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# ANTI-DUMPING NOTICE NO 2024/093

## Public notice under section 269TC(4) of the *Customs Act 1901*

### Hot rolled coil steel

### Exported to Australia from the People's Republic of China

### Initiation of Investigation No 658 into alleged dumping and subsidisation

*Customs Act 1901* – Part XVB<sup>1</sup>

I, Isolde Lueckenhausen, the Acting Commissioner of the Anti-Dumping Commission (the Commissioner),<sup>2</sup> have initiated an investigation following an application lodged by BlueScope Steel Limited (the Applicant), a manufacturer of hot rolled coil steel (the goods) in Australia.

The application seeks the publication of a dumping duty notice and a countervailing duty notice in respect of the goods exported to Australia from the People's Republic of China (China).

The application alleges that the goods have been exported to Australia at prices less than their normal value and were in receipt of countervailable subsidies, and that the dumping and subsidisation have caused material injury to the Australian industry producing like goods through:

- loss of sales volume
- lower production volumes
- reduced market share
- price depression
- price suppression
- loss of profits
- reduced profitability
- decline in asset values

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<sup>1</sup> All legislative references in this notice are to the *Customs Act 1901* (Cth) unless otherwise specified.

<sup>2</sup> References in this document to individuals holding positions within the Anti-Dumping Commission (commission) are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

- reduced return on investment
- reduced capacity utilisation
- reduced productivity.

The non-confidential version of the application, which contains the basis of the alleged dumping, subsidisation and material injury to the Australian industry, is available on the electronic public record (EPR).<sup>3</sup> The EPR can be found on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The reasons for the decision to initiate this investigation are contained in *Anti-Dumping Commission Consideration Report No 658 (CON 658)*, which is available on the EPR.<sup>4</sup> CON 658 outlines the basis upon which the dumping and subsidisation are alleged to have occurred. Additionally, the factors upon which the allegation of material injury caused by the dumping to the Australian industry are also summarised in the report.

In accordance with section 269ZI(3), a copy of this notice and accompanying reasons will be provided to the country whose exporters are affected by the decision to not reject the application, in addition to each other interested party known to be affected by the decision.

The date of initiation of this investigation is the date of publication of this notice.

### **Particulars of the goods**

The goods, being the subject of the application (the goods) are:

*Hot rolled coil steel (including in sheet form), with or without patterns in relief (known as checker plate), whether or not containing alloys, not clad, plated or coated (other than oil coated).*

### **Further information:**

HRC is supplied in a range of thicknesses, all of which are covered by the measures. Several relevant standards cover the range of HRC products. See **Appendix 1** for further details.

### **Exclusions:**

The goods excluded from the measures are plate steel products and flat merchant bars.

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<sup>3</sup> EPR 658, document number 1.

<sup>4</sup> EPR 658, document number 2.

## **Tariff classifications**

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

- 7208.10.00 (statistical code 31)
- 7208.25.00 (statistical code 32)
- 7208.26.00 (statistical code 33)
- 7208.27.00 (statistical code 34)
- 7208.36.00 (statistical code 35)
- 7208.37.00 (statistical code 36)
- 7208.38.00 (statistical code 37)
- 7208.39.00 (statistical code 38)
- 7208.40.00 (statistical code 39)
- 7208.53.00 (statistical code 42)
- 7208.54.00 (statistical code 43)
- 7208.90.00 (statistical code 30)
- 7211.14.00 (statistical code 40)
- 7211.19.00 (statistical code 41)
- 7225.30.00 (statistical code 17)
- 7225.40.00 (statistical codes 22 and 24)
- 7226.91.00 (statistical code 67).

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description set out above. Please refer to the goods description for authoritative detail regarding the particulars of the goods, the subject of this investigation.

## **Investigation process**

The investigation period is **1 October 2023 to 30 September 2024**. I will examine exports to Australia of the goods during this period to determine whether dumping and subsidisation has occurred. I will examine details of the Australian market from **1 October 2020** for the purposes of the injury analysis.

