not further worked than hot rolled, not in coils, with or without patterns in relief.

Goods excluded from the investigation are:

- 250 megapascal (MPa) yield strength grades of plate steel with a thickness greater than 150mm;
- 350 MPa yield strength grades of plate steel with a thickness greater than 100mm;
- Q & T Green Feed grades of plate steel with a thickness greater than 105mm; and
- heat treated Q & T grades of plate steel.

The goods are classified to the following tariff subheadings in Schedule 3 of the Customs Tariff Act 1995:

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40;
- 7208.52.00 statistical code 41;
- 7225.40.00 statistical codes 22 and 24.

For tariff subheadings 7208.40.00, 7208.51.00 and 7208.52.00 the general rate of duty is 5 percent for goods imported from Japan and free for imports from China, Indonesia, Korea and Taiwan.

For goods imported under the tariff subheading 7225.40.00 the general rate of duty for goods imported from Japan, Korea and Taiwan is 5 percent and 4 percent for imports from China and Indonesia.

Investigation Process

The investigation period is 1 January 2012 to 31 December 2012. Customs and Border Protection will examine exports to Australia of the goods during that period to determine whether dumping and subsidisation has occurred. Customs and Border Protection will examine details of the Australian market from 1 January 2008 for injury analysis purposes.

Where the Minister for Home Affairs (Minister) 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 Minister may, by public notice, impose interim dumping duties.

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

- (a) a countervailable subsidy has been received in respect 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 countervailing duties.

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 and countervailing duty notices sought in the application, no later than the close of business on **25 March 2013**, addressed to:

The Director
Operations 3
International Trade Remedies Branch
Australian Customs and Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Or by email itrops3@customs.gov.au, or by fax to (02) 6275 6990.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the date above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts on the public record.

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.

The CEO must maintain a public record of each investigation. The public record must contain, among other things, a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

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 the CEO 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 also lodge a non-confidential version or a summary of their submission in accordance with the requirement above, which will be placed on the public record. Parties must provide two copies of each version.

Public Record

Documents included in the public record are available at <http://www.customs.gov.au/anti-dumping/cases.asp>. Alternatively, the public record may be examined at Customs House by contacting International Trade Remedies Branch on (02) 6275 6968.

Provisional Measures

A preliminary affirmative determination may be made not earlier than 60 days after the date of initiation provided that there appears to be sufficient grounds for the publication of a dumping and/or countervailing duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim dumping and/or countervailing duty that may become payable on the goods, may be required where a preliminary affirmative determination has been made.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable Customs and Border Protection to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 3 June 2013, or by such later date as the Minister may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which the CEO proposes to base a recommendation to the Minister. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts will be taken into account in completing the report and recommendation to the Minister.

Report to the Minister

A recommendation to the Minister will be made in a report on or before 17 July 2013 (or such later date as the Minister may allow), unless the CEO terminates the investigation.

Review Officer

Certain parties will have the right to seek review with the Trade Measures Review Officer in accordance with Division 9 of Part XVB of the Act of either a decision by the CEO to terminate the investigation, or a decision of the Minister after considering the CEO's report.

Customs and Border Protection Contact

Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 6544, fax number (02) 6275 6990 or e-mail itrops3@customs.gov.au.

Margaret Power
A/g National Manager Operations
International Trade Remedies Branch
CANBERRA ACT

12 February 2013

F.

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>7208.52.00 STEEL PLATE, hot rolled, non-alloy, conforming to Japanese Industrial Standard G3106, (JIS G3106), grade SM400A, having ALL of the following:</p> <ul style="list-style-type: none">(a) hydrochloric acid (HCl) corrosion rate NOT greater than 1 mg/cm²/h, with HCl concentration of 20% at 40 degrees Celsius;(b) sulphuric acid (H₂SO₄) corrosion rate NOT greater than 150g/M²/h, with H₂SO₄ concentration of 50% at 70 degrees Celsius;(c) thickness NOT less than 4.75 mm and NOT greater than 10 mm;(d) tensile strength NOT less than 400 Mpa and NOT greater than 510 Mpa;(e) yield strength NOT less than 245 Mpa and NOT greater than 400 Mpa;(f) chemical composition by weight of ALL of the following:<ul style="list-style-type: none">(i) carbon content NOT greater than 0.14%;(ii) silicon content NOT greater than 0.55%;(iii) magnesium content NOT greater than 1.60%;(iv) phosphorus content NOT greater than 0.025%;(v) sulphur content NOT greater than 0.025%;(vi) copper content NOT less than 0.25% and NOT greater than 0.4%;(vii) antimony content NOT less than 0.01% and NOT greater than 0.1%;(viii) NOT greater than 0.08% of any other alloying element if present <p>Op. 23.04.14 Dec. date 21.07.14 - TC 1413674</p>	<p>50</p>