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Customs Act 1901 – Part XVB

## **Anti-Dumping Notice No. 2018/44**

### **Hot Rolled Structural Steel Sections**

### **Exported to Australia from the Republic of Korea**

### **Initiation of a Review of Anti-Dumping Measures**

#### ***Notice under subsection 269ZC(4) of the Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner) have initiated a review of the anti-dumping measures applying to certain hot rolled structural steel sections (HRS or 'the goods') exported to Australia from the Republic of Korea (Korea). This review is limited to examining whether the variable factors, relevant to the taking of the anti-dumping measures as they affect exporters of the goods generally from Korea, 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 coverage of the application.*

*Goods excluded from the measures are:*

- *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).*

## **Tariff classification**

The goods are currently classified to the tariff subheadings 7216.31.00 (statistical code 30), 7216.32.00 (statistical code 31), 7216.33.00 (statistical code 32), 7216.40.00 (statistical code 33) and 7228.70.00 (statistical codes 11, 12) in Schedule 3 to the *Customs Tariff Act 1995*.

## **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 (the then Parliamentary Secretary) following consideration of *Anti-Dumping Commission Report No. 223*. These measures are applicable to all exporters from Japan, Korea, Taiwan and the Kingdom of Thailand, except for exports by Feng Hsin Iron and Steel Co Ltd (FHS) from Taiwan.<sup>1</sup>

## **The current review**

An application was lodged by OneSteel Manufacturing Pty Ltd under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the dumping duty notice in relation to the goods exported to Australia from Korea.

Particulars of the reasons for the decision to undertake this review are set out in *Anti-Dumping Commission Consideration Report No. 465*, which has been placed on the public record.

The review period is 1 January 2017 to 31 December 2017 and covers all exporters of the goods from Korea. 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 Assistant Minister for Science, Jobs and Innovation (Assistant Minister)<sup>2</sup> 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 application<sup>3</sup> no later than 26 April 2018,<sup>4</sup> to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

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<sup>1</sup> As advised in Anti-Dumping Notice (ADN) No. 2014/121 the investigation as it related to HRS exported by FHS from Taiwan was terminated on 31 October 2014.

<sup>2</sup> On 20 December 2017, the Prime Minister appointed the Parliamentary Secretary to the Minister for Jobs and Innovation as the Assistant Minister for Science, Jobs and Innovation. For the purposes of this review, the relevant decision maker is the Assistant Minister for Science, Jobs and Innovation.

<sup>3</sup> In accordance with section 269ZCB of the Act.

<sup>4</sup> As the legislated due date falls on a public holiday, the effective due date is the next business day, being 26 April 2018.

## **Future Reviews**

Under subsection 269ZA(2) of the Act, an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure 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 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 Anti-Dumping Commission's (the Commission) office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

## **Lodgment of submissions**

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than 26 April 2018,<sup>5</sup> addressed to:

The Director  
Investigations 3  
GPO Box 2013  
Canberra ACT 2601

or email [investigations3@adcommission.gov.au](mailto:investigations3@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 (SEF) 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".

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<sup>5</sup> As above.

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 Assistant Minister within the legislative timeframe. A SEF will be placed on the public record by 9 July 2018<sup>6</sup>, or by such later date as allowed in accordance with section 269ZHI of the Act.<sup>7</sup> The SEF will set out the essential facts on which I propose to base a recommendation to the Assistant Minister. 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 Assistant Minister**

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Assistant Minister. A recommendation to the Assistant Minister will be made in a report on or before 21 August 2018 (or such later date as allowed).

### **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on 02 6213 6387 or email [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

19 March 2018

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<sup>6</sup> As the legislated due date is 7 July 2018, which falls on a Saturday, the effective due date is the next working day, which is 9 July 2018.

<sup>7</sup> On 14 January 2017, the then Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Commission. Refer to ADN No. 2017/10 for further information.