



PUBLIC RECORD

16 July 2014

The Director
Operations 3
Anti-Dumping Commission
1010 La Trobe Street
DOCKLANDS VIC 3008

Dear Sir/Madam

Investigation 234**Letter from Moulis Legal of 8 July 2014 and Visit Report – Importer**

Further to the letter of 8 July 2014 from Moulis Legal to the ADC on behalf of SSAB Swedish Steel Pty Ltd, we are writing to clarify and correct factual matters referred to in that letter and in the Visit Report – Importer in respect of Commercial Metals Pty Ltd ("**Commercial Metals**") placed on the public record on 1 July 2014.

1. Paragraph 1 on page 2 of the Moulis Letter

The numbered paragraph 1 on page 2 of the Moulis Letter states:

"In the report, Commercial Metals claims to have been established in 1980 as an importer of long and flat steel products for the Australian market. That does not appear to be correct. According to Australian Securities and Investments Commission records, Commercial Metals was first registered as a company in June 2013."

To the extent it suggests that the business of Commercial Metals was not carried on since 1980, the statement is incorrect.

The business of Commercial Metals has been carried on continuously since 1980 as follows:

- (a) In about June 2013, the Commercial Metals group underwent a corporate restructure as a result of which the parent company in Australia became Commercial Metals.
- (b) Prior to the restructure, the parent company of the Commercial Metals group in Australia was CMC (Australia) Pty Ltd ACN 002 007 427 ("**CMC Australia**").
- (c) CMC Australia was incorporated in NSW on 15 October 1980. At that time, CMC Australia was known as Comserv (No. 1132) Pty Ltd. Comserv (No. 1132) Pty Ltd changed its name to CMC Australia effective 19 January 1981 and continued holding that name until the 2013 restructure.
- (d) As part of the 2013 restructure:

Commercial Metals Pty Ltd
ABN 39 164 131 855
PO Box 113, Hurstville BC, NSW 1481
Level 3, 430 Forest Road,
Hurstville, NSW 2220, Australia
Phone +61 2 9585 6200 Fax + 61 2 9580 8680
www.cmcaustralia.com.au

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- (i) On or about 19 June 2013, Commercial Metals was registered with ASIC.
- (ii) On or about 30 June 2013, CMC Australia transferred and Commercial Metals accepted the assignment of all of CMC Australia's assets and assumed all of CMC Australia's liabilities.
- (iii) On or about 16 August 2013, CMC Australia changed its name to ACN 002 007 427 Pty Ltd.
- (iv) On or about 27 August 2013, ACN 002 007 427 Pty Ltd was placed into members voluntary liquidation and Mr Richard Stone of RSM Bird Cameron was appointed as the liquidator. The liquidation process is ongoing.

2. Paragraph 2 on page 2 of the Moulis Letter

The numbered paragraph 2 on page 2 of the Moulis Letter states:

"In the report, Commercial Metals claims that it changed its name from CMC Australia Pty Ltd to Commercial Metals Pty Ltd as of September 2013. That does not appear to be correct. Commercial Metals Pty Ltd was first registered as a company with the name "Commercial Metals" in June 2013."

See our response in paragraph 1 of this letter.

3. Paragraph 3 on page 2 of the Moulis Letter

The numbered paragraph 3 on page 2 of the Moulis Letter states:

"In the report, Commercial Metals claims that it was once called CMC Australia Pty Ltd. That does not appear to be correct. ASIC records indicate that a company called CMC Australia Pty Ltd was first registered in April 1996. It has a different ACN to that of Commercial Metals; last lodged a document with ASIC in 2005; and is still a registered company..."

See our response in paragraph 1 of this letter.

4. Paragraph 4 on page 2 of the Moulis Letter

The numbered paragraph 4 on page 2 of the Moulis Letter states:

"In the report, Commercial Metals claims that its related company CMC Coil Steels Pty Ltd was formerly known as Coil Steels Group Pty Ltd. That does not appear to be correct. ASIC records indicate that the former names of CMC Coil Steels Pty Ltd were Coil Steels Properties Pty Ltd, Sydney Slitting Co Pty Ltd, Coil Steel Processors Pty Ltd and Helta Pty Ltd."

The Report incorrectly states, at paragraph 3.1.1 "General Background" that CMC Coil Steels Pty Ltd was "formerly known as Coil Steels Group Pty Ltd".

Coil Steels Group Pty Ltd ACN 002 613 498 was incorporated in NSW on 27 May 1983. At that time it was known as Emiflame Pty Ltd. The company was known by the name of:

- (a) Coil Steels Group Pty Ltd from about 19 August 1983 to about 3 January 2007 when it changed its name to CMC Coil Steels Pty Ltd.
- (b) CMC Coil Steels Pty Ltd from about 3 January 2007 to 17 January 2013 when it changed its name to CMC Steel Distribution Pty Ltd as part of a global re-branding of the Commercial Metals group.

CMC Coil Steels Pty Ltd ACN 001 444 364 was formerly known as Coil Steels Properties Pty Ltd (not Coil Steels Group Pty Ltd). It was known by that name from on or about 23 November 1983 and changed its name to CMC Coil Steels Pty Ltd on or about 17 January 2013 as part of a global re-branding of the Commercial Metals group.

5. Paragraph 5 on page 2 of the Moulis Letter

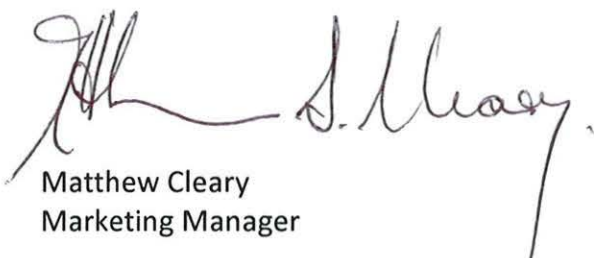
The numbered paragraph 5 on page 2 of the Moulis letter states:

"In the report, Commercial Metals claims that a small number of its sales were made to CMC Distribution Pty Ltd. That does not appear to be correct. ASIC has no record of a company with the words "CMC Distribution" in its name."

The reference to "CMC Distribution Pty Ltd" at paragraph 3.3.2 "Customers" of the Report and paragraph 4.2 "Sales of imported goods" of the Report is incorrect. The correct company name is CMC Steel Distribution Pty Ltd ACN 002 613 498 which is the current name of the company formerly known as Coil Steels Group Pty Ltd (see paragraph 4 of this letter).

Further, we draw your attention to page 24 paragraph 2 of Consideration Report No. 234, dated 30th December 2013. Wherein it is stated that the Commission considers SSAB's transactions into Australia are not conducted on an arm's length basis. Accordingly, any commentary by SSAB's legal representatives about SSAB's pricing levels should be considered with this comment in mind. Moreover the Commission's estimates of export prices for the period 1 October 2012 through to an including 30 September 2013 supports Commercial Metals Pty Ltd's views on SSAB Q&T export pricing.

For and on behalf of,
Commercial Metals Pty Ltd

A handwritten signature in dark ink, appearing to read 'Matthew Cleary', is written over a horizontal line. Below the signature, the name 'Matthew Cleary' and title 'Marketing Manager' are printed in a standard sans-serif font.