



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

**Anti-Dumping
Commission**

Application for a
review of
anti-dumping measures
applying to steel reinforcing bar
exported to Australia from the
Republic of Korea, Singapore, Spain
(with the exception of Nervacero S.A)
and Taiwan (with the exception of
Power Steel Co., Ltd)

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 (*if so provide name and country details*)
 exporters generally *from the Republic of Korea (South Korea) and Taiwan (with the exception of Power Steel Co., Ltd).*

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.

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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:



Position:



Company:

LIBERTY ONESTEEL (NEWCASTLE) PTY LTD

ABN:

50 623 285 718

Date:

10 JULY 2018

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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.

For the purpose of completing the application form, the applicant proposes a review period of 1 April 2017 to 31 March 2018, being the most recently completed quarter for which published information in support of the application exists. The applicant acknowledges that the Commissioner will have access to more contemporary information if a review is initiated.

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Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.

The applicant, Liberty OneSteel (Newcastle) Pty Ltd trading as 'Liberty OneSteel' ABN 50 623 285 718 (Liberty OneSteel) of Level 6, 205 Pacific Highway, St Leonards, NSW 2065.

2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.

Contact Name: [REDACTED]
Position: [REDACTED]
Telephone: [REDACTED]
Facsimile: N/A
E-mail address: [REDACTED]

3. Name other parties supporting this application.

The applicant, Liberty OneSteel, is the sole producer in Australia of like goods to the goods.

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).

The applicant is the sole member of the Australian industry producing like goods.

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:

The goods the subject of this review application to which the current anti-dumping measures apply (**the goods**) 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.

The goods covered by this application include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

Goods excluded from this application are plain round bar, stainless steel and reinforcing mesh.

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- tariff classification

The goods are *currently* classified to the tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995* specified below.

- 7214.20.00 (statistical code 47);
- 7228.30.90 (statistical code 40);
- 7213.10.00 (statistical code 42);
- 7227.90.90 (statistical codes 02 and 04); and
- 7227.90.10 (with statistical code 69).

- the countries and/or companies

The Republic of Korea (**South Korea**), Singapore, Spain (with the exception of Nervacero S.A) and Taiwan (with the exception of Power Steel Co., Ltd)

- specified date of publication of the measure

The anti-dumping measures were initially imposed by public notice on 19 November 2015 by the then Parliamentary Secretary to the Minister for Industry, Innovation and Science (**Parliamentary Secretary**) following consideration of *Anti-dumping Commission Report No. 264*, and amended on:

- 14 July 2016 following a review by the Anti-Dumping Review Panel (**ADRP**) the Parliamentary Secretary decided to revoke the original dumping duty notice and substitute another dumping duty notice in the same terms as the original notice but amended to exclude exports of the goods from Spain by Nervacero S.A.; and
- 13 April 2017 following *Review No. 380* concerning exports from Spain relating to Compañía Española de Laminación, S.L (**Celsa Barcelona**).

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.

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- 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.

Liberty OneSteel is not an exporter of the goods the subject of this application.

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.

EXPORTERS:

South Korea

Name: Daehan Steel Co., Ltd.
Address: 15th Floor, HSBC Building, 37, Chilpae-ro, Jung-gu, Seoul, SOUTH KOREA
Telephone: +82 2 2040 9753
Facsimile: +82 2 2051 3185

Taiwan

Name: Wei Chih Steel Industrial Co., Ltd.
Address: Kuan Tien District, Nanpu Village, No. 123 Tainan City, TAIWAN
Telephone: +88 6 (06) 579 0213
Facsimile: +88 6 (06) 579 0170

IMPORTERS:

Name: Sanwa Pty Ltd
Address: 201/100 New South Head Road, Edgecliff NSW 2013
Telephone: 02 9362 3088
Facsimile: 02 9925 9844

Name: Stemcor AG and Stemcor (SEA) Pte Ltd
Address: Level 30, 31 Market Street, Sydney NSW 2000

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Telephone: 02 9284 5600

Facsimile: 02 9284 5601

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 applicant claims that there has been a change in the variable factors relevant to the taking of the anti-dumping measures, specifically:

1. ascertained normal values; and
2. ascertained export prices.

