



Attachment 1: REVIEW OF MEASURES APPLICATION - CONSIDERATION ASSESSMENT

(section 269ZB and section 269ZC of the *Customs Act 1901*¹)

Case number:	642	Case type:	Review of measures
Applicant:	OneSteel Manufacturing Pty Limited	Coverage of Review:	Variable Factors
Goods:	Certain hot rolled structural steel sections (HRSS)	Proposed review period:	1 April 2023 to 31 March 2024
Country subject of application for Division 5 review:	Japan, South Korea, Taiwan, Thailand		

Part A: Assessment of the requirements of section 269ZA(2) and section 269ZB(1)

Anti-Dumping Commission (commission) assessment:

The application satisfies the requirements of sections 269ZA(2) and 269ZB(1)

1. Requirements under section 269ZA(2)	Assessment of whether the application meets requirements	
<p>An application for review of anti-dumping measures must not be made:</p> <p>(a) if the measures involve the publication of a dumping duty notice or a countervailing duty notice – earlier than 12 months after:</p> <p>the publication of the notice, or</p> <p>(ii) the publication of a notice declaring the outcome of the last Division 5 review of the notice.</p>	<p>OneSteel Manufacturing Limited (Liberty Primary Steel), a person representing Australian industry, submitted its application on 12 March 2024, seeking a review of the variable factors relating to HRSS exported from South Korea by Hyundai Steel Company (Hyundai), Thailand by Siam Yamato Steel Co., Ltd. (SYS), Taiwan by Dragon Steel Corporations (Dragon Steel) and Japan by JFE Bars and Shapes Corporation.</p> <p>This is more than 12 months from the date of publication of a notice declaring the outcome of the last Division 5 review, Review No 499, which the commission published on 11 November 2019. See ADN 2019/125.</p> <p>Liberty Primary Steel's application meets the requirement under section 269ZA(2).</p>	Satisfied

¹ All legislative references in this assessment are to the *Customs Act 1901* unless otherwise specified.



2. Requirements under section 269ZA(4)	Assessment of whether the application meets requirements	
<p>If, as a result of a person's application under Division 6 for accelerated review of a dumping duty notice or a countervailing duty notice, the Minister has made a declaration under section 269ZG(3):</p> <p>(a) that person may not make an application for a review of that notice earlier than 12 months after the making of that declaration.</p>	<p>The Minister has not made a decision under section 269ZG(3) as a result of an application by Liberty Primary Steel for a Division 6 accelerated review within the 12 month period preceding this application for a Division 5 review of measures.</p>	<p>Satisfied</p>
3. Requirements under section 269ZB(1) An application must:	Assessment of whether the application meets requirements	
<p>(a) be in writing</p>	<p>The application is in writing. The non-confidential version of the application is on the electronic public record (EPR) on the commission's website at www.adcommission.gov.au.</p>	<p>Satisfied</p>
<p>(b) be in a form approved by the Commissioner</p>	<p>The application is in the approved form, Form B602 – <i>Application for a review of measures</i> (the form).</p>	<p>Satisfied</p>
<p>(c) contain such information as the form requires</p>	<p>The application contains such information as the form requires. It includes:</p> <ul style="list-style-type: none"> • a completed declaration • answers to all questions that were required to be answered by the applicant and • sufficient detail in the non-confidential version of the application to enable a reasonable understanding of the substance of the information submitted in confidence. 	<p>Satisfied</p>
<p>(d) be signed in a manner indicated by the form, and</p>	<p>The applicant signed the application in the manner required by the form.</p>	<p>Satisfied</p>
<p>(e) be lodged in a manner approved under section 269SMS</p>	<p>The application was lodged in accordance with section 269SMS, being by email to the commission's nominated email address.</p>	<p>Satisfied</p>



Part B: Assessment of the requirements of section 269ZB(2) and section 269ZB(1)(c)

Commission's assessment:

The application satisfies the requirements of sections 269ZB(2) and 269ZB(1)(c)

1. Requirements under section 269ZB(2) An application must include:	Assessment of whether the application includes information	
(a) a description of the kind of goods to which the measures the subject of the application relate	The application included a description of the goods to which the measures the subject of the application relate. ²	Satisfied
(b) a description of the measures the subject of the application	The application included a description of the current measures as ascertained in the last Division 6A continuation of measures from <i>Continuation Inquiry No 505</i> , published in ADN 2019/126.	Satisfied
(c) if the application is based on a change in variable factors – a statement of the opinion of the applicant concerning: (i) the variable factors relevant to the taking of the measures that have changed (ii) the amount by which each such factor has changed, and (iii) the information that establishes that amount	The application included statements of opinion relevant to the following variable factors that have changed: <ul style="list-style-type: none"> • export price; and • normal value Refer to Part C below for further assessment.	Satisfied
(d) if the application is based on circumstances that in the applicant's view indicate that the anti-dumping measures are no longer warranted – evidence, in accordance with the form, of the circumstances.	Not applicable. The applicant has not requested the commission consider revoking the measures.	Satisfied
2. The application contains such information as the form requires (section 269ZB(1)(c))	Assessment of whether the application contains information	
(a) Name other parties supporting this application.	The applicant is a person representing the whole of the Australian industry producing like goods and applied for review of exporters generally.	Satisfied
(b) Describe your interest as an affected party	The applicant is a person representing the whole of the Australian industry producing like goods to the goods covered by the dumping duty notice the subject of this review application, as the sole producer of like goods in Australia.	Satisfied

² Appendix A provides further details.