Where the Minister for Industry and Science (the Minister) is satisfied, as to goods of any kind, that:<sup>5</sup>

- (a) the amount of the export price of the goods that have been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and

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<sup>5</sup> In accordance with section 269TG.

- (b) 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;

the Minister may, by public notice, impose interim dumping duties.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect of the goods that have been exported to Australia, and (if applicable) may be received in respect of like goods that may be exported to Australia in the future; and
- (b) 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;

the Minister may, by public notice, impose interim countervailing duties.<sup>6</sup>

Where there are grounds for the Minister to publish a dumping and/or countervailing duty notice in respect of the goods, I will examine whether the trade in the dumped or subsidised goods give rise to retrospective notices being published pursuant to section 269TN, and make recommendations to the Minister accordingly.<sup>7</sup>

### **Proposed model control code structure**

The commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.<sup>8</sup>

The table below outlines the commission's proposed MCC structure for this investigation.

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<sup>6</sup> In accordance with section 269TJ.

<sup>7</sup> In accordance with sections 269TG(1) and TJ(1).

<sup>8</sup> Guidance on the commission's approach to model matching is in the Dumping and Subsidy Manual, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Category	Sub-category	Identifier	Sales data	Cost data
Quality	Prime	P	Mandatory	Mandatory
	Non-prime	N		
Alloy content	Alloy	A	Mandatory	Not applicable
	Non-Alloy	NA		
Form	Coil	C	Mandatory	Mandatory
	Sheet	S		
Surface condition	As rolled	A	Mandatory	Mandatory
	Pickled (with or without oil)	PI		
Standard/grade	JIS G 3132 / ASTM A1011 / ASTM A1018 / EN 10011 / EN 10025 / GB T 700 / GB T 1591	1	Mandatory	Mandatory
	HA1(S) / HA250 / SPHC / SS400 (AS1594 / JIS G3131 / JIS G3101)	2		
	HA300 (AS1594)	3		
	HA350 / SS490 (AS1594 / JIS G3106)	4		
	HW350 / SMA490 / 'Corton' (AS1594 / JIS G3114)	5		
	Other	6		
Base metal thickness (BMT)	<1.6mm	T1	Mandatory	Mandatory
	=>1.6mm to <2.0mm	T2		
	=>2.0mm to <4.75mm	T3		
	>4.75mm (coil only)	T4		
Width	<=600mm	W1	Mandatory	Mandatory
	>600mm	W2		

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than **6 January 2025**.

Any changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

### **Public record**

I must maintain a public record of each investigation. Documents included in the public record are available on the EPR at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The public record will contain, among other things, a copy of the application, CON 658,<sup>9</sup> and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

### **Lodgement of submissions**

Interested parties, as defined by section 269T(1), are invited to lodge submissions concerning the publication of the dumping and countervailing duty notices sought in the application, no later than **6 January 2025**,<sup>10</sup> addressed to:

The Director  
Investigations  
GPO Box 2013  
Canberra ACT 2601  
Australia

or by email to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties should also note that I am directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances.<sup>11</sup> This is available at: [www.legislation.gov.au](http://www.legislation.gov.au).

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the SEF.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive".

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<sup>9</sup> EPR 658, document number 2.

<sup>10</sup> 37 days provided for under the Act plus additional time to account for a reduced activity period and public holidays over the Christmas and New Year period.

<sup>11</sup> Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* have been delegated to the Anti-Dumping Commission's Deputy Commissioners (Anti-Dumping Notice No. 2017/10, available at: [www.adcommission.gov.au](http://www.adcommission.gov.au) refers).

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked “PUBLIC RECORD”).

### **Lodgement of exporter questionnaires**

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **6 January 2025**.<sup>12</sup>

The exporter questionnaire and the associated spreadsheets are available under the case information for case number 658.<sup>13</sup> Alternatively, exporters can email [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au) upon receipt of this letter and the commission will forward the exporter questionnaire and spreadsheets for completion.

### **Provisional measures**

Pursuant to section 269TD, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping and countervailing duty notice or there appears that there will be sufficient grounds for the publication of a dumping and countervailing duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 after the date of initiation of this investigation.

