

SYS Application for a review of anti-dumping measures



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

**Application for a
review of
anti-dumping measures**

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APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901* (the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. ☒ **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- ☒ normal value
☒ export price
☐ non injurious price
☐ subsidy

The variable factors review is in relation to:

- ☒ a particular exporter (*if so provide name and country details*)
☐ exporters generally

or

2. ☐ **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- ☐ the dumping duty notice
☐ the countervailing duty notice
☐ the undertaking

The revocation review is in relation to:

- ☐ a particular exporter (*if so provide name and country details*)
☐ exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

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DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:

Paiboon Jiranantararat

Name:

MR. PAIBOON JIRANANTARAT

Position:

MANAGING DIRECTOR

Company:

SIAM YAMATO STEEL COMPANY

ABN:

Date:

23 March 2016

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Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with up to 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the Department of Industry, Innovation and Science's International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone 13 28 46.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (eg are you concerned with the exportation of the goods, the importation of the goods, or part of the Australian industry, or acting on behalf of the Government of an exporting country).
5. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
 - tariff classification
 - the countries or companies
 - specified date of publication of the measure

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Applications for review of variable factors	<p>6. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.</p> <p>If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:</p> <ul style="list-style-type: none"> • the factor(s) you wish to have reviewed; • the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and • in your opinion the causes of the change and whether these causes are likely to persist.
Application for a revocation review	<p>If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.</p> <p>Include evidence in support of your view that there are reasonable grounds for asserting that the measures are no longer warranted. Refer to the "Guidelines for Preparing an Application for Review of Measures" as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:</p> <ul style="list-style-type: none"> • <i>no dumping or no subsidisation</i>: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked. • <i>no injury</i>: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.
Lodgement of the application	<p>This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either::</p> <ul style="list-style-type: none"> • preferably, email, using the email address clientsupport@adcommission.gov.au, or • pre-paid post to: The Commissioner of the Anti-Dumping Commission GPO Box 1632 Melbourne VIC 3001, or • facsimile, using the number (03) 8539 2499 or +61 3 8539 2499 (outside Australia)
Public Record	<p>During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.</p> <p>At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application <u>must</u> be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.</p>

SIAM YAMATO STEEL CO.LTD. APPLICATION FOR REVIEW OF MEASURES

A. Required information

1. Applicant:

Siam Yamato Steel (SYS)

Head office:

Address:

Siam Yamato Steel Co.Ltd.

**1 Siam Cement Rd. Bangsue
Bangkok 10800 Thailand**

Telephone:

(+66 2) 586-2371

Facsimile number:

(+66 2) 586-2687, (+66 2) 910-3123

Factory: SYS1

Address:

**9, I-7 Road, Map Ta Phut
Industrial Estate, Map Ta Phut,
Mueang, Rayong 21150,
Thailand**

SYS2

Address:

**9/9, G-5 Road, Hemaraj
Eastern Industrial Estate,
Huay Pong, Mueang, Rayong
21150, Thailand**

2. Contact person:

Name:

Mr. Chalernpol Tassananavin

Position in the company:

Export Sales Manager

3. Other parties supporting this application:

Thai Authorities

4. Applicant's interest:

SYS is a Producer, domestic seller and exporter of various hot rolled steel shapes

5. Details of current anti-dumping measures:

Goods description:

The goods subject of the application (the goods) 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

PUBLIC RECORD

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 this application 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:

Goods identified as hot rolled non-alloy steel sections as set out in section 3.3 are classified to the following tariff subheadings in Schedule 3 to the Customs Tariff Act 1995:

7216.31.00 statistical code 30 (channels – U and C sections);
7216.32.00 statistical code 31 (universal beams – I sections);
7216.33.00 statistical code 32 (universal column and universal bearing piles – H sections); and
7216.40.00 statistical code 33 (equal and unequal angles – L sections).

Country subject to the notice:

Japan, The republic of Korea, Taiwan and The Kingdom of Thailand

Date of publication of the notice:

On 20 November 2014, the then Minister for Home Affairs published a dumping duty notice for Hot Rolled Structural Steel Sections exported to Australia from Japan, The Republic of Korea, Taiwan and The Kingdom of Thailand

B. APPLICATIONS FOR REVIEW OF VARIABLE FACTORS

1) Factors to be reviewed

SYS is requesting a review of the variable factors linked to the significant changes in the normal value and exports prices during the period since the imposition of measures compared to the period of investigation upon which the measures are based.

2) The amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support.

Amount of change in normal value

A comparison of SYS normal value during the original investigation period (1 October 2012 to 30 September 2013) upon which the measures are based and the twelve month period since the imposition of measures (Jan - Dec 2015) shows a very significant change in domestic prices between the periods concerned.

Based on the SYS data published in REP 223 and converted in to THB, the weighted average Fas normal value over the original investigation period was [REDACTED] THB per tonne with a CTMS of [REDACTED] THB per tonne.

During the period Jan - Dec 2015 (Form B602 - Application for a review of anti-dumping measures Anti-Dumping Commission) the weighted average FAS normal value is [REDACTED] lower at [REDACTED] THB per tonne with a CTMS of [REDACTED] HB per tonne.

The table as Appendix 1 shows monthly SYS prices for Jan - Dec 2015 monthly

The weighted average FAS normal values on a de-aggregated basis for H sections during the period Jan- Dec 2015 was [REDACTED] THB per tonne and the CTMS during the same period was [REDACTED] THB per tonne.

