

PUBLIC RECORD

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

Exemption inquiry EX0053 – response requested by 12 June 2017

1 Introduction

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

Section 8(7) and 10(8) of the Dumping Duty Act allows the Minister to exercise discretion to exempt goods from measures, where he or she is satisfied that a Tariff Concession Order (TCO) 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 measures in respect of certain zinc coated (galvanised) 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 certain zinc coated (galvanised) 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 exemptions from dumping duty may be recommended to the Parliamentary Secretary to the Minister for Industry, Innovation and Science (as the relevant delegate of the Minister).

2 Measures on Zinc Coated (Galvanised) Steel and Aluminum zinc coated steel

Anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice, were initially imposed on certain zinc coated (galvanised) steel by public notice on 5 August 2013 by the then Attorney-General following consideration of International Trade Remedies Branch Report No. 190 (REP 190) and International Trade Remedies Branch Report No. 193 (REP 193).

Exports from China, Korea and Taiwan are subject to dumping duty and exports from China are subject to countervailing duty. A number of exporters are exempt from the duties. Certain goods subject to specified Tariff Concession Orders (TCO) are also exempt from the duties.

Details of these exemptions can be found in the Dumping Commodity Register on the Commission's website at

<http://www.adcommission.gov.au/measures/Pages/default.aspx>

3 Application for Exemption from Measures

On 10 March 2017, Australian Tube Mills Pty Ltd wrote to the Commission requesting an exemption from the measures in relation to its imports of certain zinc coated (galvanised) steel. The Commission has accepted the application and will now undertake an examination of the application to determine whether it should recommend the requested exemption be granted.

4 Exemption Provision

The Dumping Duty Act allows the Minister to exercise his or her discretion to exempt goods from dumping and 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 and 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.

We note that this exemption provision is subject to the discretion of the Minister and is not automatically granted where the criterion set out in the provision is met.

5 The goods subject to the exemption application

The goods the subject of the exemption inquiries (the exemption goods) are certain zinc coated (galvanised) steel meeting specific characteristics described in TCO number TC 1663110

Details of the relevant TCO, including the description of the exemption goods, can be found on the website of the Department of Immigration and Border Protection.

<http://www.border.gov.au/Tariffclassificationofgoods/Pages/tariffconcessionorders.aspx?tco=1663110>

Goods produced in Australia

The applicant claims that a valid TCO currently exists for the exemption goods, namely TC 1663110. TCOs are made on the basis that substitutable goods are not produced in Australia.

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

The Commission's original investigation identified your company as an Australian producer of certain zinc coated (galvanised) 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 Australian industry's views on the TCO that forms the basis of the application.

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Due date for the response

We request that you complete your response and return it to the Commission by no later than the close of business on **12 June 2017**.

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

The Director
Operations 1,
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Or email: operations1@adcommission.gov.au

Verification of the information that you supply

The Commission may seek to verify some 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 will be made as soon as practicable after obtaining all relevant information.

Confidential and non-confidential submissions

We request that you also lodge a non-confidential version of your response suitable for placement on the public record. The Commission puts greater weight on submissions that are available to other interested parties for comment.

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

Part A	Company contact information
Part B	Response to exemption application
Part C	Tariff concession order
Part D	Revocation of TCO
Part E	Additional comments
Part F	Your declaration

Response to Exemption Application

PART A – Company contact information

A.1 Please provide the following company contact information;

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Name:	Alan Gibbs
Position in company:	Manager- International Trade Affairs
Address:	Five Islands Road Port Kembla NSW
Telephone:	0419427730
Facsimile number:	
E-mail address of contact person:	alan.gibbs@bluescopesteel.com

PART B – Response to exemption application

B.1

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

BlueScope steel does not object to this request for exemption of AD measures, and supported ATM's TCO application.

NOTE: If your company does not oppose the request for an exemption, you do not need to complete all parts of the questionnaire. Please indicate that you do not oppose the request (stating the reasons why), answer the questions that are relevant to your reasons for not opposing the request, sign and return the form as soon as possible.

PART C – Tariff concession order

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

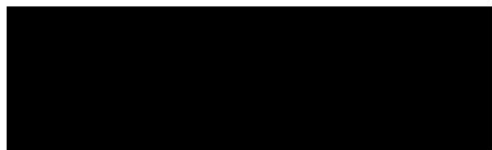
Provide any additional comments including any other information that will assist Commission in reaching a recommendation to the Parliamentary Secretary regarding this application for exemption.

PART F – Declaration

I hereby declare that BlueScope steel 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 Alan Gibbs

Signature

A large black rectangular redaction box covering the signature of Alan Gibbs.

Position in Company Manager International Trade Affairs

Date 08/05/2017