



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

**Anti-Dumping
Commission**

Application for a
review of
anti-dumping measures applying to
hot rolled structural steel sections

exported to Australia from the
Republic of Korea, the Kingdom of
Thailand, Taiwan (except for exports
by Feng Hsin Steel Co Ltd) and Japan

PUBLIC RECORD

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 (Korea), Taiwan (except for exports by Feng Hsin Steel Co Ltd), the Kingdom of Thailand (Thailand) and Japan.***

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.

PUBLIC RECORD

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:

ABN:

Date:

Authorised agent and representative

ONESTEEL MANUFACTURING PTY LIMITED

42 004 651 325

21 November 2018

Authorisation at **Confidential Attachment 1**.

PUBLIC RECORD

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.

The applicant, ONESTEEL MANUFACTURING PTY LIMITED trading as 'Liberty Steel' ABN 42 004 651 325 (**Liberty Steel**) of Level 28, 88 Phillip Street, SYDNEY NSW, PO Box 21, Whyalla, South Australia 5600.

PUBLIC RECORD

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: Authorised agent and representative
Telephone: [REDACTED]
Facsimile: N/A
E-mail address: [REDACTED]

3. Name other parties supporting this application.

The applicant, Liberty Steel, 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 structural steel sections (whether or not containing alloys) in the following shapes and sizes:

- *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.*

PUBLIC RECORD

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 application.

The following descriptions are excluded from measures:

- *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).*

Tariff classification

Hot rolled non-alloy steel sections:

Goods identified as hot rolled non-alloy steel sections, as per the shapes and sizes described above, are classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*:

- *7216.31.00 statistical code 30 (channels – U and C sections);*
- *7216.32.00 statistical code 31 (universal beams – I sections);*
- *7216.33.00 statistical code 32 (universal column and universal bearing piles – H sections); and*
- *7216.40.00 statistical code 33 (equal and unequal angles – L sections).*

Hot rolled other alloy steel sections:

Goods identified as hot rolled other alloy steel sections (meeting the specified shapes and sizes set out above) are classified to the following **tariff subheading 7228.70.00 statistical codes 11 and 12** in Schedule 3 of the *Customs Tariff Act 1995*.

7228.70.00 statistical codes 11 and 12

The countries and/or companies

Exports from Korea, Thailand, Taiwan (except for exports by Feng Hsin Steel Co Ltd) and Japan are subject to the measures.

The specified date of publication of the measure

Notice of the Parliamentary Secretary to the Minister for Industry decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 20 November 2014.

The anti-dumping measures were initially imposed by the then Parliamentary

PUBLIC RECORD

Secretary to the Minister for Industry following consideration of *Anti-dumping Commission Report No. 223*, and amended for:

- exports from Taiwan relating to Dragon Steel Corporation, effective from 9 June 2016, following *Accelerated Review Inquiry No. 359*, ADN 2016/97 published 18 October 2016 refers; and
- exports from Taiwan relating to Tung Ho Steel Enterprise Corporation and exports from Thailand relating to Siam Yamato Steel Co Ltd, effective from 19 October 2016, following *Reviews No. 345 and No. 346* respectively, ADN 2016/98 published 19 October 2016 refers.

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?
 - 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, 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?
 - 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.

NOT APPLICABLE

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.

Australian Manufacturers

As noted above Liberty Steel is the sole member of the Australian industry

**Applications
for review of
variable
factors**

PUBLIC RECORD

manufacturing like goods to the goods.

Exporters

Name: Hyundai Steel Company
Address: West Pavilion of Hyundai-Kia Motors Building
12, Heolleung-ro
Seocho-gu
Seoul, SOUTH KOREA
Telephone: + 82 2 3464 6114
Facsimile: + 82 2 3464 6100

Name: JFE Bars and Shapes Corporation
Address: 5-11-3 Shimbashi
Minato-ku
Tokyo, 105-0004 JAPAN
Telephone: + 81 3 5777 3811
Facsimile: + 81 3 5777 3800

Name: Siam Yamato Steel Co Ltd
Address: Head Quarter Building 2
7th Floor
1 Siam Cement Road
Bangsue
Bangkok, 10800 THAILAND
Telephone: +66 2 586 7777
Facsimile: +66 2 586 2687

Name: TS Steel Co Ltd
Address: NO.6, Gong 6th Rd.,
Cyuanxing Industrial Park,
Shengang Shiang, Changhua County TAIWAN
Telephone: +88 6 4 798 0060
Facsimile: +88 6 4 798 0243

Name: Tung Ho Steel Enterprise Corporation
Address: No.9 Chang An East Road
6th Floor Sec. 1

