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The Director – Investigations 4
Anti-Dumping Commission
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Investigation No. 688 – Certain Flat Rolled Steel Products (Plate Steel) exported from the People's Republic of China and the Republic of Korea

Response to the Statement of Essential Facts and request for exemption of plate steel exceeding 3,200 mm in width

Dear Director,

We act for Dongkuk Steel Mill Co., Ltd. (Dongkuk), an exporter of the goods under consideration from the Republic of Korea and an interested party to Investigation No. 688. This submission is lodged in response to the Statement of Essential Facts published on 23 June 2026 (the SEF), and within the period for responses expiring on 13 July 2026. It is directed to the appropriate scope of the measures foreshadowed in the SEF.

The Commissioner has made a preliminary affirmative determination, and securities are being taken in respect of interim dumping duty on imports of the goods from Korea entered for home consumption on or after 24 June 2026. The SEF proposes that interim dumping duty at an effective rate of 21.6 per cent apply to exports from Korea by “uncooperative and all other exporters”, a category that would extend to Dongkuk. It is submitted that, should interim dumping duties be imposed and a dumping duty notice ultimately be published in respect of the goods exported from Korea, plate steel of a width exceeding 3,200 mm (the exemption goods) ought to be exempted from interim dumping duty and dumping duty under section 8(7)(a) of the Customs Tariff (Anti-Dumping) Act 1975 (Cth) (the Dumping Duty Act), or in the alternative excluded from the description of the goods in any notice.

The basis for this request stems from the sole Australian producer of like goods, BlueScope Steel Limited (BlueScope), not manufacturing plate steel in widths exceeding 3,200 mm and does not offer such goods for sale to the Australian market. BlueScope's own published size schedules record 3,200 mm as the maximum width available across its entire plate steel range, and record that limit as a limitation of the plate mill itself. The SEF itself recognises, at section 3.8, that where the Australian industry does not sell like goods in a certain production specification, the Minister may exempt imports from measures. Duties imposed on the exemption goods would accordingly protect no Australian production, while taxing Australian fabricators for specialised inputs that can only be sourced from imports.

1. The statutory framework and the correct legal test

Section 8(7) of the Dumping Duty Act provides that the Minister may, by notice in writing, exempt goods from interim dumping duty and dumping duty if satisfied of any of the matters there specified, the first of which (s 8(7)(a)) is:

that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The power extends in terms to both interim dumping duty and dumping duty. It is therefore the appropriate mechanism by which the relief sought in this submission may be given effect at the point at which any provisional or final measures are imposed. The SEF confirms that the Commissioner may deal with exemption matters in the course of the investigation and make recommendations to the Minister in the final report, with a separate exemption inquiry to follow only where that course is not possible. Dongkuk requests that this exemption be assessed in the course of the investigation and addressed in the Commissioner's final report, due by 7 August 2026, so that the scope of any measures is correctly confined from the outset.

The criterion is directed to what is offered for sale, not to capability

It is submitted that the criterion in section 8(7)(a) is directed to what is offered for sale in Australia, not to what an Australian producer might in some engineering sense be capable of manufacturing. The statutory language is deliberate. The ground on which this request proceeds asks the distinct question whether like or directly competitive goods are offered for sale to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

In this case, it is not required to stress the distinction, because the evidence supports both propositions. That BlueScope neither offers plate steel exceeding 3,200 mm in width for sale, nor is it capable of rolling such plate on its plate mill. The exemption goods therefore satisfy the statutory criterion on any view of its construction.

“All purchasers on equal terms under like conditions having regard to the custom and usage of trade”

The qualifying words confine the inquiry to goods that are generally available to the trade on ordinary commercial terms. In the plate steel market, the custom and usage is that purchasers buy to the published size schedules and dimensional ranges that the mill holds out for sale. A product that could be obtained, if at all, only by negotiating a bespoke arrangement outside the producer's published offering is not thereby “offered for sale ... to all purchasers on equal terms under like conditions”. As outlined below, plate steel exceeding 3,200 mm in width lies wholly outside BlueScope's published offering and outside the physical capability of its plate mill, and is not held out for sale to the trade at large on any terms.

2. The exemption goods are not manufactured in Australia or offered for sale

The goods the subject of the investigation and the exemption goods

The goods, as described at section 3.3 of the SEF, are “flat rolled products, of non-alloy or other alloy steel (excluding stainless steel, silicon-electrical steel, tool steel, and high-speed steel), not clad, plated, or coated, not in coils, with a thickness equal to or greater than 4.75 millimetres, of widths greater than or equal to 600 millimetres, with or without patterns in relief”. The goods description imposes a minimum width of 600 mm but no upper width limit. Plate steel of any width above 600 mm is accordingly within the scope of any measures, including extra-wide plate in widths exceeding 3,200 mm that the Australian industry does not and cannot produce.

