

# RESPONSE TO APPLICATION FOR EXEMPTION FROM DUTY UNDER THE CUSTOMS TARIFF (ANTI-DUMPING) ACT 1975

## 1 Introduction

The Anti-Dumping Commission (the Commission) requests your response to an application for exemption from anti-dumping and countervailing measures under the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act).

Sections 8(7) and 10(8) of the Dumping Duty Act allow the Minister to exercise a discretion to exempt goods from measures, where he or she is satisfied that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods, is in force.

The Commission has received an application for exemption from anti-dumping and countervailing measures in respect of hot rolled plate steel for the goods described at section 5 of this form ('the exemption goods').

You have been identified from the Commission's investigation in respect of hot rolled plate steel as an Australian producer of the goods.

The Commission seeks your assistance in this exemption inquiry by responding to the questions in this form. The Commission will use the information you provide in its assessment as to whether an exemption from dumping and countervailing duties may be recommended to the Parliamentary Secretary to the Minister for Industry and Science (as the relevant delegate of the Minister).

## 2 Measures on hot rolled plate steel

In December 2013, the Commission completed an investigation into the alleged dumping and subsidisation of hot rolled plate steel exported to Australia from the People's Republic of China (China), the Republic of Indonesia (Indonesia), Japan and the Republic of Korea (Korea).

The Minister for Industry accepted the Commission's recommendations that hot rolled plate steel from China, Indonesia, Japan and Korea had been dumped or subsidised and that dumping and subsidisation had caused material injury to the Australian industry. Dumping and countervailing duty notices were published notifying of this decision on 19 December 2013.

Anti-Dumping Notice (ADN) No. 2013/72 contains details of the measures, including a description of the goods subject to the measures.

The reasons for the Minister's decision in this case are contained in the Commission's Final Report No. 198 (REP 198).

## 3 Application for Exemption from Measures

On 23 July 2014, Amity Pacific Pty Ltd (the Applicant) wrote to the Commission requesting an exemption from measures in relation to its imports of certain hot rolled plate steel. The Commission accepted the application and advised that it would undertake an examination of the application to determine whether an exemption from duty should be recommended.

#### **4 Exemption Provisions**

The Dumping Duty Act allows the Minister to exercise his or her discretion to exempt goods from dumping and/or countervailing duties in the following circumstances.

##### **Subsection 8(7)**

The Minister may, by notice in writing, exempt goods from interim dumping duty and dumping duty if he or she is satisfied:

- (b) that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force;

##### **Subsection 10(8)**

The Minister may, by notice in writing, exempt goods from interim countervailing duty or countervailing duty if he or she is satisfied:

- (aa) that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force;

It is noted at the outset that these exemption provisions are subject to the discretion of the Minister and are not automatically granted where the criteria set out in the provisions appear to be met.

#### **5 The goods subject to the exemption application**

The goods the subject of the exemption inquiry (the exemption goods) are hot rolled plate steel meeting specific characteristics covered by Tariff Concession Order (TCO) TC 1413674. The exemption goods are classified to tariff subheading 7208.52.00 (statistical code 41) of Schedule 3 to the Customs Tariff Act 1995. A description of the goods covered by TC 1413674 is provided in the application.

##### **Goods produced by the Australian industry**

The Applicant claims that there is no Australian Industry producing the exemption goods or substitutable goods. The Applicant claims that Australian industry did not oppose its successful application for TC 1413674 for the exemption goods.

#### **6 Instructions on completing this 'Response to the Exemption Application'**

The Commission's hot rolled plate steel investigation, completed in December 2013, identified your company as an Australian producer of hot rolled plate steel.

Consequently, the Commission has forwarded you this 'response to exemption application' (the response) to provide you with the opportunity to participate in this exemption inquiry.

The Commission will use the information provided by Australian producers to determine the industry's views on the TCO that forms the basis of the application.

### Due date for response

You are requested to complete your response and return it to the Commission by **22 June 2015**.

Responses may be lodged either by mail or by email to the following.

Director Operations 9  
Anti-Dumping Commission  
SAP House  
Cnr Bunda and Akuna Street  
Canberra ACT 2601

Email: [operations9@adcommission.gov.au](mailto:operations9@adcommission.gov.au)  
Fax: +61 3 8539 2499

### Verification of the information that you supply

The Commission may seek to verify some or all of the information supplied in the response. The Commission may request evidence to support the claims such as quotations and offers of sale.

An onsite visit by the Commission may be required in some cases. A report will be prepared of visits conducted and a non-confidential version will be placed on the public record.

There is no legislative timeframe for completion of an exemption inquiry, however a recommendation to the Parliamentary Secretary to the Minister for Industry and Science will be made as soon as practicable after obtaining all the relevant information.

### Confidential and non-confidential submissions

You are required to lodge a non-confidential version of your response suitable for placement on the public record by the due date.

Please ensure that each page of information you provide is clearly marked either "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD".

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

### Outline of information required by the Response

<b>Part A</b>	Company Contact Information
<b>Part B</b>	Response to Exemption Application
<b>Part C</b>	Tariff Concession Order (TCO)
<b>Part D</b>	Revocation of TCO
<b>Part E</b>	Additional Comments
<b>Part F</b>	Declaration

## Response to Exemption Application

### PART A – Company Information

A.1 Please provide the following company contact information;

Name:	Chad Uphill
Position in company:	Senior Finance Analyst – International Trade Affairs
Address:	Five Islands Road PORT KEMBLA NSW 2505
Telephone:	+61 2 4275 4638
Facsimile number:	+61 2 4275 7810
E-mail address of contact person:	chad.uphill@bluescopesteel.com

### PART B – Response to Exemption Application

#### B.1

Does your company oppose or not consent to the request for an exemption?

No.

**NOTE: If your company does not oppose the request for an exemption, you do not need to complete the questionnaire. Please indicate that you do not oppose the request, sign and return the form as soon as possible.**

### PART C – Tariff Concession Order (TCO)

#### C.1

Is your company aware that the TCO is applicable to the goods?

If no, go to Part D – Revocation of TCO.

#### C.2

Did your company object to the making of the TCO?

If yes, please include a copy of your objection made to the Australian Customs and Border Protection Service (Customs and Border Protection).

Please also include any available product literature in respect of the substitutable goods on which your objection was based.

If no, go to Part D – Revocation of TCO.

**C.3**

Please outline why your objection to the TCO was unsuccessful.

**PART D – Revocation of TCO**

**D.1**

Does your company intend to seek revocation of the TCO?

If no, go to Part E – Additional Comments.

For more information, please see Customs and Border Protection website (<http://www.customs.gov.au/tariff/gazette.asp>), which includes the approved form required for seeking revocation.

**D.2**

Please include a copy of your request for revocation made to Customs and Border Protection.

Please also include any available product literature in respect of the substitutable goods on which your revocation request is based.

**PART E – Additional Comments**

**E.1**

Provide any additional comments including any other information that will assist the Commission in reaching a recommendation to the Parliamentary Secretary to the Minister for Industry and Science regarding this application for exemption.

**PART F – Declaration**

I hereby declare that.....(company)  
has completed the attached response to application for exemption and,  
having made due inquiry, certify that the information contained in this  
submission is complete and correct to the best of my knowledge and belief.

**Name** :.....

**Signature** :.....

**Position in Company** :.....

**Date** :.....