



Australian Government

**Australian Customs and
Border Protection Service**

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/56

Zinc Coated (Galvanised) Steel and Aluminium Zinc Coated Steel

Exported from the People's Republic of China

Initiation of Investigations into Alleged Subsidisation

Customs Act 1901 – Part XVB

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has initiated investigations following separate applications lodged by BlueScope Steel Limited, a manufacturer of zinc coated (galvanised) steel and aluminium zinc coated steel (“the goods”) in Australia. The applications seek the publication of countervailing duty notices in respect of galvanised steel and aluminium zinc coated steel exported to Australia from the People's Republic of China (China).

The application alleges that the goods were in receipt of countervailable subsidies and that the subsidisation has caused material injury to the Australian industry through loss of sales volume, reduced market share, reduced revenues, price undercutting, price depression, price suppression, reduced profits, reduced profitability, reduced return on investment, reduced ability to raise capital for re-investment and reduced employment.

The non-confidential version of the applications, which contain the basis of the alleged subsidisation, are available on the public record.

A notice under subsection 269TC(4) of the *Customs Act 1901* (the Act) advising initiation of these investigations was published in *The Australian* newspaper on 26 November 2012.

The Goods

The goods subject of the applications are Galvanised Steel and Aluminium Zinc Coated Steel. The applicant provided further details as follows:

galvanised steel

The imported goods the subject of the galvanised steel application are:

“flat rolled products of iron and non-alloy steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc”.

The goods the subject of this application are generically called galvanised steel (referring to zinc coated steel).

The goods are classified to the tariff subheading 7210.49.00 (statistical codes 55, 56, 57 and 58) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are duty free.

aluminium zinc coated steel

The imported goods the subject of the aluminium zinc coated steel application are:

“flat rolled products of iron and non-alloy steel of a width equal to or greater than 600mm, plated or coated with aluminium-zinc alloys, not painted whether or not including resin coating”.

The goods are classified to the tariff subheading 7210.61.00 (statistical codes 60, 61 and 62) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are duty free.

Investigation Process

The investigation period is 1 July 2011 to 30 June 2012. Customs and Border Protection will examine exports to Australia of the goods during that period to determine whether subsidisation has occurred. Customs and Border Protection will examine details of the Australian market from 1 July 2007 for injury analysis purposes.

The Minister may, by public notice, impose interim countervailing duties.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect 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 may, by public notice, impose interim countervailing 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 countervailing duty notices sought in the application, no later than the close of business on 7 January 2013, addressed to:

The Director
Operations 2
International Trade Remedies Branch
Australian Customs and Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Or by email itrops2@customs.gov.au, or by fax number (02) 6275 6990.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the date

above if to do so would, in the CEO'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 CEO 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 CEO 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 public file 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 <http://www.customs.gov.au/anti-dumping/cases.asp>. Alternatively, the public record may be examined at Customs House 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 countervailing duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim countervailing 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 Customs and Border Protection to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 18 March 2013, or by such later date as the Minister may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which the CEO proposes to base a recommendation to the Minister. 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 Minister.

Report to the Minister

A recommendation to the Minister will be made in a report on or before 30 April 2013 (or such later date as the Minister may allow), unless the CEO terminates the investigation.

Review Officer

Certain parties will have the right to seek a review by the Trade Measures Review Officer in accordance with Division 9 of Part XVB of the Act of either a decision by the CEO to terminate the investigation, or a decision of the Minister after considering the CEO's report.

Customs and Border Protection Contact

Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 5965, fax number (02) 6275 6990 or itrops2@customs.gov.au.

Kim Farrant
National Manager
International Trade Remedies Branch
26 November 2012