The table as Appendix 2 shows monthly SYS prices for H sections for Jan-Dec 2015, as well as the monthly CTMS.

PUBLIC RECORD

Amount of change in export prices

The Export prices of SYS were established pursuant to s. 269TAB(1)(a) of the Act, being the price paid by the importer less transport and other costs arising after exportation.

Based on the SYS data published in REP 223 and converted to THB, the weighted average export price over the original investigation period was [REDACTED] THB per tonne.

Based on the period Jan - Dec 2015 (Form B602 - Application for a review of anti-dumping measures Anti-Dumping Commission), the weighted average FAS export prices of SYS is [REDACTED] higher at [REDACTED] THB per tonne. The table Appendix 1 shows monthly SYS prices for Jan - Dec 2015.

Revised dumping margin

The methodology adopted by the Commission with respect to the findings reached in the final report no No. 223 are fully respected :

- The model comparison between normal value and export prices is upheld. The Commission considered HRS sold domestically by SYS to have characteristics closely resembling those of the goods exported to Australia during the investigation period. The Commission is therefore satisfied that HRS sold by SYS on the domestic market in Thailand are like goods in accordance with s. 269T(1). The Commission in section 7.7.2, like goods and grade comparisons outlined its position on the most appropriate grades for comparison purposes to the exported G300.

- Normal values for certain exported models were determined under s.269TAC(1) based on domestic sales of like goods sold in the ordinary course of trade at the same level of trade as export sales. To ensure the comparability of normal values to export prices, the Commission made the following adjustments pursuant to s.269TAC(8) of the Act, namely domestic inland freight, domestic credit terms, level of trade and export inland freight.

- The Commission compared the weighted average of export prices (at FAS terms) over the whole of the investigation period with the weighted average of corresponding normal values (at FAS terms) over the whole of that period.

Consistent with the approach adopted in the original investigation, a comparison of the changed normal value and export price on a FAS basis results in a negative dumping margin of [REDACTED]

The changes in normal value and export prices are lasting in nature for the following reasons:

1. SYS has adopted a policy of lowering domestic prices to encourage the market to switch from rebar steel to product section steel, especially in the conventional construction sector.

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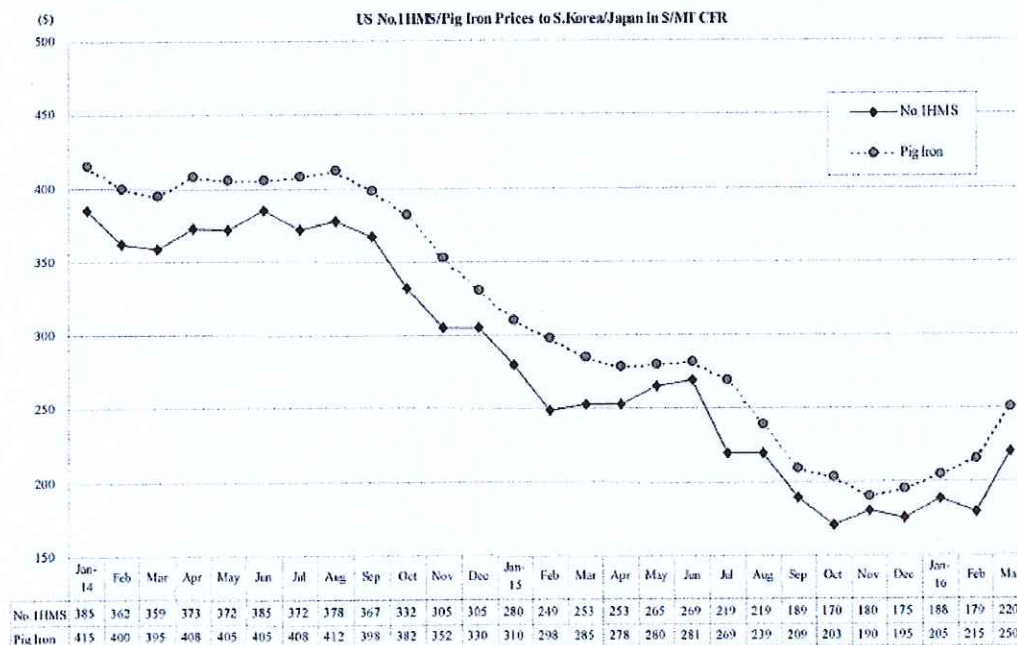
The result of this policy can be seen from the following tables witnessing a growth in consumption of section steel which is expected to continue well into the future.

Confidential

Source ISIT , internal information

2. In order to support this marketing switch to production section steel, SYS is extending the product scope to include the grade SS 400 which is perceived as being competitively priced.

3. Lower domestic prices have also been facilitated by the lowering of the cost of scrap as can be seen from the following charts



Source : Text report

Although scrap prices are increasing in 2016, this does not affect the pricing policy on the domestic market which is to maintain prices, even at lower profits margins, to ensure that the trends in the increased consumption of section steel in the

PUBLIC RECORD

construction sector continues.

In this respect, the weighted average domestic prices for H sections in the first two months of 2016 was [REDACTED] THB per tonne. with a weighted average CTMS of [REDACTED] THB per tonne.

4. On the export side, SYS is focusing on a better and flexible service to end-user to improve value added. The support to end-users is also being developed by sending smaller lots and also improving delivery schedules

Compared to the original investigation period, delivery times for the Australian market are being reduced from [REDACTED] days to a low as [REDACTED] through the increase of weekly Container In support please see attachment on shipping schedules Appendix 3