



ANTI-DUMPING NOTICE NO. 2015/55

Initiation of an anti-circumvention inquiry into the slight modification of goods exported to Australia

Zinc Coated (Galvanised) Steel

Exported from the Republic of Korea and Taiwan

Customs Act 1901 – Part XVB

I, Dale Seymour, Commissioner of the Anti-Dumping Commission have initiated an anti-circumvention inquiry into the slight modification of goods exported to Australia. The alleged circumvention goods are alloyed zinc coated (galvanised) steel (galvanised steel) exported to Australia from the Republic of Korea (Korea) and Taiwan.

This follows an application made under subsection 269ZDBC(1) of the *Customs Act 1901* (the Act) by BlueScope Steel Limited (BlueScope), a manufacturer of galvanised steel in Australia. BlueScope claims that circumvention activity in the form of the slight modification of goods exported to Australia has occurred.

Pursuant to section 269ZDBE of the Act, I have examined the application for the conduct of an anti-circumvention inquiry and have not rejected the application.

The alleged circumvention goods

The alleged circumvention goods the subject of the inquiry are:

*“flat rolled iron or steel products (**containing alloys**) of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc”.*

The alleged circumvention goods are described as ***alloyed galvanised steel***.

The application alleges that a circumvention activity is occurring in the form of the slight modification of goods exported to Australia from Korea and Taiwan in order to avoid the anti-dumping measures. The applicant claims that Korean and Taiwanese exporters are slightly modifying their goods (i.e. galvanised steel that would have been subject to anti-dumping measures) by adding minute amounts chemical alloys (i.e. ferro-boron) in order to avoid existing anti-dumping measures.

The anti-dumping measures

On 5 August 2013, anti-dumping measures, in the form of a dumping duty notice (the original dumping duty notice), were initially imposed by the then Attorney-General in relation to galvanised steel (non-alloyed) exported from the

People's Republic of China (China), Korea and Taiwan. Exporters exempt from the anti-dumping measures include Union Steel Co., Ltd (Union Steel Korea) from Korea; Sheng Yu Co., Ltd (Sheng Yu) from Taiwan; and Ta Fong Steel Co., Ltd (Ta Fong) from Taiwan.

The anti-circumvention inquiry

A notice advising the initiation of this anti-circumvention inquiry was published in *The Australian* on 5 May 2015.

Consideration Report No. 290 (CON 290) contains the background to this inquiry, details of the application and the Commission's assessment of the application in accordance with the legislation. It is available on the Commission's website at www.adcommission.gov.au.

The anti-circumvention inquiry will examine whether any exporters of galvanised steel from Korea or Taiwan have engaged in circumvention activity where there is a slight modification of goods exported to Australia, as outlined in subsection 48(2) of the *Customs (International Obligations) Regulation 2015*.

The alleged circumvention goods exported to Australia during the period 1 July 2011 to 31 March 2015 will be examined to determine whether the circumvention activity has occurred.

Unless the inquiry is terminated earlier, after concluding the inquiry, I will recommend to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) that pursuant to subsection 269ZDBG(1) of the Act, the original dumping duty notice in respect of galvanised steel:

- remain unaltered; or
- be altered following a finding that circumvention activity in relation to the original notice/s has occurred; and
- the alterations to be made

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry no later than the close of business on 15 June 2015, addressed to

The Director
Operations 2 - Anti-Dumping Commission
Department of Industry and Science
GPO Box 9839
Canberra, ACT 2601

or by email at operations2@adcommission.gov.au.

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that under subsection 269ZDBF(3) of the Act, 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:

- 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
- 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".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Public Record

It is a legislative requirement to maintain a public record which may be examined at the Commission's office by contacting the case manager on contact details provided below. Alternatively, the public record is accessible at www.adcommission.gov.au.

The public record will contain, among other things, a copy of the non-confidential version of the application, CON 290 and a copy of all submissions from interested parties.

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 within the legislative timeframe. A SEF will be placed on the public record by 23 August 2015, or by such later date as the Parliamentary Secretary may allow in accordance with subsection 269ZHI(3) of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. That SEF 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 SEF 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 7 October 2015 (or such later date as the Parliamentary Secretary may allow).

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.

The Commission contact

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6276 1437 or email at operations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

5 May 2015