(c) Provide details of the current anti-dumping measures (<i>aligns with section 269ZB(2)(b)</i>)	The application included a description of the current measures as ascertained in the last Division 6A continuation of measures from <i>Continuation Inquiry No 505</i> , published in ADN 2019/126.	Satisfied
(d) If you are an exporter of the goods the subject of this application: <ul style="list-style-type: none"> • Have you exported the goods to Australia during the review period? If yes, what was the total quantity and total value of the goods exported to Australia during the review period? • Have you previously (prior to the review period) exported the goods to Australia? If yes, provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period. • Have you exported like goods to countries other than Australia during the review period? If yes, provide the total quantity and total value of exports of the goods to each other country during the review period. 	Not applicable. The applicant is a proprietary company and manufactures and sells like goods to the goods the subject of the anti-dumping measures	Satisfied
(e) Provide the names, addresses, telephone numbers, fax numbers of other parties likely to have an interest in this matter.	The application named the exporter and contained the contact details information for the exporters, and itself as person representing the whole of Australian industry producing like goods.	Satisfied
(f) Public record and confidential versions are marked clearly.	The application contained clearly marked public record and confidential versions of the application.	Satisfied
(g) Provide a statement of opinion of the causes of the change in variable factors and whether these causes are likely to persist.	The application contained a statement of opinion of the causes of the change in normal value and export price. Please refer to Part C below for further assessment.	Satisfied

Part C: Assessment of the applicant's statement of opinion and information under section 269ZB(2)(c)

Commission's assessment: The application meets the requirements of section 269ZB(2)(c)

Variable factors that the applicant claims have changed

Normal Value
 Export Price
 Non Injurious Price
 Countervailable subsidy



Variable Factor	Has the applicant provided a statement of its opinion of the amount by which the variable factor has changed?	Has the applicant provided the information that establishes the amount by which the variable factor has changed?
Normal Value	<p>Liberty Primary Steel claims that the variable factors are estimated to have increased in the likely review period (1 Jan 2023 to 31 Dec 2023) since the last review for REV 499 (1 Jan 2018 to 31 Dec 2018). The applicant estimates the following changes in the normal values for the exporters of the goods.</p> <ul style="list-style-type: none"> • South Korea increase by 67 percent • Japan increase by 54 percent • Taiwan increase by 20 percent • Thailand increase by 18 percent <p>Additionally, Liberty Primary Steel claims that the increased estimated normal values reflects raw material costs that have risen since REV 499 and these elevated raw material prices are likely to persist.</p>	<p>Liberty Primary Steel's estimates for movements in the normal value are based on confidential price information for domestic sales of Medium Section and Beams (H Beam) in the markets for South Korea, Japan and Taiwan. Sales terms were not specified. Estimates for Thailand reflect the average month prices for Korea and Taiwan.</p> <p>Liberty Primary Steel's claim that concerning persistent raw material prices relies on the price of Korean HM1 scrap at Cost and Freight selling terms.</p>
Export Price	<p>Liberty Primary Steel claims that the variable factors are estimated to have increased in the likely review period (1 Jan 2023 to 31 Dec 2023) since the last review for REV 499 (1 Jan 2018 to 31 Dec 2018). The applicant estimates the following changes in the export prices for exporters of the goods as follows:</p> <ul style="list-style-type: none"> • South Korea increased by 83 percent • Japan increased by 44 percent • Taiwan increased by 45 percent • Thailand increased by 18 percent. <p>Additionally, Liberty Primary Steel claims that the increased estimated export prices reflects raw material costs that have risen since REV 499 and these elevated raw material prices are likely to persist.</p>	<p>Liberty Primary Steel's estimates for movements in the export price of the goods are based on confidential price information concerning exports of structural steel sections exports from each subject country. Export prices were not specific to Australia but did reflect exports declared under HS Codes 721631, 721632, 721633 and 721640. Export prices were quoted at Free on Board terms.</p> <p>Liberty Primary Steel's claim that concerning persistent raw material prices relies on the price of Korean HM1 scrap at Cost and Freight selling terms.</p>
NIP	Liberty Primary Steel did not claim that the non-injurious price (NIP) had changed.	N/A
Amount of countervailable subsidy received	Not applicable.	Not applicable.