PUBLIC RECORD

Zhongshan District
Taipei City, 10441 TAIWAN

Telephone: +886 2 2551 1100

Facsimile: +886 2 2551 6620

Name: Hyosung Corporation

Address: 119, Mapodaero

Mapo-gu

Seoul, 04144 SOUTH KOREA

Telephone: +82 2 707 7000

Facsimile: +82 2 707 7799

Name: Dragon Steel Corporation

Address: No. 100 Longchang Road

Longjing District

Taichung, 43401 TAIWAN

Telephone: +88 6 4 2630 6088

Facsimile: *Not Known*

Importers

Name: Sanwa Pty Ltd

Address: 201/100 New South Head Road

Edgecliff NSW 2013

Telephone: 02 9362 3088

Facsimile: 02 9925 9844

Name: ThyssenKrupp Mannex Pty Ltd

Address: Level 4, Tower B

799 Pacific Highway

Chatswood NSW 2064

Telephone: 02 8424 2000

Facsimile: 02 8424 2099

Name: Commercial Metals Pty Ltd

Address: Level 3

430 Forest Road

PUBLIC RECORD

Hurstville NSW 2220

Telephone: 02 9585 6200

Facsimile: 02 9585 8680

Name: Stemcor Australia Pty Ltd

Address: Level 30

31 Market Street

Sydney NSW 2000

Telephone: 02 9284 5600

Facsimile: 02 9284 5601

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:

- ascertained normal values; and
- ascertained export prices.

Normal values

Japan

In *Dumping Investigation No. 223*, JFE Bars and Shapes Corporation (**JFE Bars**) was the only cooperative exporter of the goods from Japan. The normal value ascertained for this exporter in the original investigation was determined under s 269TAC(1).ⁱ For uncooperative and all other exporters from Japan, the normal value was established under s 269TAC(6) having regard to all relevant information by reference to the normal value determined with verified information of the cooperative exporter over the investigation period, but by removing selected favourable and verified adjustments applied to that cooperative exporter. In other words the normal value for all other exporters from Japan was established by reference to the normal value determined for JFE Bars. Therefore, changes to the normal value for JFE Bars will result in changes to the country rate for 'other' exporters from Japan.

Published sales information is available for domestic sellers of like goods to the goods in Japan.ⁱⁱ Movements in the domestic sales price for like goods (expressed in JPY/t)ⁱⁱⁱ since the original investigation period is illustrated in

Confidential Figure A-1 (below).

CONFIDENTIAL FIGURE A.1

Confidential Figure A-1 Average monthly movements in domestic sales prices in Japan for like goods (JPY/t) (Source: CONFIDENTIAL ATTACHMENT A)

1.1.1 JFE Bars and all other exporters from Japan

The dumping duty notice applying to the goods exported to Australia from Japan by JFE Bars and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 223*.

Given the movements in domestic selling prices in Japan for the like goods (as expressed in JPY/t) since the original investigation period (refer **Figure A-1** (above)), the industry applicant considers that the ascertained normal value for JFE Bars and all other exporters will have changed, specifically, it is likely to have **increased by close to 16 per cent** since anti-dumping measures were imposed.^{iv}

