



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Application for a
review of
anti-dumping measures

APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901* FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901* (the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- normal value
 export price
 non injurious price
 subsidy

The variable factors review is in relation to:

- a particular exporter – Daehan Steel Co. Ltd
 exporters generally

or

2. **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- the dumping duty notice
 the countervailing duty notice
 the undertaking

The revocation review is in relation to:

- a particular exporter (*if so provide name and country details*)
 exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature: 

Name: Paul Whitehead

Position: Chief Executive Officer

Company: DITH Australia Pty Ltd

ABN: 21 620 953 166

Date: 20 June 2018

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Review Period

The review period is *generally* the 12 month period preceding the initiation date and ending on the most recently completed month or quarter.

For the purposes of information requested in this application, please consider the review period as the 12 month period ending on the most recently completed quarter prior to the date that you submit the application.

The actual review period will be set by the Commissioner if a review is initiated, and may differ to that used by the applicant in the application form.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (e.g. are you concerned with the exportation of the goods, the importation of the goods, or part of the

Australian industry, or acting on behalf of the Government of an exporting country).

5. Provide details of the current anti-dumping measure(s) the subject of this review application and the goods subject to the measure(s), including:
- tariff classification
 - the countries and/or companies
 - specified date of publication of the measure
6. If you are an exporter of the goods the subject of this application please answer the following questions:
- Have you exported the goods to Australia during the review period?
 - o 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?
 - o If yes, please 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?
 - o If yes, please provide the total quantity and total value of exports of the goods to each other country during the review period. Please indicate if any of the sales are to a related party.

NB: In relation to the goods the subject of this application, 'like goods' means goods that are identical in all respects to the goods the subject of this application or, although not alike in all respects to the goods the subject of this application, have characteristics closely resembling those goods (s 269T(1) refers).

NB: Please note you must provide this information if you are an exporter of the goods the subject of the application. If you are not an exporter of the goods, you may choose to provide information relevant to this question.

7. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

**Applications
for review of
variable
factors**

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- in your opinion the causes of the change and whether these causes are likely to persist.

**Application
for a
revocation
review**

If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.

Include evidence in support of your view that there are reasonable grounds

for asserting that the measures are no longer warranted. Refer to the *'Instructions and guidelines for applicants: Application for review or revocation of measures'* as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:

- *no dumping or no subsidisation*: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.
- *no injury*: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.

Lodgement of the application

In accordance with subsection 269SMS(2) of the Act, this application, together with the supporting evidence, must be lodged by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:

The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499 (or +61 3 8539 2499 if outside Australia)

Public Record

During a review all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

APPLICATION FOR REVIEW OF VARIABLE FACTORS

REQUIRED INFORMATION

1. Applicant:

Company: DITH Australia Pty Ltd (“DITH”)

Address: Level 30, 31 Market Street, Sydney NSW 2000, AUSTRALIA

2. Contact person:

Name: [REDACTED]

Tel: [REDACTED]

Fax: n/a

Email: [REDACTED]

Applicant’s representative

Name: Mr John Bracic

Company: J.Bracic & Associates Pty Ltd

Address: PO Box 3026

Manuka, ACT 2603

Tel: +61 (0)499 056 729

Email: john@jbracic.com.au

3. Other parties supporting this application:

DITH anticipates that Daehan will cooperate with the Commission’s review of measures.

4. Applicant’s interest:

DITH commenced importing steel reinforcing bars (“rebar”) from Korea in [REDACTED].

5. Details of current anti-dumping measures:

The ‘description of goods’ subject to measures are:

- Hot-rolled deformed steel reinforcing bar whether or not in coil form;
- Commonly identified as rebar or debar;
- In various diameters up to and including 50 millimetres;
- Containing indentations, ribs, grooves or other deformations produced during the rolling process; and
- Regardless of the particular grade or alloy content or coating.

Tariff classification:

Rebar is classified using the tariff sub-headings and associated statistical codes of Schedule 3 to the Customs Tariff Act 1995 (Tariff Act) below:

PUBLIC VERSION

Tariff subheading	Statistical code
7213.10.00	42
7214.20.00	47
7227.90.10	69
7227.90.90	01, 02, 04
7228.30.90	40
7228.30.10	70
7228.60.10	72

Country subject to the notice:

Republic of Korea

Date of publication of the notice:

On 19 November 2015, anti-dumping measures were imposed on rebar exported from the Republic of Korea (Korea), Singapore, Spain and Taiwan. (refer to ADN 2015/133).