Part D: Assessment of the requirements of section 269ZC		
Recommendation: The Commissioner be satisfied of the matters in section 269ZC(2)		
1. Requirements under section 269ZC(2)(a)	Assessment of whether the application meets requirements	
Does the application comply with section 269ZB?	Please refer to Parts A, B and C above for assessment of the application against section 269ZB.	Satisfied
2. Requirements under section 269ZC(2)(b)(i)	Assessment of grounds for assertion	
Do there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures have changed?	There appear to be reasonable grounds for asserting that the normal value and export price relevant to the taking of the anti-dumping measures have changed.	Satisfied
<input checked="" type="checkbox"/> Normal Value <input checked="" type="checkbox"/> Export Price <input type="checkbox"/> Non Injurious Price <input type="checkbox"/> Countervailable subsidy		
Normal Value	<p>The Commissioner is satisfied there appear to be reasonable grounds that the normal value has changed.</p> <p>The commission has analysed the confidential data provided in the application by Liberty Primary Steel. The data concerned changes in the estimated price of structural steel products in the market of each country subject to measures and changes in the raw material prices. The applicant's data covered prices relevant to the review period selected for Review 499 (1 January 2018 to 31 December 2018) and prices up to 31 December 2023 (Confidential Attachments 1 and 2 to the application refer).</p> <p>The commission's analysis of the applicant's data indicates that domestic prices in the markets of each country subject to measures have fluctuated but in calendar year 2023 were higher than in calendar year 2018. This preliminary finding indicates the ascertained normal value determined in Review 499 for like goods in each subject country has likely changed.</p>	



Export Price	<p>The Commissioner is satisfied there appears to be reasonable grounds for asserting that the export price has changed.</p> <p>The commission has analysed the confidential data provided in the application by Liberty Primary Steel. The data concerned changes in the export price of structural steel products exported from each country subject to measures and changes in raw material prices. The applicant's data covered prices data relevant to the review period selected for Review 499 (1 January 2018 to 31 December 2018) and prices up to 31 December 2023 (Confidential Attachments 1 and 2 to the application refer).</p> <p>The commission's analysis of the applicant's data indicates that prices for goods exported from each country subject to measures have fluctuated but in calendar year 2023 were higher than in calendar year 2018. Analysis of declared export prices for imports of the goods into Australia was found to be consistent with the data provided by the applicant. This preliminary finding indicates the ascertained export price determined for each subject country in Review 499 has likely changed.</p>
NIP	<p>Not applicable.</p> <p>The applicant has not requested the commission consider non-injurious price.</p>
Amount of countervailable subsidy received	<p>Not applicable. Duties in the form of a countervailing notice do not apply to the goods the subject of this application.</p> <p>The applicant has not requested the commission consider countervailable subsidy.</p>
3. Requirements under section 269ZC(2)(b)(ii)	Assessment of grounds for assertion
Does there appear to be reasonable grounds for asserting that the anti-dumping measures are no longer warranted?	Not applicable.

Part E: Other matters

Not applicable.

Part F: Appendices and attachments

Confidential Attachment 1

Preliminary Analysis for Variable Factors



Appendix A – Goods description

The goods subject to this review are:

Hot rolled structural steel sections in the following shapes and sizes, whether or not containing alloys:

- universal beams (I sections), of a height greater than 130mm and less than 650mm;
- universal columns and universal bearing piles (H sections), of a height greater than 130mm and less than 650mm;
- channels (U sections and C sections) of a height greater than 130mm and less than 400mm; and
- equal and unequal angles (L sections), with a combined leg length of greater than 200mm.

Sections and/or shapes in the dimensions described above, that have minimal processing, such as cutting, drilling or painting do not exclude the goods from coverage of the investigation.

The measures do not apply to the following goods:

- hot rolled 'T' shaped sections, sheet pile sections and hot rolled merchant bar shaped sections, such as rounds, squares, flats, hexagons, sleepers and rails; and
- sections manufactured from welded plate (e.g. welded beams and welded columns).

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995* (Cth):³

Tariff code	Description			
7216	ANGLES, SHAPES AND SECTIONS OF IRON OR NON-ALLOY STEEL:			
7216.3	- U, I or H sections, not further worked than hot-rolled, hot-drawn or extruded, of a height of 80 mm or more:			
	Statistical code	Unit	Description	Duty rates
7216.31.00	30	tonnes (t)	-- U sections	5% (DCS: Free) ^[1]
7216.32.00	31	t	-- I sections	5% (DCS: Free)
7216.33.00	32	t	-- H sections	5% (DCS: Free)
7216.40.00	33	t	- L or T sections, not further worked than hot-rolled, hot-drawn or extruded, of a height of 80 mm or more	5% (DCS: Free)

³ These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for convenience and reference only and does not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods subject to the anti-dumping measures.

[1] DCS refers to Developing Countries Status; the list of relevant countries can be found in the [Customs Tariff Regulations 2004](#). None of the countries subject to measures have DCS.