The amounts by which the variable factors are likely to have changed since anti-dumping measures were last imposed, are examined below in turn for each country subject to the measures.

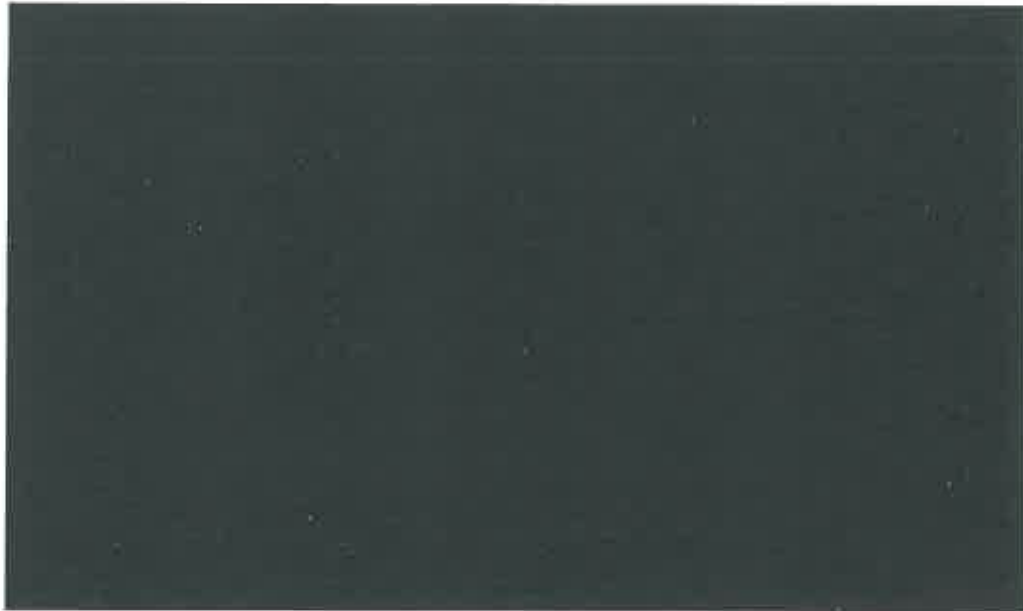
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and

A. SOUTH KOREA

1. Ascertained normal values

In *Dumping Investigation No. 264*, Daehan Steel Co., Ltd. (**Daehan**) was the only cooperative exporter of the goods from South Korea. The normal value ascertained for this exporter in the original investigation was determined under s 269TAC(1). For uncooperative and all other exporters from South Korea, the normal value was established under s 269TAC(6) using the highest weighted average normal value from the quarter of the investigation period with the greatest dumping margin from the cooperating exporters. In other words, the normal value for all other exporters from South Korea was established by reference to the normal value determined for Daehan. Therefore, changes to the normal value for Daehan will result in changes to the country rate for 'other' exporters from South Korea.

Published sales information is available for domestic sellers of like goods to the goods in South Korea. Movements in the domestic sales price for like goods (expressed in KRW/t) since the original investigation period is illustrated in **CONFIDENTIAL FIGURE A.1** (below).



CONFIDENTIAL FIGURE A.1 Average monthly movements in domestic sales prices in South Korea for like goods (KRW/t) since July 2013 (Source: CONFIDENTIAL ATTACHMENT A)

Daehan and all other exporters from South Korea

The dumping duty notice applying to the goods exported to Australia from South Korea by Daehan and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 264*.

