

28 February 2013

**Ms Nicole Pratt**  
**Case Manager**  
**International Trade Remedies Branch**  
**Australian Customs and Border Protection Service**  
**Customs House**  
**5 Constitution Avenue**  
**Canberra**  
**Australian Capital Territory 2601**



commercial+international

**By email**

Dear Christie

## **POSCO - alleged dumping of galvanized steel from Korea** **Further submissions on injury issues**

We refer to the meetings between officers of Australian Customs and POSCO representatives on 19 January 2013 and 14 February 2013.

We now summarise the main points of the injury and product-related submissions made on behalf of POSCO at these meetings.

- 1 All of BlueScope's production of coated steel should be considered in material injury assessment. POSCO's inquiries indicate that the production data in the application might only comprise half of BlueScope's total production. A summary of POSCO's views is set out under C2 in the meeting agenda tabled at the 14 February meeting (copy attached). POSCO does not believe it can be said that BlueScope's unpainted coated steel production has been injured without taking into account total production of unpainted coated steel. Profit earned on painted coated steel sales should be allocated back as an addition to the fully absorbed cost of manufacturing the unpainted coated steel. In that way, the unpainted coated steel that BlueScope chooses to divert to its paint lines will be properly valued in its accounting system. The implication in BlueScope's letter dated 14 November 2012, which is on the public record - that the price of unpainted coated steel sold in the market should be accepted as a suitable transfer price for unpainted coated steel that BlueScope eventually sells for much more than that transfer price - is not realistic.
- 2 The relativity in BlueScope's financial performance in the production and sale of coated steel which is painted should be compared with that of coated steel which is not painted. The prospect that BlueScope is utilising profits on painted coated steel to subsidise unilateral downward price behaviour in relation to unpainted coated steel should be explored by Customs. A reasonable suspicion is that BlueScope has limited its application to unpainted coated steel as part of an earlier-developed strategy of forcing prices on unpainted coated steel lower and then seeking protection against imports of

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coated steel. The likelihood that this is the case is promoted by:

- restrictive trade behaviour of BlueScope Steel in the market for selling unpainted coated steel to its competitors in the painted coated steel market;
- wide discrepancy between the cost of painting coated steel and the price difference between unpainted coated steel and painted coated steel; and
- downward price-leading behaviour in the unpainted coated steel market by BlueScope directly and/or through its New Zealand subsidiary.<sup>1</sup>

- 3 The effects of BlueScope's restructure must be taken into account as a factor other than dumping that has caused injury. POSCO was concerned by a passage in the Australian industry visit report which suggested that the effects of the restructure were to be "excluded". The relevant passage is the following:

*In August 2011, BlueScope announced a major restructure of its Australian operations that resulted in significant additional costs in 2011-12. These costs included assets written off and the cost to achieve the reorganisation. The revised data submitted by BlueScope excluded these costs. We examined the costs excluded and are satisfied that they relate to the restructure. We consider that it is necessary to exclude the restructure costs so that cost trends will not be distorted by the restructure.*<sup>2</sup>

The principle that the effects of other factors must not be attributed to dumping does not mean that they are to be excluded from the injury analysis. It simply means that their effects must be separately identified in order to work out whether dumping has caused injury which can of itself be considered to be material. POSCO trusts that the passage set out above does not suggest that Australian Customs will undertake an analysis which is different to this.<sup>3</sup>

POSCO can accept that increased cost of raw materials is something that can affect any industry, and that an investigating authority could take the view that increased raw material cost is a "neutral" factor in assessing whether injury has been caused by dumping. To the contrary, a major restructuring of an established industry occurs as a result of internal management decisions to address unsatisfactory financial performance. In BlueScope's case that involved long-term inefficiencies and huge losses on its export businesses. The need to make those decisions arose from factors other than proven

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<sup>1</sup> POSCO reiterates its request that Customs make specific inquiries of BlueScope about the relativity of its financial performance in painted coated steel as compared to unpainted coated steel.

<sup>2</sup> *Visit report - Australian industry*, page 27.

<sup>3</sup> POSCO drew attention to media reports on 14 January 2013 that BlueScope was to shed another 170 jobs at its Westernport facility. BlueScope's media release refers to "its intention to reconfigure its Australian cold rolling, metal coated and painted steel production". This is being done by BlueScope even though "domestic coated steel demand has not materially declined" so as to "remain a cost effective producer". In POSCO's submission this admits that BlueScope has had more capacity than it needs for a long period of time, and that it is had a sub-optimal cost base both before and after the restructure. Reportage in *The Australian* states: "The steelmaker announced the job cuts at its Western Port plant at Hastings, 70km southeast of Melbourne, citing excessive production capacity in the face of flat demand" [underlining supplied]. See <http://www.bluescopesteel.com/files/dmfile/ASX-Announcement-Western-Port-Production-Changes1.pdf> and <http://www.theaustralian.com.au/national-affairs/industrial-relations/m-aid-fails-to-save-170-jobs/story-fn59noo3-1226553926474>.

dumping in the POI. The effects of those decisions are factors other than dumping.<sup>4</sup>

- 4 The elements which led to the finding in the hot-rolled coil case that imports had not caused injury in the automotive segment of the market are equally present in this case. POSCO refers to the discussion points at C3 in the agenda from its meeting with Customs on 14 February 2013. In summary:

- (a) Automotive industry tendering/contracting takes place on a global basis, remotely from the Australian market. Selection of the successful tenderer/s for these supply contracts involves considerations of technical conformity; the ability to supply multiple locations; and long term contracts and extended production availability.
- (b) The Australian automotive industry is facing well-reported declines in volumes and associated bankruptcies in various industry categories, such as parts suppliers.<sup>5</sup> This is due to reduced demand for Australian-made cars, and strong uncertainty about the longevity of car manufacturing in Australia.
- (c) Any alleged dumping of coated steel has not caused injury to BlueScope in the automotive sector of the market. The conclusions should be no different than those arrived at in Customs' report at the conclusion of its hot-rolled coil investigation, viz:

*Due to the longer term nature of contracts in this sector, Customs and Border Protection concludes that the loss of sales volume is due to other factors, such as the reduction in the number of cars manufactured in Australia.*

*Similarly, no evidence has been provided to indicate that profits in this sector have declined and even if this has occurred, that this is a result of competition with imports.<sup>6</sup>*

- 5 POSCO submits that goods which have not caused injury should be excluded from any

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<sup>4</sup> When announcing its vastly improved half yearly results to the end of December 2012 on 18 February 2013, BlueScope was reported as saying that *"it expected continued improvement in its underlying profit in the second half of the financial year, forecasting a small profit for the period"*. Accordingly, the restructuring – designed to jettison loss-making capacity – appears to have succeeded. We recognise that BlueScope's overall product offering is wider than only coated steel, however this kind of a turnaround contradicts the claim that "dumping" has caused material injury, and must raise a "red flag" which is deserving of further investigation by Customs. See Herald Sun article *"BlueScope shares soar as profits return"* (AAP, 18 February 2013).