In accordance with section 269TD, the Commonwealth may apply provisional measures, including the taking of securities under section 42, in respect of interim dumping and countervailing duty that may become payable on the goods, where: a PAD has been made; and the Commissioner is satisfied that it is necessary to do so to prevent material injury to an Australian industry occurring while the investigation continues.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website at: [www.legislation.gov.au](http://www.legislation.gov.au).

### **Statement of Essential Facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. In accordance with section 269TDAA, a SEF will be placed on the public record by **5 March 2025**, or by such later date as allowed in accordance with section 269ZHI.<sup>14</sup>

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<sup>12</sup> 37 days provided for under the Act plus additional time to account for a reduced activity period and public holidays over the Christmas and New Year period.

<sup>13</sup> This can be found under ‘current cases and their electronic public record’ on the commission website.

<sup>14</sup> On 14 January 2017, certain powers and functions of the Minister under section 269ZHI were delegated to the Commissioner. Refer to ADN No. 2017/10 for further information.

The SEF will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of it being placed on the public record.

Submissions received in response to the SEF within 20 days of that statement being placed on the public record will be taken into account in completing the investigation and making the recommendation to the Minister.

### **Report to the Minister**

A recommendation to the Minister will be made in a report on or before **22 April 2025**<sup>15</sup> (or such later date as allowed under section 269ZHI), based on the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

### **Anti-Dumping Review Panel**

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB in relation to a decision by me to terminate the investigation or a decision of the Minister to publish or not to publish a dumping duty notice and a countervailing duty notice after considering my report.

### **Interested party list**

Throughout the investigation, the commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

### **Anti-Dumping commission contact**

Enquiries about this notice may be directed to client support on telephone number 02 6243 6000 or via [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au).

Isolde Lueckenhausen  
Acting Commissioner  
Anti-Dumping Commission

15 November 2024

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<sup>15</sup> As the due date falls on a weekend being Saturday 19 April 2025 followed by a public holiday on Monday 21 April 2025, the due date becomes 22 April 2025, being the next business day.



## **Appendix 1**

HRC is supplied in a range of thicknesses, all of which are covered by the measures. Several relevant standards cover the range of HRC products. These relevant standards are noted in the following table:

<b>Commercial HRC Grades</b>	
<b>Standard No.</b>	<b>Description</b>
AS/NZS 1594	Hot rolled steel flat products
ASTM A1011	Steel, sheet and strip, hot rolled, carbon, structural, high strength low alloy, with improved formability and ultra high strength
ASTM A1018	Steel, sheet and strip, heavy thickness coils, hot rolled, carbon, commercial, drawing, structural, high strength low alloy, high strength low alloy with improved formability, and ultra high strength
ISO 3573	Hot rolled carbon steel sheet of commercial and drawing qualities
JIS G 3131	Hot rolled mild steel plates sheet and strip
SAE J403	Chemical composition of SAE carbon steels
<b>Forming, Pressing &amp; Drawing HRC Grades</b>	
AS/NZS 1594	Hot rolled flat steel products
ISO 3573	Hot rolled carbon steel sheet of commercial and drawing qualities
JIS G 3132	Hot rolled carbon steel strip for pipes and tubes
EN 10111	Continuously hot rolled low carbon steel sheet and strip for cold forming
<b>Structural HRC Grades</b>	
AS/NZS 1594	Hot rolled steel flat products
API specification 5L	Specification for line pipe
ASTM A1011	Steel, sheet and strip, hot rolled, carbon, structural, high strength low alloy, with improved formability and ultra high strength
ASTM A1018	Steel, sheet and strip, heavy thickness coils, hot rolled, carbon, commercial, drawing, structural, high strength low alloy, high strength low alloy with improved formability, and ultra high strength
JIS G 3113	Hot rolled steel plate, sheet and strip for automobile structural uses
JIS G 3116	Steel sheets, plates and strip for gas cylinders
EN 10025	Hot rolled products of structural steels