

30 May 2013

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For Public Record

BY EMAIL: itrops3@customs.gov.au

Ms Joanne Reid
Director Operations 2
International Trade Remedies Branch
Australian Customs & Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Dear Ms Reid

**Hot Rolled Plate Steel – Investigation into Alleged Dumping and Subsidisation:
BlueScope (BSL) Letter on 'like goods'.**

We represent Bisalloy Steels Pty Ltd (**Bisalloy**) in relation to the above matter and refer to a letter from BSL dated 21 May 2012 indexed as item no. 109 on the Public Record.

That letter asserts that Bisalloy had claimed in its submission of 18 April 2013 that:

alloyed Quench and Tempered (“Q & T”) Green Feed steel plate is not alike to the goods the subject of Customs and Border Protection’s investigation as notified in Australian Customs Dumping Notice (“ACDN”) No. 2013/18.

BSL's assertion is incorrect and demonstrates a lack of understanding of one of the key issues in this matter.

What the Bisalloy submission claimed, and proved by reference to the usual definitional grounds governing the determination of like goods, is that alloyed Q&T Greenfeed steel plate is not a like good to non-alloyed steel plate. It does not contend, and has never contended, that imported Q&T Greenfeed steel plate is not a like good to the similar feedstock manufactured in Australia by BSL.

For Public Record

Our client acknowledges that an original goods description proposed by an applicant and adopted by Customs for the purposes of identifying the goods under investigation may include goods that are not alike¹. However, when that occurs – as in the present case – there are significant legal and procedural repercussions in relation to the examination of the issues of causation, cumulation and material injury.

Some of those issues were identified in our earlier submission of 22 March 2013 [Public Record Item 11] and further relevant considerations will be advanced in a future submission rebutting the assertions put forward in a letter from Customs dated 1 May 2013 [Public Record – item 87].

As the letter from the applicant misrepresents our client's position and demonstrates a lack of understanding of the relevant issues, we request that Customs disregard it in its entirety

Yours sincerely
MINTER ELLISON

John Cosgrave
Director, Trade Measures

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¹ DS 337, *EC – Salmon (Norway)*; DS 397, *EC – Fasteners (China)*