<sup>5</sup> In March 2011 car parts manufacturer Robert Bosch announced that 400 jobs were to be removed from its Clayton plant and moved to Asia and Europe. APV Automotive (manufacturer of fuel fillers, rear suspension struts, and steel and fabricated components) based in Coburg went into receivership in April 2012. CMI Industrial (manufacturer of small car components) announced the closure of its factories in Campbellfield and West Footscray in August 2012. Also in August 2012 Ford announced it was sacking 440 people at its Broadmeadows and Geelong plants. In the same month a supplier of automotive parts to Ford – Nexteer - scrapped plans to establish a new factory in Melbourne. Autodom (a manufacturer of car parts through its subsidiaries Dair and AI Automotive) suspended operations at three of its factories (Woodville, Dandenong and New Gisborne) in November 2012. Holden axed 170 jobs at its Adelaide assembly plant *"to ensure its manufacturing operations in Australia remained viable over the next decade"* in November 2012.

<sup>6</sup> *Report to the Minister No 188 – Hot-Rolled Coil Steel Exported from Japan, the Republic of Korea, Malaysia and Taiwan* (19 November 2012) ("the HRC Report") at page 6.

measures, as a matter of law or of discretion.<sup>7</sup> In this regard POSCO wishes to draw attention to two matters:

- (a) First, we recommend you to POSCO's application to the Trade Measures Review Officer ("TMRO") for a review of the Minister's decision to impose dumping duties in respect of POSCO's exports of hot-rolled coil (copy attached). In its report to the Minister at the conclusion of that investigation, Customs expressed the view that:

*In making this finding [that no injury had been caused by dumped HRC exports sold to the automotive industry], Customs and Border Protection does not have the authority within the legislation to recommend the termination of the case in respect of individual suppliers to the automotive industry. Within the terms of the legislation, the CEO can only terminate an investigation on the basis of negligible injury in regards to 'a particular country of export'. Customs and Border Protection has found that countries that sell HRC to the automotive sector also sell HRC to other market sectors. [footnote omitted]*

It is not clear to us whether this equates to a finding that like goods that are found to have been dumped but *have not caused injury* cannot be excluded from measures in cases where other like goods have been found to have been dumped and to *have caused injury*. POSCO's application to the TMRO presents a counterpoint to this view, with a number of justifications. We understand that new issues are sometimes not adequately or properly resolved on the first occasion that they come before Customs, and hope and expect that Customs will be able to fully review its position in this case.

- (b) Second, we refer to Sections 33(3A) and 33(3AB) of the *Acts Interpretation Act* 1901. These provisions are headed "*Scope of powers in respect of matters*". They expressly permit a decision maker to make, grant or issue an instrument of a legislative or administrative character under an enactment with respect to some only of the matters in respect of which the decision maker is empowered to deal with under that enactment. The purpose of these provisions is to overcome situations of apparently literal "inflexibility" in empowering legislation. Customs is requested to consider the utility of these provisions to the recommendations to be made to the Minister in the circumstances of this case.

- 6 POSCO submits that certain types of coated steel that were not produced by BlueScope during the POI should be excluded or exempted. As BlueScope is the only producer of coated steel in Australia, it can be said that if BlueScope does not produce certain products, then it should not be entitled to "protection" in the form of dumping measures against such products. This is clearly apparent in relation to some types of coated steel that POSCO supplies to the Australian automotive industry, but is not limited only to steel types supplied to that industry. The automotive industry has extremely demanding technical specifications. Coated steel for car bodies must be of the highest quality. Such steel cannot be purchased from general stock from any distributor or "middleman" – far from it. Only manufacturers whose product can meet the rigorous technical specifications specified by the car maker concerned are awarded supply contracts. Those contracts compel the manufacturer to observe strict supply and availability

<sup>7</sup> The right on Customs part to impose such measures is denied and is not admitted. In this regard we also refer to the reasoning offered by POSCO to the TMRO in its review application.

arrangements. The type of steel used must be maintained in production for the life of the car body concerned. To meet automotive industry requirements, POSCO's production planning must extend all the way back to the proper selection of the raw materials used for the production of the relevant slab – and **[CONFIDENTIAL TEXT DELETED – product details]** an acceptable substratum for coated steel supplied to the automotive industry. The quality tests that coated steel products supplied to automotive industry end-users are particularly stringent.<sup>8</sup>

- 7 Coated steel for the automotive industry has numerous special features. It must achieve the highest safety standards for crashworthiness, as well as being lightweight. For design and manufacturing purposes, car body steel must be able to handle “severe forming”. Car makers require that exterior panels which are to be painted must be zero-spangled. POSCO has drawn the attention of Customs to **[CONFIDENTIAL TEXT DELETED – product details]**, a newly developed and very high quality POSCO product which is primarily for use by car makers. Although it is a galvanized product, **[CONFIDENTIAL TEXT DELETED – product details]** is not under investigation.
- 8 POSCO notes from the public record that Australian Customs officials met with BlueScope representatives on 10 December 2012 to discuss “like goods” and product scope issues. POSCO was concerned to read BlueScope's comments about its production capabilities and its views on substitutability of its products for products it does not manufacture.
  - (a) BlueScope has claimed that it is “*capable of manufacturing galvanised steel and aluminium zinc coated steel to maximum widths of 1550mm and 1235mm respectively*”. “Capability” does not equate to commercial production. Moreover, the question in this investigation is whether material injury was caused by dumped imports during the period of investigation. BlueScope's claimed “capability” sounds more like the objection that a manufacturer might use to resist the making of a tariff concession order (“TCO”) – that it is prepared to accept an order for a substitutable product to that for which a TCO is sought, even if it has only intermittently manufactured the product before then. This is not the test of injury causation in anti-dumping investigations. POSCO has expressed its views to Customs that BlueScope's maximum GI size is 3.0-3.2 mm thick and 1,220-1,250 mm width. At higher tensile strengths (540 MPA) its maximum width is only 1,150mm. POSCO supplies coated steel **[CONFIDENTIAL TEXT DELETED – product details]**.
  - (b) BlueScope also indicated that it simply could not make steel having certain dimensions that it has included in the scope of its application. BlueScope told Customs that despite these constraints, “*it was usually able to manufacture and supply substitutable galvanised and aluminium zinc coated steel products for imported goods with widths or thicknesses outside its own production*” [underlining supplied]. Australian Customs is requested to carefully test what BlueScope means when it says it might “usually” be able to manufacture “substitutable” steel. There is a big difference between a commercially available product which meets a buyer's specification, and one which is not commercially available and does not meet a buyer's specification. The supplier of the available and directly suitable product will invariably secure the sale.