Given the movements in domestic selling prices in South Korea for the like goods (as expressed in KRW/t) since the original investigation period (refer **CONFIDENTIAL FIGURE A.1** (above)), the industry applicant considers that the ascertained normal values for Daehan and all other exporters will have changed, specifically, it is likely to have **decreased by 5.1 per cent** since anti-dumping measures were last imposed.¹

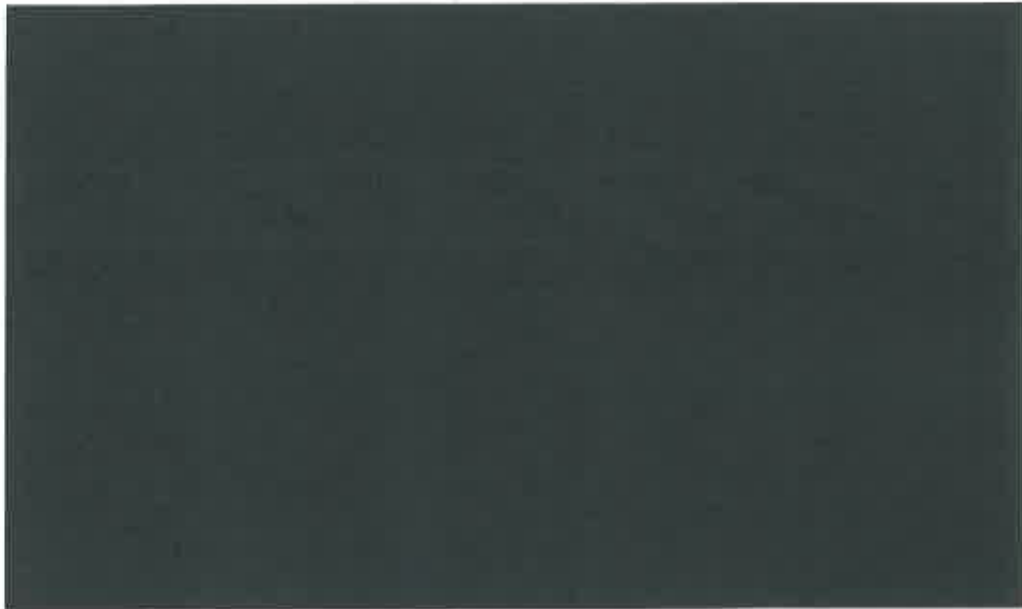
2. Ascertained export prices

In *Dumping Investigation No. 264*, Daehan was the only cooperative exporter of the goods from South Korea. The export price for exports by Daehan was established under s 269TAB(1)(c) being a price determined having regard to all the circumstances of the exportation. For uncooperative and all other exporters from South Korea, the Commission established export prices pursuant to s 269TAB(3) using the lowest weighted average export price from the quarter of the investigation period with the greatest dumping margin from

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the only cooperating exporter, excluding any part of that price that relates to post-exportation charges. In other words the export price for all other exporters from South Korea was established by reference to the export price determined for Daehan. Therefore, changes to the export price for Daehan will result in changes to the country rate for 'other' exporters from South Korea.

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from South Korea.ⁱⁱ Movements in the FOB export price for the goods (expressed in USD/t) since the original investigation period is illustrated in **CONFIDENTIAL FIGURE A.2** (below).



CONFIDENTIAL FIGURE A.2 *Monthly average export prices of the goods exported from South Korea since July 2013 (Source: CONFIDENTIAL ATTACHMENT B)*

Daehan and all other exporters from South Korea

The dumping duty notice applying to the goods exported to Australia from South Korea by Daehan and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 264*.

Given the movements in export prices to Australia exported from South Korea for the goods and like goods (as expressed in USD/t) since the original investigation period (refer **CONFIDENTIAL FIGURE A.2** (above)), the industry applicant considers that the ascertained export prices for Daehan and all other exporters will have changed, specifically, it is likely to have **decreased by 0.5 per cent** since anti-dumping measures were last imposed.ⁱⁱⁱ