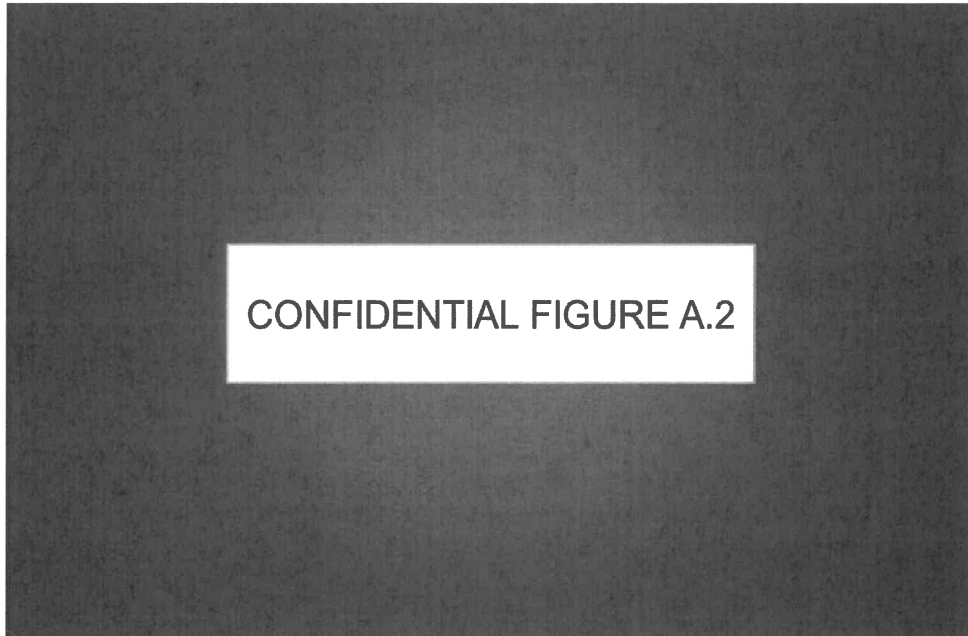
Korea

In *Dumping Investigation No. 223*, Hyundai Steel Company (**Hyundai Steel**) was the only cooperative exporter of the goods from 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 Korea, the normal value was established under s 269TAC(6) having regard to all relevant information by reference to the normal value determined with verified information of the cooperative exporter over the investigation period, but by removing selected favourable and verified adjustments applied to that cooperative exporter. In other words the normal value for all other exporters

PUBLIC RECORD

from Korea was established by reference to the normal value determined for Hyundai Steel. Therefore, changes to the normal value for Hyundai Steel will result in changes to the country rate for 'other' exporters from Korea.

Published sales information is available for domestic sellers of like goods to the goods in 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-2** (below).



Confidential Figure A-2 Average monthly movements in domestic sales prices in Korea for like goods (KRW/t) (Source: CONFIDENTIAL ATTACHMENT A)

1.2.1 Hyundai Steel and all other exporters from Korea

The dumping duty notice applying to the goods exported to Australia from Korea by Hyundai Steel and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 223*.

Given the movements in domestic selling prices in Korea for the like goods (as expressed in KRW/t) since the original investigation period (refer **Figure A-2** (above)), the industry applicant considers that the ascertained normal value for Hyundai Steel and all other exporters will have changed, specifically, it is likely to have **decreased by close to six per cent** since anti-dumping measures were imposed.^v

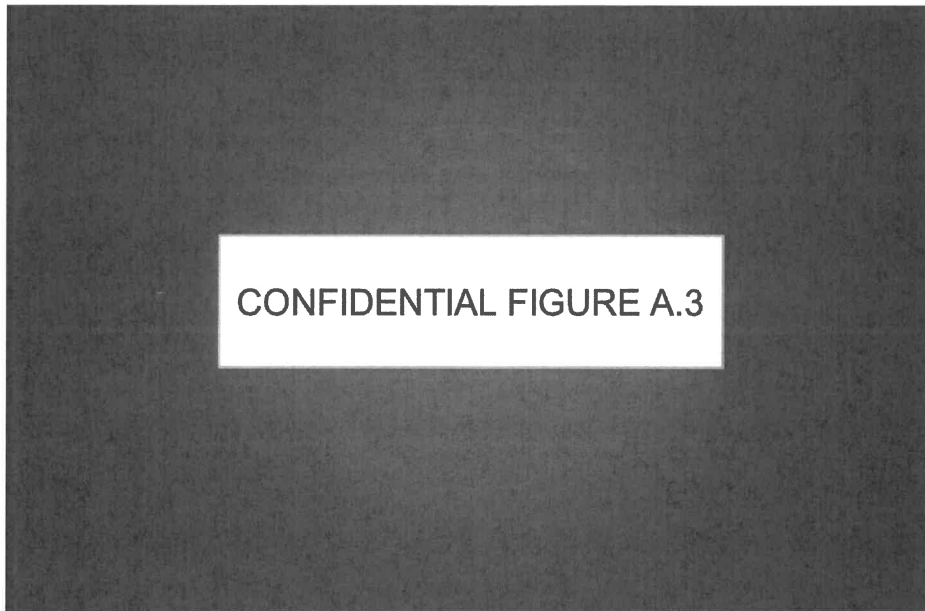
Taiwan

In *Dumping Investigation No. 223*, TS Steel Co. Ltd (**TS Steel**) and Tung Ho Steel Enterprise Corporation (**Tung Ho**) were cooperative exporters of the

PUBLIC RECORD

goods from Taiwan. The normal values ascertained for these exporters in the original investigation were determined under s 269TAC(1). For uncooperative and all other exporters from Taiwan, the normal value was established under s 269TAC(6) having regard to all relevant information by reference to the normal value determined with verified information of the cooperative exporters over the investigation period, but by removing selected favourable and verified adjustments applied to those cooperative exporters. In other words the normal value for all other exporters from Taiwan (excluding Feng Hsin Iron and Steel Co Ltd (**Feng Hsin**)) was established by reference to the normal value determined for TS Steel and Tung Ho under s 269TAC(1).