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<sup>8</sup> The Australian Customs officials at the desk audit meeting were provided with a copy of the list of POSCO's car maker steel specifications.

- (c) The record of meeting also confirms that BlueScope cannot manufacture tailor welded galvanised steel. However BlueScope states that *“it manufactures galvanised steel which may be further processed to produce welded steel”*. This is not a reason for accepting that BlueScope does produce tailor welded steel. It means that BlueScope cannot manufacture tailor welded galvanised steel.
- (d) POSCO exports zero-spangled coated steel to Australia. In the record of meeting BlueScope states that it does not manufacture zero spangled galvanised steel at all. No reason is offered as to how it is that sales of a product that it does not manufacture can have caused material injury to it. Instead, BlueScope appears to suggest that there is a difficulty in excluding zero spangled steel for the automotive industry from any measures, because this would not be *“easily identifiable in import data, as these products would be imported under the general tariff classifications for galvanised steel”*. POSCO believes there are many ways to describe imported goods, and mentions the examples in Schedule 4 to the *Customs Tariff Act 1995*, POSCO does not see any impracticality in excluding such products, and does not agree that this can be used as an obstacle to such an exclusion.<sup>9</sup> Zero-spangled coated steel can also be easily identified by inspecting the surface of the steel. These surface traits can also be recognized through the mill certifications.

9 Once it is accepted that it is not mandatory for Customs to impose dumping measures on all “like goods”, a question arises as to how that should be done. In the case of an exclusion of non-injurious imports of coated steel for automotive industry uses, POSCO thinks this is an administrative matter which can be achieved by referring to the user group concerned. The monitoring of compliance with such a regime would be no different to the monitoring regime required for Customs to be satisfied that any goods have been correctly entered. Exporters and importers could bring forward evidence of sales tracking; invoices; individual technical specifications; and mill test certificates, to prove that any particular consignment of exports was dedicated to, designated for, consigned to, and sold to the automotive industry. Short of an end user-based exception, POSCO notes that it has provided evidence to Customs of the specification codes for its automotive industry customers.<sup>10</sup> POSCO has also provided Customs with an example of its mill certificates, and the data that is recorded on such certificates.<sup>11</sup>

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<sup>9</sup> POSCO submits that its specifications very clearly define the type of steel supplied to car makers. POSCO notes that there are other simple ways to exclude non-injurious imports from any dumping measures, including by way of end-user.

<sup>10</sup> See *POSCO Automotive Steel Data Book* at pages 144-145.

<sup>11</sup> At the conclusion of a recent anti-dumping investigation conducted by the investigating authorities of Thailand ( *“Certain Hot Dip Plated or Coated with Aluminium Zinc Alloys of Cold Rolled Steel originating in the People’s Republic of China, The Republic of Korea and Chinese Taipei”* ), certain goods supplied to the electronic industry were exempted from the scope of the measures, despite having been considered as “like goods” during the investigation. The exemptions were based on grade of steel, coating layer, RoHS certification (RoHS being the *“Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment 2002/95/EC”*) and user/importer type. The users are EEI members, EEI being the *“Electrical and Electronics Institute”*, which is an industry specific institute open to private sector membership under the supervision of the Ministry of Industry. The applicant for dumping measures in that case was BlueScope Thailand. POSCO submits that coated steel for automotive uses in Australia can be exempted in a similar way. An (unofficial) translated version of the final notification in the Thai investigation to which we have referred is attached to this letter – see clause 5 and Book B.



- 10 Lastly, POSCO wishes to mention the question of Section 8(7) of the *Customs Tariff (Anti-Dumping) Act 1975*. It has not escaped the attention of the steel exporter/importer community that BlueScope has applied for a number of TCO exemptions for coated steel for automotive industry usage. POSCO would be very concerned were it to be thought that BlueScope itself could define - through that mechanism - the products not to be subject to dumping duties. This is neither necessary nor required. Viewed objectively, that action on BlueScope's part is an admission that it does not manufacture certain products for automotive industry usage; that it is not being injured by those imports and does not see itself as requiring any protection from them; and that they should not have been included in the goods of which it complained in its application. Quite apart from the question of probity and due process, BlueScope should have no complaint about the exclusion of them from any measures.

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POSCO does not accept that imports of coated steel have caused material injury to the Australian industry. BlueScope manufactures and sells far more coated steel than it has reported to Customs. BlueScope may have been "cross-subsidising" profits on its painted coated steel in order to pursue a downward price strategy in unpainted coated steel. The impacts of BlueScope's restructure on its financial performance have been severe. Those impacts must not be attributed to dumping.

Also, if it is the case that Australian Customs finds grounds for imposing any measures, POSCO requests that coated steel supplied to the automotive industry not be subject to such measures. POSCO submits that its exports of coated steel did not cause material injury to the Australian industry in the automotive segment of the market, on at least the same logic that was explained in Customs recent HRC report concerning hot-rolled coil.<sup>12</sup>

POSCO contends that there is no power to apply measures to imports of products that have not caused injury. Lastly, POSCO does not believe that there are any impediments – legal or practical - to the exclusion of coated steel for the automotive industry from any measures.

Yours sincerely



**Daniel Moulis**  
Principal

**Attachments (3)**

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<sup>12</sup> Report to the Minister No 188 – Hot-Rolled Coil Steel Exported from Japan, the Republic of Korea, Malaysia and Taiwan (19 November 2012)

14 February 2013



## POSCO

### **Alleged dumping of zinc coated (galvanised) steel exported from the Republic of Korea**

## **Agenda and discussion points for meeting at Customs House - 14 February 2013**

### **A Time**

10:30am

### **B In attendance**

#### **1 Australian Customs Service**

- Ms Joanne Reid
- Ms Andrea Stone
- Ms Christie Sawczuk
- Mr Sanjay Sharma
- Ms Anthea Hung

#### **2 POSCO**

- Mr Henry Do - Group Leader, POSCO
- Ms Esther Kim – Manager, POSCO
- Mr Changsoo Kim – Senior Manager, POSCO Australia
- Mr Yong Park – Manager, POSCO Australia

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### 3 Moulis Legal

- Mr Daniel Moulis
- Mr Alistair Bridges

## C Agenda and discussion points

### 1 Introductions

- Profile of POSCO's exports to Australia – type, volumes, customers

### 2 Material injury – general

- Unpainted coated steel production not injured, because:
  - coated steel production exceeds claimed volume by 100+%
  - allocation back of the profit on painted coated steel
- Profit shifting
  - COLORBOND® - a valuable and protected ® - uses coated steel production
  - Painting *cost gap* much less than *price gap*
  - Import parity pricing irrelevant when BlueScope Aust/NZ driving down price
  - End game – drive up costs of OneSteel and Ace Gutter
  - Customs must ask the question – “no evidence” is not the answer
- Inherent inefficiency is not an “excusable” cost
  - Restructure gets rid of half of production but not half of the labour force
  - The 625km production line
  - Restructuring costs must not be “excluded”
- The inclusion of “any widths” of coated steel defies common sense
  - BlueScope's maximum GI size is 3.0-3.2 mm thick and 1,220-1,250 mm width