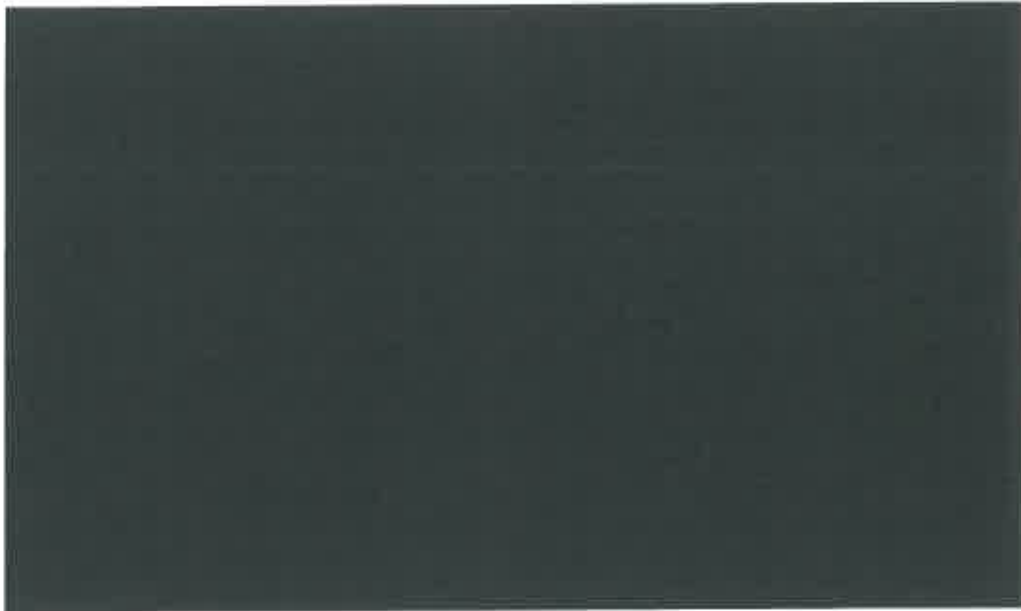
B. TAIWAN (with the exception of Power Steel Co., Ltd)

1. Ascertained normal values

In *Dumping Investigation No. 264* Wei Chih Steel Industrial Co., Ltd. (**Wei Chih**) and Power Steel Co., Ltd (**Power Steel**) were the only cooperative exporters of the goods from Taiwan. Following termination of part of the investigation relating to rebar exported from Power Steel from Taiwan on 19 October 2015, the normal value ascertained for the remaining cooperative exporter in the original investigation, Wei Chih, was determined under s 269TAC(2)(c) using the relevant costs and an amount for profit because there were insufficient domestic sales of the like goods to establish normal values under s. 269TAC(1).

For uncooperative and all other exporters from Taiwan, the normal value was established under s 269TAC(6) using the highest weighted average normal value from the quarter of the investigation period with the greatest dumping margin from the cooperating exporters. In other words, the normal value for all other exporters from Taiwan was established by reference to the normal value determined for Wei Chih. Therefore, changes to the normal value for Wei Chih will result in changes to the country rate for 'other' exporters from Taiwan (except Power Steel).

Published sales information is available for domestic sellers of like goods to the goods in Taiwan. Movements in the domestic sales price for like goods (expressed in NTD/t) since the original investigation period is illustrated in **CONFIDENTIAL FIGURE B.1** (below).



CONFIDENTIAL FIGURE B.1 Average monthly movements in domestic sales prices in Taiwan for like goods (NTD/t) since July 2013 (Source: CONFIDENTIAL ATTACHMENT A)

Wei Chih and all other exporters from Taiwan (with the exception of Power Steel Co., Ltd)

The dumping duty notice applying to the goods exported to Australia from Taiwan by Wei Chih and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 264*.

Given the movements in domestic selling prices in Taiwan for the like goods (as expressed in NTD/t) since the original investigation period (refer **CONFIDENTIAL FIGURE B.1** (above)), the industry applicant considers that the ascertained normal values for Wei Chih and all other exporters (except Power Steel) will have changed, specifically, it is likely to have **decreased by 6.3 per cent** since anti-dumping measures were last imposed.^{iv}

