



ANTI- DUMPING NOTICE NO. 2014/01

Quenched and Tempered Steel Plate

Exported from Finland, Japan and Sweden

Initiation of an Investigation into Alleged Dumping

Customs Act 1901 – Part XVB

The Commissioner of the Anti-Dumping Commission (the Commissioner) has initiated an investigation into the alleged dumping of Quenched and Tempered steel plate (Q&T steel plate) (“the goods”) exported to Australia from Finland, Japan and Sweden. This follows an application seeking the publication of a dumping duty notice lodged by Bisalloy Steels Pty Ltd (Bisalloy), a manufacturer of the goods in Australia.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry through:

- lost sales volumes;
- price depression;
- price suppression;
- reduced profits and profitability;
- reduced return on investment;
- reduced attractiveness for re-investment;
- reduced revenues;
- reduced capacity utilisation;
- increased stock levels of like goods; and
- reduced wages for employees.

The non-confidential version of the application, which contains the basis of the alleged dumping, is available on the public record.

A notice under subsection 269TC(4) of the *Customs Act 1901* (the Act) advising initiation of this investigation was published in *The Australian* newspaper on 8 January 2014.

The Goods

The goods subject of the application are:

Flat rolled products of alloyed steel plate commonly referred to as Quenched and Tempered (“Q&T”) steel plate (although some Q&T grades may not be tempered), not in coils, not further worked than hot rolled, of widths from 600mm up to and

including 3,200mm, thickness between 4.5-110mm (inclusive), and length up to and including 14 metres, presented in any surface condition including but not limited to mill finished, shot blasted, primed (painted) or un-primed (unpainted), lacquered, also presented in any edge condition including but not limited to mill edge, sheared or profiled cut (i.e. by Oxy, Plasma, Laser, etc.), with or without any other minor processing (e.g. drilling).

Goods of stainless steel, silicon-electrical steel and high-speed steel, are excluded from the goods covered.

The goods are currently classified to tariff subheading 7225.40.00, statistical codes 21 and 23, of Schedule 3 to the *Customs Tariff Act 1995*. The application also states that some goods may have been incorrectly classified to statistical codes 22 and 24. The Anti-Dumping Commission (the Commission) will seek further clarification on this matter during the course of the investigation.

For tariff subheading 7225.40.00, the general rate of duty is 5% for Finland, Japan and Sweden.

Investigation Process

The investigation period is 1 January 2013 to 31 December 2013. The Commission will examine exports to Australia of the goods during that period to determine whether dumping has occurred. The Commission will examine details of the Australian market from 1 January 2010 for injury analysis purposes.

Where the Minister (or the Minister's delegate) 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 (or the Minister's delegate) may, by public notice, impose interim dumping 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 duty notice sought in the application, no later than the close of business on 17 February 2014, addressed to:

The Director
Operations 3
Anti-Dumping Commission
1010 La Trobe Street
Docklands VIC 3008

Or by email operations3@adcommission.gov.au, or by fax to +61 3 9244 8902.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that the Commissioner is not obliged to have regard to a submission received by the Commission after the date above if to do so would, in the Commissioner'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 Commissioner must maintain a public record of each inquiry. 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 inquiry.

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 Commissioner 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 www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office by contacting the Case Manager on the details provided below.

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 duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim dumping duty that may become payable on the goods, may be imposed 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 the Commission to report to the Parliamentary Secretary to the Minister for Industry (as the relevant delegate of the Minister) within the legislative timeframe. A statement of essential facts will be placed on the public record by **28 April 2014**, 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 the Commissioner proposes to base a recommendation to the Parliamentary Secretary. 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 Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before **12 June 2014** (or such later date as the Parliamentary Secretary may allow), unless the Commissioner terminates the investigation.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Review Panel

Certain parties 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 the Commissioner to terminate the investigation, or a decision of the Parliamentary Secretary after considering the Commissioner's report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 9244 8229, fax number +61 3 9244 8902 or operations3@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

8 January 2014