6. If you are an exporter of the goods the subject of this application please answer the following questions.

Not applicable as DITH is the importer of the goods and does not have access to export volumes by Daehan.

7. Details of interested parties

Exporter

Daehan Steel Co. Ltd
8th Floor, METRO Tower,
10, Toegye-ro, Jung-gu,
Seoul, Korea (Seoul Office)

Australian Producer

OneSteel Manufacturing Pty Ltd
Level 6, 205 Pacific Highway
St Leonards NSW 2065

1. FOUNDATIONS FOR REVIEW

DITH submits that at least one of its relevant variable factors has changed since the original imposition of the interim dumping duties.

1.1 ASCERTAINED EXPORT PRICE

Basis for current ascertained export prices

The current ad valorem rate applicable to Daehan's exports was based on an ascertained export price determined in the original investigation period (REP 264) in accordance with s.269TAB(1)(c) of the Act, using Daehan's export invoice prices. The original export price was US\$ [REDACTED]/MT.

Grounds for review of ascertained export prices

Since [REDACTED], DITH has commenced purchasing and importing rebar into Australia which is sourced from Daehan. DITH's contemporary import prices are supported by copies of commercial invoices contained at **Confidential Attachment 1**.

To calculate contemporary export prices, the following necessary deductions were applied to DITH's invoice purchase values for post-exportation items including:

- [REDACTED];
- [REDACTED]; and
- [REDACTED].

The calculations at **Confidential Attachment 2** show that free-on-board (FOB) export prices varied between US\$ [REDACTED]/MT to US\$ [REDACTED]/MT. The weighted average FOB export price across a proposed review period of 1 July 2017 to 30 June 2018 is US\$ [REDACTED]/MT. These contemporary export prices demonstrate a [REDACTED]% increase in the ascertained export price.

During the intervening period between the end of the original investigation period (June 2014) and the commencement of DITH's imports in [REDACTED], regional steel billet prices have steadily increased after reaching their lows in March quarter 2016. This is supported by the graph below showing the movement in steel billet prices over the five year period to April 2018. Published billet prices are contained at **Confidential Attachment 3**.

[CONFIDENTIAL CHART REMOVED]

In DITH's opinion, the observed steady increase in steel billet prices will continue into the foreseeable future and contemporary export prices will persist at their current levels.

Conclusion

On the basis of the attached evidence supporting the contemporary export prices of rebar exported by Daehan, DITH considers that there appears to be reasonable grounds

for asserting that the ascertained export price relevant to the taking of anti-dumping measures have changed.

1.2 ASCERTAINED NORMAL VALUE

Basis for current ascertained normal values

The applicable ascertained normal value relevant to Daehan's current advalorem dumping duty rate was determined in REP 264, in accordance with s.269TAC(1) of the Act, using Daehan's domestic sales of rebar made in the ordinary course of trade and at arms length. The original determined normal value was US\$ [REDACTED]/MT.

Grounds for review of ascertained normal values

As steel billet accounts for the vast proportion of the total cost to make and sell of rebar, DITH has calculated contemporary normal values by indexing Daehan's original ascertained normal values calculated by the Commission in REP 264, by reference to the movement in Latin America FOB Billet Export prices. The graph above shows that Latin America FOB Export prices fell by approximately [REDACTED]% when comparing the average billet price over the original investigation period and the relevant months of the proposed review period (July 2017 to June 2018).

Based on the [REDACTED]% average decrease in published billet prices, which will directly impact corresponding selling prices, DITH estimates a prevailing contemporary ascertained normal value of US\$ [REDACTED]/MT. Refer to **Confidential Attachment 4** for calculations.

In DITH's opinion, normal values at these contemporary levels are likely to persist given current trends in scrap prices (refer to chart below), which show similar fluctuations and movements.

[CONFIDENTIAL CHART REMOVED]

Evidence to support the above graph and estimated normal value are at **Confidential Attachment 5**.

3.3 Conclusion

DITH considers that the submitted evidence supports the view that there appears to be reasonable grounds for asserting that the ascertained normal value relevant to the taking of anti-dumping measures has changed.

1.3 CONTEMPORAY DUMPING MARGIN

Based on the calculated contemporary FOB export price and FOB normal value, DITH observes that its imports of rebar from Daehan were non-dumped. The comparison of export price and normal value below shows that Daehan's contemporary dumping margin during is approximately

- FOB Export price = US\$ [REDACTED]/MT
- FOB Normal Value = US\$ [REDACTED]/MT
- Dumping Margin = - [REDACTED]%