- At higher tensile strengths (540 MPA) its maximum width is only 1,150mm
- POSCO supplies up to [CONFIDENTIAL TEXT DELETED – figure] mm width, and for 540 MPA up to [CONFIDENTIAL TEXT DELETED – figure] mm width

### 3 Material injury – segment

- There is no material injury in the automotive segment
  - non-competition - automotive industry tendering/contracting
  - automotive industry in decline – volumes down, bankruptcies in parts suppliers
  - HRC reasoning and outcome remains the same
- No material injury finding in the automotive segment means that exports to that segment have not caused injury
  - legal impediment
  - ability to exclude
- Product/user type differentiation
  - end user easily identifiable - entry documentation can simply state automotive usage
  - individual technical specifications also available – eg [CONFIDENTIAL TEXT DELETED – specification lettering discloses customer/s] specs in mill test certificates
  - other differentiators - zero-spangle, elongation
  - no leakage to non-automotive possible – price, type, dedicated customer
- Non-injurious price for the automotive segment
  - is a *non-sequiter* – concept of NIP for non-injured segment is contradictory (there should be no measures)
  - but - without prejudice to above – zero but clearly at or below level of cheapest AEXP into that segment
- BlueScope TCOs

- should not be necessary for exclusion from measures
- do not “cover the field” of GI used by the automotive industry

#### 4 POSCO conclusion

- No injury overall
- Certainly no injury in automotive
- POSCO exports of GI are [CONFIDENTIAL TEXT DELETED – figure]% automotive
- Exempt or exclude from measures, or render measures inutile through non-injurious price
- Every justification for, no justification against

#### 5 General discussion

#### 6 Agreed deliverables, timing

21 January 2013



## In the Trade Measures Review Office

# Trade Measures Review Application

## POSCO

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## 1 Applicant

**Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader).**

The name of the applicant is POSCO.

The address of the applicant is POSCO Centre, 892 Daechi 4-dong, Gangnam-gu, Seoul, 135-777 Korea.

POSCO is a listed company (joint-stock corporation) in the Republic of Korea.

POSCO is directly concerned with the production, manufacture and exportation of the goods subject to the reviewable decision, and is therefore an “interested party” within the definition of that term provided at Section 269ZX of the *Customs Act 1901* (“the Act”). As such, POSCO can apply for a review of that decision under Section 269ZZC of the Act.

## 2 Applicant’s contact details

**Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation.**

The contact person at POSCO is Kim, Jin Han, who is the Team Leader of the Trade Affairs Team. His contact details are:

- Telephone number: 82-2-3457-0574
- Fax number: 82-2-3457-1943
- Email address: [harrykim@posco.com](mailto:harrykim@posco.com)

## 3 Applicant’s representative

**Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser.**

POSCO is represented in this matter by Daniel Moulis, Principal, and Alistair Bridges, Solicitor, of Moulis Legal.

The contact details of Moulis Legal are:

- Address: 6/2 Brindabella Circuit, Canberra International Airport ACT 2609
- Telephone: +61 2 6163 1000
- Fax: +61 2 6162 0606
- Email: [daniel.moulis@moulislegal.com](mailto:daniel.moulis@moulislegal.com) and [alistair.bridges@moulislegal.com](mailto:alistair.bridges@moulislegal.com).

A copy of the authorisation of Moulis Legal is at Attachment B.

Please address all communications relating to this application to Moulis Legal.

## 4 Description of imported goods

<b>Full description of the imported goods to which the application relates.</b>
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This application applies to hot rolled coil steel ("HRC") exported by POSCO to Australia from the Republic of Korea ("Korea").

In Australian Customs and Border Protection Service ("Customs") Report No. 188 ("Report 188") it is stated as follows:

*The goods the subject of the application are described as:*

*Hot rolled coil (including in sheet form), a flat rolled product of iron or non-alloy steel, not clad, plated or coated (other than oil coated).*

*Goods excluded from this application are hot rolled products that have patterns in relief (known as checker plate) and plate products.*

*There are a number of relevant international standards for HRC that cover the range of HRC products via specific grade designations, including the recommended or guaranteed properties of each of these product grades. The relevant Australian Standard is AS/NZS 1594.*

*Hot rolled sheet that is 3/16th of an inch (4.75mm) thick or more is considered to [sic.] plate and therefore excluded from the investigation. Hot rolled sheet that is below this thickness is included in the investigation.*

The subject matter of the findings that POSCO requests be reviewed specifically relates to HRC for automotive industry uses.

## 5 Tariff classification of the imported goods

<b>The tariff classification/statistical code of the imported goods.</b>
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The reviewable decision affects imported goods classified under heading 7208 in Schedule 3 of the *Customs Tariff Act 1995*. Heading 7208 relates to:

*FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 mm OR MORE, HOT-ROLLED, NOT CLAD, PLATED OR COATED*

The relevant subheadings affected by the reviewable decision are:

- 7208.25.00 (statistical code: 32) - of a thickness of 4.75 mm or more;
- 7208.26.00 (statistical code: 33) - of a thickness of 3 mm or more but less than 4.75 mm;
- 7208.27.00 (statistical code: 34) - of a thickness of less than 3 mm;
- 7208.36.00 (statistical code: 35) - of a thickness exceeding 10 mm;
- 7208.37.00 (statistical code: 36) - of a thickness of 4.75 mm or more but not exceeding 10 mm;
- 7208.38.00 (statistical code: 37) - of a thickness of 3 mm or more but less than 4.75 mm;
- 7208.39.00 (statistical code: 38) - of a thickness of less than 3 mm;
- 7208.53.00 (statistical code: 42) - of a thickness of 3 mm or more but less than 4.75 mm;
- 7208.54.00 (statistical code: 43) - of a thickness of less than 3 mm; and
- 7208.90.00 (statistical code: 30) – other.



The reviewable decision also affects imported goods classified under heading 7211 of Schedule 3 of the *Customs Tariff Act 1995*. Heading 7211 relates to:

*FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF LESS THAN 600 mm, NOT CLAD, PLATED OR COATED*

The subheadings of the goods that are subject to the reviewable decision are:

- 7211.14.00 (statistical code: 40) - other, of a thickness of 4.75 mm or more; and
- 7211.19.00 (statistical code: 41) – other.