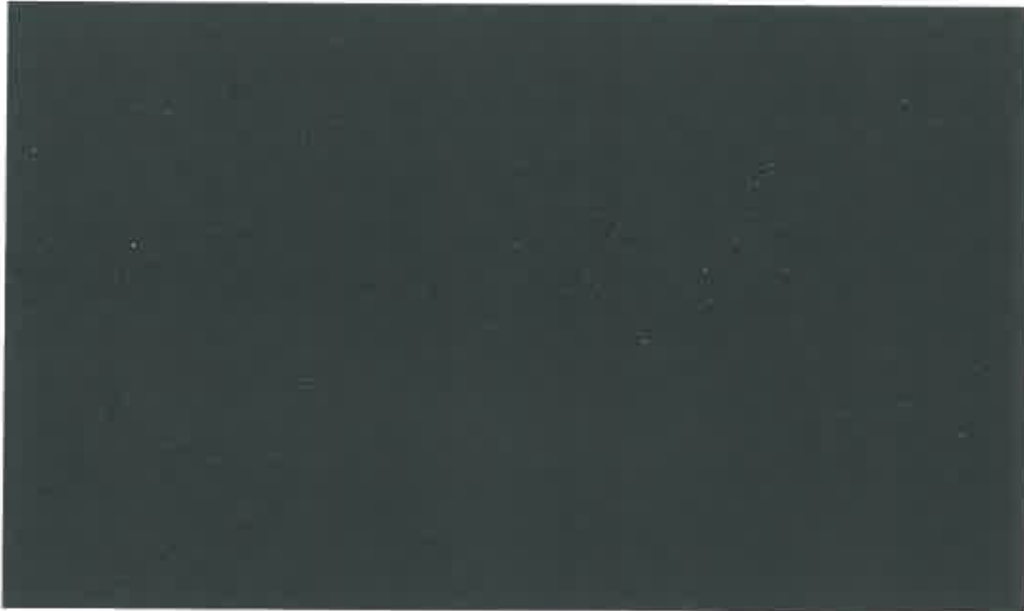
2. Ascertained export prices

In *Dumping Investigation No. 264*, the export price for exports by Wei Chih was established under s 269TAB(1)(a) as the price paid by the importer to the exporter less transport and other costs arising after exportation. For uncooperative and all other exporters from Taiwan, the Commission established export prices pursuant to s 269TAB(3) using the lowest weighted average export price from the quarter of the investigation period with the greatest dumping margin from the cooperating exporters, excluding any part of that price that relates to post-exportation charges. In other words the export

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price for all other exporters from Taiwan (except Power Steel) was established by reference to the export price determined for Wei Chih. Therefore, changes to the export price for Wei Chih will result in changes to the country rate for 'other' exporters from Taiwan.

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from Taiwan.^v Movements in the FOB export price for the goods (expressed in USD/t) since the original investigation period is illustrated in **CONFIDENTIAL FIGURE B.2** (below).



CONFIDENTIAL FIGURE B.2 Monthly weighted average export prices of the goods exported from Taiwan since July 2013 (Source: CONFIDENTIAL ATTACHMENT B)

Wei Chih and all other exporters from Taiwan (except Power Steel)

The dumping duty notice applying to the goods exported to Australia from Taiwan by Wei Chih and all other exporters (except Power Steel) remains subject to the normal values ascertained in *Dumping Investigation No. 264*.

Given the movements in export prices to Australia from Taiwan for the goods and like goods (as expressed in USD/t) since the original investigation period (refer **CONFIDENTIAL FIGURE B.2** (above)), the industry applicant considers that the ascertained export prices for Wei Chih and all other exporters (except Power Steel) will have changed, specifically, it is likely to have **decreased by 13.6 per cent** since anti-dumping measures were last imposed.^{vi}

- in your opinion the causes of the change and whether these causes are likely to persist.

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In the industry applicant's opinion, the change in the variable factors between the original investigation period and the proposed review period are due in significant part to changes in the raw material costs to produce the goods and like goods.

