



Anti-Dumping Commission
Ground Floor
Customs House
1010 La Trobe Street
Docklands VIC 3008

Mr K.A. Soon
Company Director (Sales & Marketing)
Leong Huat Hardware Pte Ltd
6 Harper Road #01-05/06
Leong Huat Building
Singapore 369674

Via email: kasoon@leonghuat.com

Dear Mr Soon

**INVESTIGATION INTO THE ALLEGED DUMPING OF
HOT ROLLED STRUCTURAL STEEL SECTIONS EXPORTED TO AUSTRALIA
FROM JAPAN, THE REPUBLIC OF KOREA, TAIWAN AND THAILAND**

I would like to take this opportunity to thank you for your cooperation in regards to the Anti-Dumping Commission's (the Commission's) investigation into the alleged dumping of hot rolled structural steel sections (the goods) exported to Australia from Japan, the Republic of Korea (Korea), Taiwan and Thailand.

I write to inform you that, having assessed your Exporter Questionnaire response within the broader context of the investigation, the Commission has determined that Leong Huat Hardware Pte Ltd (Leong Huat) is not considered by the Commission to be an exporter of the goods for the purposes of this investigation.

The *Customs Act 1901* does not define the term 'exporter'. It is the Commission's policy as outlined in the Dumping and Subsidy Manual, to consider the circumstances (e.g. the role of the parties, their functions and responsibilities) surrounding the exportation of the goods in order to determine which entities are considered exporters for the purposes of the investigation.

The Dumping and Subsidy Manual outlines that those parties whose essential role is to act as an intermediary to the exportation transaction are generally not considered exporters for anti-dumping assessment purposes. The role of an intermediary typically involves arranging transportation, arranging port services and loading, conducting price negotiations, arranging contracts with manufacturers and importers alike and conveying the customer's specifications to the manufacturer including quality, marking and packing requirements.

In assessing Leong Huat's role relating to export sales of the goods as defined above, the Commission is satisfied that the essential role of Leong Huat is to act as intermediary and therefore is not considered to be the exporter.

As a result of the Commission's determination, an individual dumping margin will not be calculated for Leong Huat. Any security taken in respect of interim duties payable on goods

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exported to Australia through Leong Huat subsequent to the publication of Preliminary Affirmative Determination (PAD) Report No. 223, on March 14, will instead be calculated at the rate applicable to the entity determined to be the exporter of the goods, which is likely to be the manufacturer of those goods. PAD 223 is available for your consideration at www.adcommission.gov.au.

Should the Parliamentary Secretary recommend the imposition of any duties at the conclusion of this investigation, duties payable will be calculated at the rate applicable to the entity determined to be the exporter of the goods.

Further information on the Commission's approach to determining 'exporters' for the purposes of its investigations is available in the *Dumping and Subsidy Manual*, available on the Commission's website at www.adcommission.gov.au.

If you should have any queries about this letter please do not hesitate to contact the Commission on +61 3 9244 8270 or at Operations3@adcommission.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Yacono', written in a cursive style.

Adam Yacono
Manager

16 May 2014