## 6 Date of notification of the reviewable decision

**Date of notification of the reviewable decision and the method of the notification.**

The reviewable decision was notified on 20 December 2012. It was published in *The Australian* newspaper on that day. Concurrently, Customs caused to be published:

- Australian Customs Dumping Notice No.2012/66 *Hot Rolled Coil Steel Exported from Japan, the Republic of Korea, Malaysia and Taiwan – finding in relation to an investigation into dumping*; and
- *International Trade Remedies Branch Report to the Minister Number 188 – Hot Rolled Coil Steel Exported from Japan, the Republic of Korea, Malaysia and Taiwan* (“Report 188”).

## 7 Findings to be reviewed

**The finding or findings in that report that the Review Officer is being asked to review, (such as like goods, Australian industry, export prices, normal values, dumping, material injury, causal link, threat of material injury, non-injurious price).**

BlueScope Steel Limited and BlueScope Steel (AIS) Pty Ltd (“BlueScope”) applied for a dumping investigation into imports of HRC from Japan, Korea, Malaysia and Taiwan.

As a result of this investigation, the Minister for Home Affairs (“the Minister”) made the decision to impose anti-dumping duties on HRC imported from Korea on 20 December 2012.

The Minister’s specific decision was made under Sections 269TG(1) and 269TG(2) of the Act.

POSCO seeks review of this decision by the Trade Measures Review Officer under Sections 269ZZA(1)(a) and 269ZZC of the Act.

POSCO seeks review of the following findings:

- A. that, pursuant to Sections 269TG(1) and (2) of the Act, Section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (“the Anti-Dumping Act”) be declared to apply to HRC exported to Australia for automotive industry uses; and
- B. that a fixed proportional rate of duty linked to the full margin of dumping be imposed on exports of pickled and oiled (“P/O”) HRC exported by POSCO to Australia for automotive industry uses.

## 8 Grounds warranting reinvestigation of the findings

**A detailed statement setting out the ground or grounds which would, in the applicant’s view, warrant the reinvestigation of the finding or findings which formed the basis of the decision by the Minister whether to publish a dumping duty notice or a countervailing duty notice. Such a statement must accompany each claim in an application for review.**

### **A The finding that, pursuant to Sections 269TG(1) and (2) of the Act, Section 8 of the Customs Tariff (Anti-Dumping) Act 1975 be declared to apply to pickled and oiled HRC exported to Australia for automotive industry uses**

One of the findings made in Report 188 was that no injury had been caused to the Australian industry by dumped exports of HRC which was used by the automotive sector.<sup>1</sup> In this regard Report 188 states:

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<sup>1</sup> Report 188, page 60.

*Due to the longer term nature of contracts in this sector, Customs and Border Protection concludes that the loss of sales volume is due to other factors, such as the reduction in the number of cars manufactured in Australia.*

*Similarly, no evidence has been provided to indicate that profits in this sector have declined and even if this has occurred, that this is a result of competition with imports.*

...

*... BlueScope has not provided, nor has Customs and Border Protection found, any evidence to support the claim that BlueScope has suffered from reduced returns or an erosion of profit as a result of factors other than the contraction in the automotive sector. In the absence of this evidence, Customs and Border Protection is unable to conclude that BlueScope has suffered injury in the automotive sector due to dumped imports.*

Report 188 states that JFE Steel, Kobe Steel and Nisshin Steel made submissions to Customs to the effect that the finding that sales to the automotive industry had not caused injury “preclude[d]” the application of dumping duties to those products, and that the investigation in regard to HRC products from Japan should have been terminated. Report 188 opines that:

*[Customs] does not have the authority within the legislation to recommend the termination of the case in respect of individual suppliers to the automotive industry. Within the terms of the legislation, the CEO can only terminate an investigation on the basis of negligible injury in regards to ‘a particular country of export’. Customs and Border Protection has found that countries that sell HRC to the automotive sector also sell HRC to other market sectors.*

Accordingly, the notices that were published under Sections 269TG(1) and (2) of the Act applied to all HRC exported to Australia, including HRC for automotive industry uses. As a result, dumping duty is payable on a category of imported HRC that has been found to be non-injurious.<sup>2</sup>

POSCO requests the TMRO to consider two submissions about this outcome. The first is that a finding that a particular type of “like goods” has not caused material injury precludes the imposition of dumping duties on like goods of that type as a matter of

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<sup>2</sup> Noting however that there is no fixed amount of dumping duty payable on P/O HRC from Japan, but there is such a dumping duty payable on P/O HRC from Korea, as is discussed in 8B below.

law. The second is that the Minister has the power, as a matter of discretion, not to impose dumping duties on all like goods, and that a decision to exclude HRC for automotive industry uses was open to the Minister and could be considered to be appropriate in the circumstances of this case. The second submission is stated in the alternative to the first.

In making these submissions POSCO does not contend that imports of HRC for the automotive industry are not capable of being considered as “like goods” to goods produced by the Australian industry.

Before addressing these submissions, we wish to advise the TMRO of the particular type of goods that are referable to this finding.

***HRC for automotive industry uses***

HRC that is sold to the automotive industry has technical specifications that impart the physical characteristics that are uniquely required for the manufacture of motor vehicles. The automotive industry requires stronger and lighter HRC than the HRC used in industrial and tube and pipe applications. Automotive HRC needs to be both formable, so that it can be manipulated into the correct shape for an automobile, and have a quality that is known as “baked hardness” – meaning that once it is formed into the appropriate shape, it can be treated and set in a solid manner. In addition, automotive HRC must have various performance attributes, such as weldability, high yield/tensile strength, deep drawability crash/impact performance, dent resistance, corrosion resistance and paint adhesion, as requested and desired by automakers and consumers. The material that is used in the production of cars is different to that which is used to make steel pipes. It also tends to be more expensive than HRC that is sold for general purposes and is sold in coils that are wider and heavier coils than those that can be used by other industries.

This is supported by the information in POSCO's Australian sales spread sheet, which was submitted in its response to the Exporter Questionnaire. Of the eight models of HRC that POSCO sold to the Australian automotive industry during the period of investigation, only one was also sold to other industries. The public record contains a

number of other submissions that present information which go to the same point.<sup>3</sup>

POSCO therefore submits that there is sufficient evidence on the record for the purposes of identifying the particular type of HRC that Customs has found not to have caused injury to the Australian industry producing like goods – being HRC used by the automotive industry. Indeed, that finding itself assumes that Customs undertook that identification itself, and was satisfied with its accuracy.