The exemption goods are plate steel otherwise answering the goods description, of a width exceeding 3,200 mm. Dongkuk manufactures heavy plate in widths exceeding 3,200 mm and supplies such extra-wide plate to Australian customers for applications described below.

The sole Australian producer and the scope of its published offering

The Commission has preliminarily found that the Australian industry consists of a single producer, BlueScope AIS. The content of BlueScope’s offering to the Australian market is therefore determinative of whether like or directly competitive goods are offered for sale at all. The following table consolidates BlueScope’s published offering for plate steel across its size schedules. The maximum width offered anywhere in the range is 3,200 mm, and that width is available only in XLERPLATE® Grade 250 in limited thicknesses. Plate produced from hot rolled coil (coil plate, TRU-SPEC® and REDCOR®) is confined to widths at or below 1,800 mm.¹

Product / size schedule	Standard and grade	Form	Widths offered (mm)	Maximum width (mm)
XLERPLATE® steel	AS/NZS 3678 – Grade 250	Plate ex-slab	1800 / 2400 / 3000 / 3200	3,200
XLERPLATE® steel	AS/NZS 3678 – Grade 350	Plate ex-slab	2400 / 3000 / 3100	3,100
XLERPLATE® Lasercut steel	AS/NZS 3678 – Grade 250	Plate ex-slab	1200 / 1500	1,500
Coil plate	AS/NZS 1594 – Grade 250/300	Plate ex-HRC	1800	1,800
TRU-SPEC® coil plate steel	AS/NZS 1594 – Grade 250 and 350	Plate ex-HRC	1200 / 1500	1,500
REDCOR® weathering steel (coil plate)	AS/NZS 1594 – Grade HW350A	Plate ex-HRC	1155 – 1250	1,250

No product in any BlueScope size schedule, whether rolled from slab or produced from hot rolled coil, in any grade and at any thickness, is offered in a width exceeding 3,200 mm.

The 3,200 mm limit is an express limitation of the plate mill, not merely a stocking decision

¹ BlueScope Distribution, published size schedules for XLERPLATE® steel (AS/NZS 3678 Grades 250 and 350), XLERPLATE® Lasercut steel, coil plate (AS/NZS 1594 Grade 250/300), TRU-SPEC® coil plate steel (AS/NZS 1594 Grades 250 and 350) and REDCOR® weathering steel (AS/NZS 1594 Grade HW350A).

The width limit is not a function of inventory practice or commercial selection, and is stated by BlueScope as a characteristic of the product range itself. BlueScope's XLERPLATE® Steel Size Schedules state, under the heading "What thicknesses are available in the XLERPLATE® steel range?":

XLERPLATE® steel is available in thicknesses from 5mm to 150mm, up to 3200mm wide.

The same document explains that dimensional availability is "restricted by mill limitations"² and that rolled lengths are determined by slab size. The 3,200 mm figure is, in other words, the outer envelope of the plate mill's capability as BlueScope itself publishes it. The application confirms the same product parameters, describing XLERPLATE® steel as a heavy plate product with a thickness range of 5 mm to 150 mm, and nowhere asserts any capability or offering above 3,200 mm in width.³

Special-order and "mill enquiry" availability does not satisfy the statutory criterion

It may be anticipated that BlueScope would point to the notes to its size schedules, which state that the schedules are "a guide only of stocked sizes" and that "custom width and length" are available "subject to sizing schedule (mill enquiry)" with a minimum order quantity of approximately 10 tonnes,⁴ or to the statement that "in special cases certain sizes may be supplied" upon contact with a BlueScope account coordinator.⁵ Neither statement assists BlueScope, for two reasons.

First, each such arrangement is by its terms conditional, negotiated and confined to particular purchasers on special terms, a mill enquiry, a sizing-schedule constraint and a minimum tonnage. Goods available only on that footing are not "offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade". Secondly, and in any event, the custom-size pathway operates within, not beyond, the published mill envelope, which the size schedules themselves record 3,200 mm as the maximum width of the range. A mill enquiry cannot produce a plate wider than the mill can roll. The exemption goods are therefore beyond both the offering and the capability of the Australian industry.

The SEF's treatment of the similar issue raised by Adsteel Brokers confirms the point rather than detracting from it. At verification, BlueScope was asked about product specifications said to be outside its range and confirmed a capability to produce plate of a thickness above 150 mm for certain specifications, while indicating that "not all of its available options are

²BlueScope, XLERPLATE® Steel Size Schedules, effective January 2015, p. 2 (General Information).

³The application, Part A-4, question 4: "XLERPLATE® steel is a heavy plate steel product, with a thickness range of 5mm to 150mm".