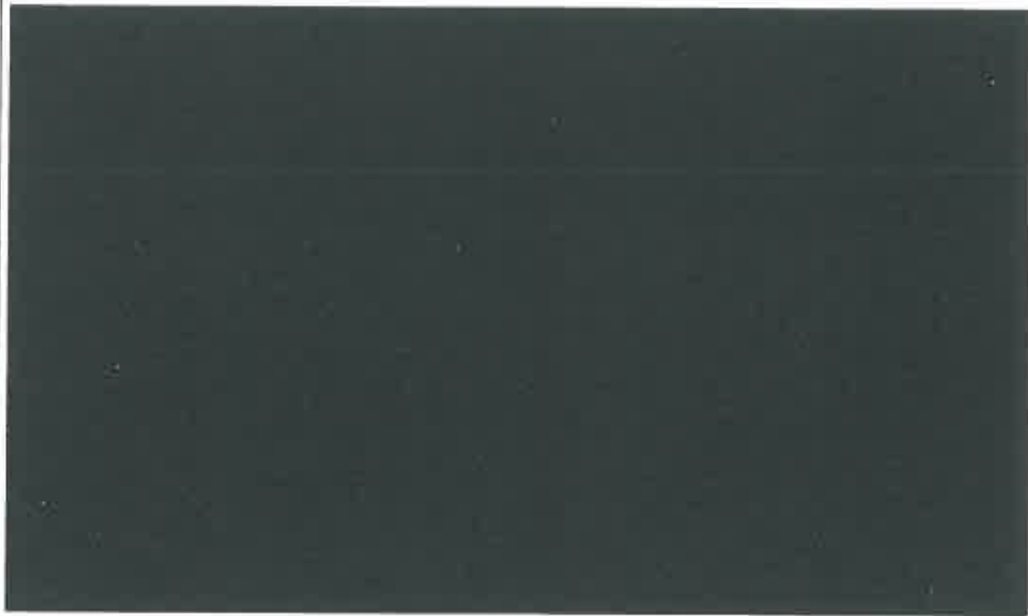
The industry applicant observes a strong correlation between movements in the price of steel scrap (denominated in the currency of the country of export), the domestic selling price, and the export price to Australia. In the case of the latter, the export price to Australia is very strongly related to the steel scrap price. Naturally, as the steel scrap price is a global commodity value, and broadly reflective of international steel making conditions it is a good indicator of overall material cost conditions for steel making, and changes over time, and the movements in price will be followed by most producers of finished steel products globally.

CONFIDENTIAL FIGURE C.1 (below), illustrates the influence of steel scrap prices (denominated in South Korean Won) on the domestic South Korean sales values and Australian export prices of the goods and like goods since the original investigation period.



CONFIDENTIAL FIGURE C.1 *Steel scrap prices, South Korean domestic sales prices for the like goods and export prices from South Korea to Australia for the goods and like goods (Source: CONFIDENTIAL ATTACHMENT C)*

CONFIDENTIAL FIGURE C.2 (below), illustrates the influence of steel scrap prices (denominated in New Taiwanese Dollars) on the domestic Taiwanese sales values and Australian export prices of the goods and like goods since the original investigation period.



CONFIDENTIAL FIGURE C.2 *Steel scrap prices, Taiwanese domestic sales prices for the like goods and export prices from Taiwan to Australia for the goods and like goods (Source: CONFIDENTIAL ATTACHMENT C)*

The applicant industry contends that for so long as the steel scrap price is influenced by global supply and demand conditions, changes in the steel scrap price will persist, and as a result, so too will changes in the variable factors.

**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.

Not applicable – the applicant is not applying for a revocation review.

ENDNOTES

ⁱ CONFIDENTIAL ATTACHMENT A.

ⁱⁱ Australian Bureau of Statistics trade data is not considered a sufficiently transparent source of export price information because of the extent of confidentiality restrictions applied to the data.

ⁱⁱⁱ CONFIDENTIAL ATTACHMENT B.

^{iv} CONFIDENTIAL ATTACHMENT A.

^v Australian Bureau of Statistics trade data is not considered a sufficiently transparent source of export price information because of the extent of confidentiality restrictions applied to the data.

^{vi} CONFIDENTIAL ATTACHMENT B.

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.