Even if Customs considers that there is not sufficient technical information available, and that it must only rely on evidence which was provided during the investigation, then that would be no impediment either. We suggest that the Minister's decision could simply state that HRC for automotive industry uses is not included within the scope of the notices. The way this is achieved in an administrative sense can then be dealt with under the system of Dumping Specification Numbers and entry declarations.<sup>4</sup>

***That the imposition of dumping duties was precluded as a matter of law***

Sections 269TG(1) and (2) of the Act provide that Section 8 of the Anti-Dumping Act can only be declared to apply where goods exported to Australia are dumped, and:

*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...* {underlining supplied}

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<sup>3</sup> These include submission of Toyota Tsusho (Australasia) Pty Ltd dated 24 July 2012; submission of Ford Motor Company of Australia Limited dated 2 August 2012; submission of Tokyo Boeki Steel & Materials Ltd dated 8 August 2012; submission of Nippon Steel Corporation dated 8 August 2012 (page 3); submission of JFE Steel Corporation, Kobe Steel, Ltd and Nisshin Steel Co., Ltd dated 11 September 2012; submission of Nippon Steel & Sumitomo Metal Corporation dated 23 October 2012 (pages 2 and 3); and submission of Nippon Steel & Sumitomo Metal Corporation dated 13 November 2012.

<sup>4</sup> Schedule 4 of the *Customs Tariff Act 1995* provides numerous examples of duty concessions defined by the owner, importer, end user/customer, ultimate owner and type of use. Automotive industry schemes also define preferential treatment in terms of use and user. Similar concepts could be used in these dumping notices to ensure that goods not causing injury were excluded, with appropriate implementation and monitoring to take place thereafter.

Our focus here is on the meaning to be given to the words “*because of that*”. In this case, injury was not caused because of *all* of the like goods. POSCO submits that the absence of a causal link between the dumping of any particular type of like goods and the injury caused to the Australian industry producing like goods means that the injury cannot have been caused because of them. In this scenario the Minister cannot publish notices in respect of those goods, and must exclude them.<sup>5</sup>

Customs claimed inability to *terminate* the investigation because it had found that “*goods the subject of the application*” had caused injury to the Australian industry – even if correct – does not bestow on the Minister a power he does not have under Sections 269TG(1) and (2).<sup>6</sup>

***That a decision not to impose dumping duties was open as a matter of discretion***

POSCO's second submission relating to its request for a review of the finding to impose dumping duties on automotive industry HRC is stated in the alternative to its first submission.

Sections 269TG(1) and (2) are permissive. In each case they state that upon being satisfied of certain matters – that any goods have been dumped and have caused material injury to an Australian industry producing like goods – the Minister may declare that Section 8 of the Anti-Dumping Act applies to the goods in respect of which the Minister was so satisfied.

If Customs contends that HRC for automotive industry uses is subject to these Sections on the basis that a wider class of “like goods” have caused injury, then it must equally

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<sup>5</sup> How he should do that is an administrative matter. Consistent with our description of the HRC used by the automotive industry, and the evidence on the record about the technical characteristics of that HRC and the industry that uses it, the exercise of defining the particular type of goods to which the notices do not apply is both possible and practical. Even if it were considered to be difficult, or that it might require different kinds of monitoring, that could not sufficiently justify failing to undertake the exercise and instead publishing notices for which there was no legal basis.

<sup>6</sup> Report 188, page 61.

be the case that the Minister has a discretion not to publish notices in respect of such HRC. In the circumstances of the finding that HRC for automotive uses has not caused injury, POSCO submits that it should be recommended to the Minister that he not publish notices that apply to such HRC.

The awkwardness of this submission – that the Minister should exclude imports that have been found not to have caused injury from a decision that they did cause injury - supports the force of the first submission.

**B The finding that a fixed proportional rate of duty linked to the full margin of dumping be imposed on exports of pickled and oiled (“P/O”) HRC exported by POSCO to Australia for automotive industry uses**

As noted above, Report 188 found that sales of HRC to the automotive industry had not contributed to the material injury that was found to have been suffered by the Australian industry. One result of this finding was the recommendation that the ascertained export price for imports of a particular type of HRC – namely, pickled and oiled (“P/O”) HRC for automotive industry uses - should be equal to the ascertained non-injurious price.<sup>7</sup> However - this was only applied to P/O HRC exported from Japan.

To elaborate, at the time the Minister made his decision to publish the notices, Section 8(5A) of the Anti-Dumping Act provided as follows:

*The Minister must, in exercising his or her powers under subsection (5) in respect of particular goods the subject of a notice under subsection 269TG(1) or (2) of the Customs Act, if the non-injurious price of goods of that kind as ascertained or last ascertained by the Minister for the purposes of the notice is less than the normal value of goods of that kind as so ascertained, or last so ascertained, have regard to the desirability of fixing a lesser amount of duty such that the sum of:*

- (a) the export price of goods of that kind as so ascertained or last so ascertained; and*
- (b) that lesser duty;*

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<sup>7</sup> Report 188, page 81.



*does not exceed that non-injurious price.*

According to Section 269TACA(1) of the Act, the non-injurious price of goods is the:

*...minimum price necessary...to prevent the injury, or a recurrence of the injury, or to remove the hindrance referred to in paragraph 269TG(1)(b) or 2(b)...*

At the time of the Minister's decision, Section 8(5A) allowed for the imposition of a duty margin in an amount less than the margin between the normal value and the ascertained export price of the goods concerned where that "lesser margin" was sufficient to remedy the injury found to exist.<sup>8</sup> Section 269TACA(1) provides for the calculation of the price that is sufficient to remove the injury from the Australian industry.

The combined effect of these Sections is to implement Article 9.1 of the WTO Anti-Dumping Agreement, which relevantly provides:

*It is desirable that the imposition be permissive in the territory of all Members, and that the duty be less than the margin if such lesser duty would be adequate to remove the injury to the domestic industry.*

On the basis that Customs found that no injury had been suffered by the Australian industry as a result of imports of HRC for automotive industry uses, it set the non-injurious price for P/O HRC at the level of the ascertained export price for those exports.<sup>9</sup> However - this was only applied to P/O HRC exported from Japan.<sup>10</sup>

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<sup>8</sup> Section 8(5) is to be repealed and replaced by item 1 of Schedule 1 of the *Customs Tariff (Anti-Dumping) Amendment Act (No. 1) 2012*. The replacement Section maintains the concept of the desirability of specifying a method for the determination of interim dumping duty so that the amount of that duty and the ascertained export price does not exceed the non-injurious price. Those amendments are likely to come into force in the near future. If they are enacted before the TMRO issues his report in this matter, the TMRO will need to frame his consideration of POSCO's review request in this regard in terms of the amended Act.

<sup>9</sup> Ascertained export prices for exporter are usually the average of the exporter's actual export prices during the period of investigation. Because of reduced raw material input prices by the time that the recommendations in Report 188 were prepared, Customs ascertained contemporary export prices by indexing export prices to account for movements in regional HRC prices up until October 2012. How this affected ascertained export prices is not clearly described in Report 188.

<sup>10</sup> Report 188, page 79.

Accordingly, importers of Japanese P/O HRC do not have to pay any fixed amount of interim dumping duty. They will only have to pay interim duty where the actual price of the imports is less than the ascertained export price (as the non-injurious price). In such a case, that duty will be the amount by which the actual price is less than the ascertained export price (as the non-injurious price).

