



13 June 2014

Ms Kerry Taylor  
 Director Operations 3  
 Anti-Dumping Commission  
 1010 La Trobe Street,  
 Docklands Vic 3008  
 Australia

Operations3@adcommission.gov.au

Attention: Kerry Taylor

**For Public File**

Dear Ms Taylor,

**Re: Quenched & Tempered Steel Plate exported from Sweden, Japan and Finland – Submissions on behalf of Japanese Quenched and Tempered Steel Plate exporters**

Introduction

I refer to the submissions dated 30 May 2014 and 10 June 2014 on behalf of Nippon Steel and Sumitomo Metal Corporation, JFE Steel Corporation and Kobe Steel Ltd (the “exporters”).

The exporters are contesting whether grounds exist for the publication of a dumping duty notice. Specifically, the exporters question the Anti-Dumping Commission’s (“the Commission”) preliminary findings concerning material injury and causal link.

Material injury and causal link

Bisalloy rejects the exporters’ assertions that the export of Quenched and Tempered (“Q&T”) steel plate at dumped prices from Finland, Japan and Sweden has not caused material injury to the Australian industry. Bisalloy notes the Commission’s comments at Section 9.5.2 of Preliminary Affirmative Determination (“PAD”) No. 234 that “*dumping need not be the sole cause of injury to the Australian industry*” and that the injury from the dumping must be material. Bisalloy considers the Commission’s findings as verified and reflected in the Bisalloy Visit Report and PAD No. 234 accurately reflect the extent of the injury sustained by the Australian industry. Bisalloy also concurs with the Commission’s reference to the Ministerial Direction on Material injury including that

*“it is important to consider....the greater impact of injury during periods of economic downturn and reduced rates of growth as an element of injury”*

and

*“that an industry which at one point in time is healthy and could shrug off the effects of the presence of dumped or subsidized products in the market, could at another time, weakened by other events, suffer material injury from the same amount and degree of dumping or subsidization<sup>1</sup>”.*

The circumstances referred to in the Ministerial Direction on Material injury are consistent with those applicable to the Q&T steel plate market in Australia during 2013. In a contracting market, the impact of the dumped imports on the Australian industry’s profit and profitability is considered far more damaging than in a period of expansion and growth. This is reflected in the Australian industry’s performance in the Q&T steel plate market in 2013.

<sup>1</sup> See Australian Customs Dumping Notice No. 2012/24.

#### Market Pronouncements

It is also commented on behalf of the exporters that Bisalloy's injury claims are at odds with public pronouncements by the company. This is incorrect. Bisalloy has regularly informed the market that it has experienced increased import competition from the end of 2012 and during 2013, including at the 2012 AGM, the 2013 Half Year Directors report and Media Releases<sup>2</sup> during 2013 and 2014.

Bisalloy rejects the exporters' representations as not reflective of the information in the public domain concerning the impact of imports on Bisalloy's performance.

If you have any questions concerning this submission please do not hesitate to contact either myself on (02) 4272 0407 Mob: 0406317671 or Bisalloy's Consultant John O'Connor on (07) 3342 1931 Mob: 0411 252 451.

Yours faithfully,



Tom Matinca  
Business Development and Strategy Manager  
Bisalloy Steels Group Limited

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<sup>2</sup> Refer Media Releases dated 30 May 2013, 21 August 2013, and 21 February 2013.