⁴BlueScope Distribution size schedules, Notes: "This is a guide only of stocked sizes, please confirm with your local branch"; "Custom width and length available subject to sizing schedule (mill enquiry), MOQ of approx. 10tn."

⁵BlueScope, XLERPLATE® Steel Size Schedules, effective January 2015, p. 2: "In special cases certain sizes may be supplied. Contact your BlueScope Account Coordinator for further information."

listed but are subject to inquiry”.⁶ That exchange concerned thickness only. Nothing in the SEF, the verification report, or any material on the public record asserts any BlueScope offering or capability in widths above 3,200 mm. And to the extent BlueScope’s answer rests on availability “subject to inquiry”, it engages precisely the deficiency identified above, which is that goods available only upon individual inquiry are not offered for sale to all purchasers on equal terms under like conditions.

3. Extra-wide plate is a distinct product for which narrower plate is not directly competitive

Plate steel in widths exceeding 3,200 mm is specified by purchasers precisely because of its width. In shipbuilding, pressure vessel and storage tank fabrication, wind tower manufacture and heavy structural work, wider plate permits larger single-piece components, fewer longitudinal weld seams, reduced welding consumables, testing and inspection cost, and superior structural and aesthetic integrity in the finished article. A narrower plate is not a like or directly competitive good offered “under like conditions”, as it is a different product that the purchaser must join by welding, with consequent loss of efficiency and integrity, or abandon the design altogether. The point is not that individual dimensions differ at the margin, but that the defining characteristic of the exemption goods, width above the maximum of the entire domestic range, cannot be replicated by any combination of the goods BlueScope offers.

4. The SEF recognises the exemption pathway, and the exemption sought is consistent with the Commission’s practice

The requested exemption is consistent with the framework the SEF itself lays out. At section 3.7, the SEF records that five exemption notices are currently in force in relation to the goods and invites submissions concerning exemptions, confirming that the Commissioner may conduct the relevant assessment in the course of this investigation and make recommendations to the Minister in the final report. Among the exemptions in force is that granted in Exemption Inquiry EX0050, concerning high tensile 700 grade steel, where the Commission recommended exemption upon finding that there was no Australian industry producing like or directly competitive goods offered for sale in Australia on equal terms under like conditions.⁷

Section 3.8 of the SEF then states the governing principle in terms:

The exemptions detailed above also demonstrate that where the Australian industry does not sell like goods in a certain production specification, the Minister may exempt imports from anti-dumping measures.

That is this case. The present request is stronger still than those the Commission has previously accepted, as it turns on a single objective dimensional parameter that

⁶SEF 688, section 3.8, pp. 26–27, recording BlueScope’s verification responses to the Adsteel Brokers submission (EPR 688, item no. 4) and citing BlueScope AIS verification report, EPR 688, item no. 14, Confidential Attachment 1, pp. 27–28.

⁷ADN 2017/85 (EX0050), Ministerial exemption instrument no. 7 of 2017 – high tensile 700 grade steel, in which the Commission found that there was no Australian industry producing like or directly competitive goods offered for sale in Australia on equal terms under like conditions.

BlueScope's own published documents place beyond its range. Where the sole Australian producer's size schedules themselves record the maximum width of its offering, no extensive factual inquiry is required. The Commission can be satisfied of the section 8(7)(a) criterion on the face of the applicant's own materials, in the course of this investigation and before any final measures take effect.

5. No detriment to the Australian industry and no circumvention risk

Granting the exemption would impose no detriment on the Australian industry, because the exemption goods are neither manufactured by that industry nor offered for sale by it. Conversely, refusing the exemption would impose interim dumping duty at the proposed rate of 21.6 per cent on goods for which there is no domestic substitute offered on any terms, raising input costs for Australian shipbuilders, tank and pressure vessel fabricators, wind tower manufacturers and heavy engineering firms without protecting any domestic production. That outcome would be contrary to the evident purpose of the exemption power, which is to confine measures to goods that genuinely compete with the domestic offering.

There is, finally, no circumvention risk. The exemption goods are defined by a single objective and verifiable dimensional parameter, width exceeding 3,200 mm, that is recorded on mill certificates and customs entry documentation and is readily checked at the border. An exemption confined to that parameter cannot be used as a gateway for goods that compete with BlueScope's offered range, the whole of which sits at or below 3,200 mm in width.

6. Conclusion

For the reasons set out above, it is submitted that like or directly competitive goods to plate steel exceeding 3,200 mm in width are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade, and that the criterion in section 8(7)(a) of the Dumping Duty Act is satisfied. Dongkuk respectfully requests that the Commission assess this exemption request in the course of the investigation, consistently with the approach outlined at section 3.7 of the SEF, and recommend in the final report to the Minister that plate steel of a width exceeding 3,200 mm be exempted from interim dumping duty and dumping duty under section 8(7)(a) of the Dumping Duty Act.