Japanese P/O HRC was not the only P/O HRC that was exported to Australia for use by the automotive industry. POSCO was – and continues to be - an exporter of P/O HRC to Australia. **[CONFIDENTIAL INFORMATION DELETED - number]**% of POSCO's exports during the period of investigation were of P/O HRC sold to the automotive industry. It must be the case that POSCO's exports of P/O HRC for automotive industry uses also did not cause injury to the Australian industry.

In POSCO's exporter questionnaire response, it provided details of all sales to Australia during the period of investigation. This included identification of P/O HRC exported to Australia, as well as the identification of which P/O HRC was for automotive industry uses. Based on this information, we have constructed the following information:

**[CONFIDENTIAL INFORMATION DELETED – volumes of P/O HRC sold to different markets]**

**[CONFIDENTIAL INFORMATION DELETED - number]** % of POSCO's sales of P/O HRC were for automotive industry uses. POSCO sold **[CONFIDENTIAL INFORMATION DELETED - number]** models of P/O HRC to the automotive industry. Of these, **[CONFIDENTIAL INFORMATION DELETED – details of product mix]**.<sup>11</sup>

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<sup>11</sup> **[CONFIDENTIAL INFORMATION DELETED – details of product mix]**

Due to confidentiality, POSCO does not know the non-injurious price for Japanese imports of P/O HRC, nor does it know the relativities of that non-injurious price to POSCO's ascertained export price and its normal value. However, what POSCO does know is this:

- like Japanese exporters, during the period of investigation POSCO was an exporter of P/O HRC for automotive industry uses;
- like Japanese exporters, POSCO's exports of P/O HRC for automotive industry uses did not cause injury to the Australian industry producing like goods;
- unlike exports of P/O HRC from Japan, POSCO's exports of P/O HRC do not have the benefit of a non-injurious price which is equal to either:
  - POSCO's ascertained export price during the period of investigation; or
  - the non-injurious price ascribed to Japanese exports, if lower than POSCO's ascertained export price.

POSCO summarises its position regarding this matter as follows:

Scenario	POSCO NIP	Why?
If POSCO's ascertained export price is lower than the Japanese ascertained export price	should be POSCO's ascertained export price	Because POSCO's exports of P/O HRC for automotive industry uses have not caused injury to the Australian industry, therefore POSCO's ascertained export price is a non-injurious price
If Japan's non-injurious price is lower than POSCO's ascertained export price	should be Japan's ascertained export price	Because Japan's exports of P/O HRC for automotive industry uses have not caused injury to the automotive industry, therefore POSCO's non-injurious price must be the same as Japan's non-injurious price <sup>12</sup>

<sup>12</sup> It is not necessary to cite legal authority for the proposition that POSCO is entitled to be treated fairly, equally and on a non-discriminatory basis. This is a fundamental principle of administrative law. We also refer to Article 9.2 of the WTO *Anti-Dumping Agreement* in this regard.

The matter of defining the goods to which the non-injurious price is to apply is not a consideration militating against the application of a non-injurious price for POSCO's exports of P/O HRC for automotive industry uses. We repeat POSCO's submissions in relation to the technical and practical ability of doing so.<sup>13</sup>

## **C Conclusion and request**

The decisions to which this application refers are reviewable decisions under Section 269ZZA of the Act. Where references are made to Customs and its recommendations, it is those recommendations which were accepted by the Minister and which form part of those reviewable decisions that POSCO seeks to have reviewed.

POSCO is an interested party in relation to the reviewable decisions.

POSCO's application is in the approved form and has otherwise been lodged as required by the Act.

POSCO's application has been lodged within the prescribed period under Section 269 ZZZ of the Act.

We submit that sufficient particulars have been provided in relation to this application. If that is not the case, POSCO invites the TMRO to seek further particulars from us.

This application contains confidential information. A non-confidential version has been lodged with the TMRO as well.

POSCO requests that the TMRO:

- undertake the review of the reviewable decisions as requested by this application under Section 269ZZK of the Act; and

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<sup>13</sup> Customs has not considered it to be a problem to apply a non-injurious price to P/O HRC exported from Japan.

- recommend to the Minister that the findings referred to in this application be reinvestigated.

So far as possible, within the discretion of the TMRO, POSCO requests the TMRO – in respect of any findings recommended to be reinvestigated - to provide guidance to the Minister as to the requirements he should place on the CEO in the making and reporting of the further investigation, and to the CEO as to things he should take into account in conducting that reinvestigation.

**Lodged for and on behalf of POSCO**

**Daniel Moulis**  
**Principal**

**Alistair Bridges**  
**Solicitor**

**Moulis Legal**

**THE NOTIFICATION OF COMMITTEE ON DUMPING AND SUBSIDIES**  
**SUBJECT: THE ANTI-DUMPING ON CERTAIN HOT DIP PLATED OR COATED WITH**  
**ALUMINIUM ZINC ALLOYS OF COLD ROLLED STEEL**  
**ORIGINAL IN THE PEOPLE'S REPUBLIC OF CHINA, THE REPUBLIC OF KOREA AND CHINESE TAIPEI**  
**(NO.2)**  
**B.E.2556 (2013)**

According to Department of Foreign Trade's announcements on investigation of the anti-dumping on certain hot dip plate or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei B.E.2554(2011) Dated July 4, B.E.2554(2011) and The notification of committee on anti-dumping and subsidies of the anti-dumping on hot dip plate or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei B.E.2555(2012) Dated August 31, B.E.2555(2012) Assigned to security duties for the import (Bank guarantee) for period time not exceeding 90 days. And except for entrepreneur who import for export.

Now the Committee on dumping and subsidies. Has made the final determination on January 7, B.E.2556 (2013). That dumping on hot dip plate or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei Which damage to industry in accordance with Article 19 (1). Of the Thai AD Act and subsidies of goods from foreign countries B.E. 2542(1999). Therefore decided to charge anti-dumping duty to eliminate the damage caused by such importing products.

By virtue of Article 7, Article 49, Article 52, Article 57 and Article 73 (1). Of the Thai AD Act and subsidies of goods from foreign countries B.E 2542(1999). Committee dumping and subsidies are notification as below.

1. This notification call "The notification of committee on anti-dumping and subsidies of the anti-dumping on hot dip plate or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei (NO.2) B.E.2556(2013)".

