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24 March 2017

Director
Operations 3
Anti-Dumping Commission
Level 35, 55 Collins Street
Melbourne Victoria 3000

Email: operations3@adcommission.gov.au

For Public File

Dear Sir/Madam

Review Investigation No. 368 – Submission on behalf of Yieh Phui Enterprise Co., Ltd

I. Introduction

I refer to the recent submission on behalf of Yieh Phui Enterprise Co., Ltd ("Yieh Phu") that is in response to the publication of Statement of Essential Facts (including for Investigation No. 368).

II. Sales at a loss

BlueScope Steel Limited ("BlueScope") has addressed the basis upon which the Anti-Dumping Commission ("the Commission") has correctly determined export prices for Yieh Phui based upon the deductive export price methodology in a separate submission to the Commission dated 24 March 2017.

BlueScope refers the Commission to the comments included in that submission in responding to claims made on behalf of Yieh Phui that the Commission's determination of export prices for Yieh Phui is somehow flawed.

III. Inclusion of interim duties in deductions

It is further submitted on behalf of Yieh Phui that costs that "*were unforeseen at the time of resale re not within the authorisation scope of the permissible allowances in constructing the export price*" and should not be taken into account in determining a deductive export price for Yieh Phui's exports to Australia during the investigation period.

The claimed precedent in this regard is a WTO Panel Report *U.S. - Stainless Steel (Korea)*.

It is also suggested that the outcome of the anti-circumvention inquiry involving alloyed zinc coated galvanised steel exported to Australia was not notified until March 2016.

BlueScope respectfully rejects these claims. It was foreshadowed in Statement of Essential Facts No. 290 of 5 November 2015 that the Commission has preliminarily determined alloyed zinc coated galvanised steel as 'alike' to the non-alloyed zinc coated galvanised steel. It is therefore incorrect to suggest that the liability for

the duties was not known until March 2016 when in fact the Commission published SEF No. 290 on 5 November 2015 forewarning of its intended recommendation to the Parliamentary Secretary.

BlueScope would also submit that the exporting parties were notified by the commencement of anti-circumvention Investigation No. 290 that the goods may be included within the scope of the measures for non-alloyed zinc coated galvanised steel exported to Australia.

BlueScope considers that the exporters of the alloyed zinc coated galvanised steel were adequately appraised of the potential outcomes of Investigation No. 290 prior to the commencement of the investigation period for the current review. The interim duty liability applicable to exporters of alloyed zinc coated galvanised steel was therefore known to the exporters and should correctly be included as a cost incurred post exportation of the goods when calculating deductive export prices for Yieh Phui.

If you have any questions concerning this submission, please do not hesitate to contact me on (02) 4275 3859 or BlueScope's representative Mr John O'Connor on (07) 3342 1921.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Alan Gibbs', is positioned above the typed name.

Alan Gibbs
Development Manager – International Trade Affairs