2. This notification become effective from January 10, 2013 onwards 5 years

3. Charged anti-dumping tax for importing hot dip plate or coated with aluminum zinc alloys of cold rolled steel under subcategory tariff book. A. attachment of this notification. Which original in the People's Republic of China, The Republic of Korea and Chinese Taipei In the rate as below

(1) Original in the People's Republic of China

- (A) Union Steel China Co., Ltd. AD Tax rate 2.86% of CIF
- (B) Yieh Phui (china) Technimaterial Co., Ltd AD Tax rate 2.36% of CIF
- (C) Jiangyin Zongcheng Steel Co., Ltd. AD Tax rate 12.82% of CIF
- (D) Changzhou Changsong Metal Composite meterail Co., Ltd. AD Tax rate 3.33% of CIF
- (E) Other AD Tax rate 26.22% of CIF

(2) Original in The Republic of Korea

- (A) Dongbu Steel Co., Ltd. AD Tax rate 16.25% of CIF
- (B) Union Steel Co., Ltd. AD Tax rate 13.82% of CIF
- (C) Posco Coated & Color Steel Co., Ltd. AD Tax rate 15.40% of CIF
- (D) Hyundai HYSCO Co., Ltd AD Tax rate 15.40% of CIF
- (E) Other AD Tax rate 22.55% of CIF

(3) Original in Chinese Taipei

- (A) Yieh Phui Enterprise Co., Ltd. AD Tax rate 2.59% of CIF
- (B) Sheng Yu Steel Co., Ltd. AD Tax rate 7.12% of CIF
- (C) Prosperity Tieh Enterprise Co., Ltd. AD Tax rate 3.42% of CIF
- (D) Other AD Tax rate 39.12% of CIF

4. Charged anti-dumping tax for importing hot dip plate or coated with aluminum zinc alloys of cold rolled steel under subcategory tariff book. A. attachment of this notification. Which original in the People's Republic of China, The Republic of Korea and Chinese Taipei In rate 0% of CIF in cases as below

(1) Entrepreneur who work in Export Processing Zone (EPZ), Free Zone Under the law of the Industrial Estate Authority of Thailand.



(2) Entrepreneur who has encouraged under the law of Board of investment (BOI)

(3) Entrepreneur who import for export by other laws under Customs

Charged anti-dumping duty at the rate 0% of CIF Must to comply with the Procedures, accordance with the rules, Conditions for exemption of import duties for export. According to the law that the case may be.

5. Charged anti-dumping tax for importing hot dip plate or coated with aluminum zinc alloys of cold rolled steel under subcategory tariff book. B. attachment of this notification. Which original in the People's Republic of China, The Republic of Korea and Chinese Taipei In rate 0% of CIF for Electric & Electronic Institute (EEI) the period of 2 years.

6. Charged anti-dumping tax for importing hot dip plate or coated with aluminum zinc alloys of cold rolled steel (Coating type :Inorganic coating) under subcategory tariff book. A. attachment of this notification. Which original in the People's Republic of China, The Republic of Korea and Chinese Taipei In rate 0% of CIF for Electric industry (Electric & Electronic Institute (EEI)) .Import not over 600tons/year

7. Importing of hot dip plate or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei By Clause 5 and Clause 6 shall be in accordance with the rules, procedures and conditions of The notification department of foreign trade's notification

8. Can Refund the bank guarantee from January 10, B.E.2556(2013). (Reference from The notification of committee on anti-dumping and subsidies of the anti-dumping on painted hot dip galvanized of cold rolled steel and plated or coated with aluminum zinc alloys of cold rolled steel original in the People's Republic of China, The Republic of Korea and Chinese Taipei B.E.2555(2012) Dated August 31, B.E.2555(2012)

10. Any person who is not satisfied with the diagnosis of the Committee under this notification Can be appeal the decision to the Central Intellectual property and International Trade Court within 30 days from the date of notification of the determination.

Announced on January 7, B.E.2556 (2013)

Mr.Boonsong Thaeriyapirom

The Ministry of Commerce

President of the committee on anti-dumping and subsidies

ATTACHMENT TO THE NOTIFICATION OF COMMITTEE ON DUMPING AND SUBSIDIES( BOOK B.)

SUBJECT: THE ANTI-DUMPING ON CERTAIN HOT DIP PLATED OR COATED WITH ALUMINIUM ZINC ALLOYS OF COLD ROLLED STEEL

ORIGINAL IN THE PEOPLE'S REPUBLIC OF CHINA ,THE REPUBLIC OF KOREA AND CHINESE TAIPEI

(NO.2)

2556(BE.)

TARIFF	CODE	LIST	DESCRIPTION
7210.61.11	011	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60%of Aluminium of cold rolled steel, containing by weight over 0.05% of carbon and thickness exceeding 0.8mm.but not exceeding 1.2mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	012	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60%of Aluminium of cold rolled steel, containing by weight over 0.05% of carbon and thickness exceeding 0.6mm.but not exceeding 0.8mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	013	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60%of Aluminium of cold rolled steel, containing by weight over 0.05% of carbon and thickness exceeding 0.3mm.but not exceeding 0.6mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.

TARIFF	CODE	LIST	DESCRIPTION
7210.61.11	014	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight over 0.05% of carbon and thickness exceeding 0.18mm. but not exceeding 0.3mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	021	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight over 0.03% but not over 0.05% of carbon and thickness exceeding 0.8mm. but not exceeding 1.2mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	022	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight over 0.03% but not over 0.05% of carbon and thickness exceeding 0.6mm. but not exceeding 0.8 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	023	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight over 0.03% but not over 0.05% of carbon and thickness exceeding 0.3mm. but not exceeding 0.6mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.

TARIFF	CODE	LIST	DESCRIPTION
7210.61.11	024	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight over 0.03% but not over 0.05% of carbon and thickness exceeding 0.18mm. but not exceeding 0.3 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	031	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight less than 0.03% of carbon and thickness exceeding 0.8mm. but not exceeding 1.2mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	032	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight less than 0.03% of carbon and thickness exceeding 0.6mm. but not exceeding 0.8 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	033	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight less than 0.03% of carbon and thickness exceeding 0.3mm. but not exceeding 0.6mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.

TARIFF	CODE	LIST	DESCRIPTION
7210.61.11	034	Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel, containing by weight less than 0.03% of carbon and thickness exceeding 0.18mm. but not exceeding 0.3mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.11	090	Others	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.91	031	Others of Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel and thickness exceeding 0.8mm. but not exceeding 1.2mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.91	032	Others of Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel and thickness exceeding 0.6 mm. but not exceeding 0.8 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS. or
7210.61.91	033	Others of Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel and thickness exceeding 0.3 mm. but not exceeding 0.6 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.

TARIFF	CODE	LIST	DESCRIPTION
7210.61.91	034	Others of Certain hot dip plated or coated with aluminium zinc alloys, containing by weight 50% or more but not more than 60% of Aluminium of cold rolled steel and thickness exceeding 0.18 mm. but not exceeding 0.3 mm.	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.
7210.61.91	090	Others	-SGLCD grade References to standard JIS 3321:2007, Aluminium zinc alloys coating layer AZ100-200, Qualified: RoHS.