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 TWD/t) since the original investigation period is illustrated in **Confidential Figure A-3** (below).



Confidential Figure A-3 Average monthly movements in domestic sales prices in Taiwan for the goods (TWD) (Source: CONFIDENTIAL ATTACHMENT A)

1.3.1 Tung Ho

Tung Ho was the applicant for review of anti-dumping measures in *Review No. 345* having a review period of 1 January to 31 December 2015. Following conclusion of that review, the Commissioner recommended, and the then *Parliamentary Secretary to the Minister for Industry, Innovation and Science* (**Parliamentary Secretary**) accepted that the dumping duty notice applying to the goods exported to Australia from Taiwan by Tung Ho be taken to have had

different variable factors in respect of Tung Ho relevant to the determination of duty with effect from 19 October 2016.

Given the movements in domestic selling prices in Taiwan for the like goods (as expressed in TWD/t) since the review period (refer **Figure A-3** (above)), the industry applicant considers that the ascertained normal value for Tung Ho will have changed, specifically, it is likely to have **increased by over 24 per cent** since anti-dumping measures were last reviewed for Tung Ho.^{vi}

1.3.2 Dragon Steel Corporation (Dragon Steel)

Dragon Steel was the applicant for accelerated review of anti-dumping measures in *Accelerated Review No. 359* having a review period of 1 April 2015 to 31 March 2016. Following conclusion of that review, the Commissioner recommended, and the then *Parliamentary Secretary* accepted that the dumping duty notice applying to the goods exported to Australia from Taiwan by Dragon Steel be taken to have had different variable factors in respect of Dragon Steel relevant to the determination of duty with effect from 18 October 2016.

Given the movements in domestic selling prices in Taiwan for the like goods (as expressed in TWD/t) since the accelerated review period (refer **Figure A-3** (above)), the industry applicant considers that the ascertained normal value for Dragon Steel will have changed, specifically, it is likely to have **increased by over 27 per cent** since the accelerated review.^{vii}

1.3.3 TS Steel and all other exporters from Taiwan

The dumping duty notice applying to the goods exported to Australia from Taiwan by TS Steel and all other exporters was not subject to *Review No. 345*, and the normal values ascertained in *Dumping Investigation No. 223* for TS Steel and all other exporters from Taiwan (excluding Feng Hsin) continue to apply to the determination of duty.

Given the movements in domestic selling prices in Taiwan for the like goods (as expressed in TWD/t) since the original investigation period (refer **Figure A-3** (above)), the industry applicant considers that the ascertained normal value for TS Steel and all other exporters will have changed, specifically, it is likely to have **decreased by over 3 per cent** since anti-dumping measures were imposed.^{viii}

Thailand

In *Dumping Investigation No. 223*, Siam Yamato Steel Co Ltd (**SYS**) was the

sole cooperative exporter of the goods from Thailand. The normal value ascertained for SYS in the original investigation was determined under s 269TAC(1).^{ix} For uncooperative and all other exporters from Thailand, the normal value was established under s 269TAC(6) having regard to all relevant information by reference to the normal value determined with verified information of the cooperative exporter over the investigation period, but by removing selected favourable and verified adjustments applied to that cooperative exporter.^x In other words the normal value for all other exporters from Thailand was established by reference to the normal value determined for SYS. Therefore, changes to the normal value for SYS will result in changes to the country rate for 'other' exporters from Thailand.

During verification of SYS' cost to make and sell the Commission found that scrap "constituted the main cost of HRS"^{xi} and specifically that:

"Steel scrap is the largest cost component of HRS."^{xii}

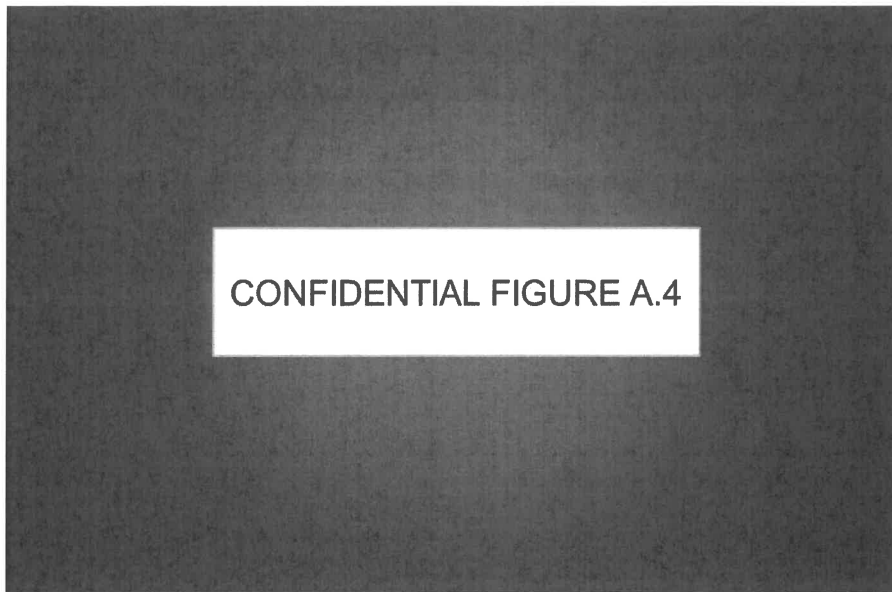
The applicant industry has been unable to identify a source of published Thai domestic sales data for the goods, and it is unreasonable to expect that it would have access to the conversion costs; sales, general and administration; and profit of SYS or other domestic sellers of the goods in Thailand. Therefore, the applicant industry proposes to use changes in the scrap price between the original investigation period, the review period in *Review No. 346* and the proposed review period (1 October 2017 – 30 September 2018) as an index of changes in cost and prices for the goods, assuming that SYS and all other exporters of the goods from Thailand aim to at least maintain comparable levels of profitability on their domestic sales of the goods.

1.4.1 SYS (Siam Yamato Steel Co Ltd)

SYS was the applicant for review of anti-dumping measures in *Review No. 346* having a review period of 1 January to 31 December 2015. Following conclusion of that review, the Commissioner recommended, and the then *Parliamentary Secretary* accepted that the dumping duty notice applying to the goods exported to Australia from Thailand by SYS be taken to have had different variable factors in respect of SYS relevant to the determination of duty with effect from 19 October 2016.

On the basis of changes in the average steel scrap prices (denominated in the domestic currency of the country of export, THB) between the review period and the proposed review period, the applicant industry considers that the normal value ascertained for SYS is likely to have changed, specifically, it is likely to

have increased by over 46 per cent^{xiii} since anti-dumping measures were last reviewed (refer **Confidential Figure A-4** (below):



Confidential Figure A-4 Monthly average HM1 steel scrap prices since 1 October 2012 (Source: CONFIDENTIAL ATTACHMENT B)

1.4.2 All other exporters from Thailand

The dumping duty notice applying to the goods exported to Australia from Thailand by all other exporters was not subject to *Review No. 346*, and the normal value ascertained in *Dumping Investigation No. 223* for all other exporters from Thailand continues to apply to the determination of duty.

On the basis of changes in the average steel scrap prices (denominated in the domestic currency of the country of export, THB) between the original investigation period and the proposed review period, the applicant industry considers that the normal value ascertained for all other exporters from Thailand is likely to have changed, specifically, it is likely to have decreased by over one per cent^{xiv} since anti-dumping measures were imposed.

Whilst the movement in scrap prices indicates a decrease in normal values for all other exporters since the measures were imposed the safeguard actions taken by Thailand in regard to structural hot rolled H-beam with alloy indicates that domestic prices have increased since the measures were imposed.

Thailand notified a safeguard inquiry to the World Trade Organisation (WTO) in regard to H-beam in February 2016 with measures notified in February 2017 and imposed from January 2017 for two years. (**Non-Confidential Att 1** refers).

Structural hot rolled H-beam with alloy is a like good to the goods subject to the

measures with a common 6 digit tariff code of 7228.70.

The safeguard inquiry found that selling prices had declined over the review period of 2010 to 2015 with safeguard measures imposed at the cif (cost, insurance and freight) level of over 31% for 2017 and 2018.

The purpose of such measures as announced in the notification is:

to remedy or prevent the threat of serious injury suffered by the domestic industry.

The imposition of a safeguard tariff of over 31% that is effective during the proposed period of review of 1 October 2017 to 30 September 2018 would likely have seen a substantial increase in domestic selling prices and normal values over the same period for structural H-beams with alloy that would likely result in increases in the ascertained normal values for the goods the subject of the proposed review.

Ascertained export prices

2.1 Japan

In *Dumping Investigation No. 223*, JFE Bars was the only cooperative exporter of the goods from Japan. The export price for exports by JFE was established under s 269TAB(1)(c), having regard to the circumstances of the exportation. For uncooperative and all other exporters from Japan, the Commission established export prices pursuant to s 269TAB(3), having regard to all relevant information by reference to the export price determined with the verified information of JFE Bars over the investigation period. In other words the export price for all other exporters from Japan was established by reference to the export price determined for JFE Bars. Therefore, changes to the export price for JFE Bars will result in changes to the country rate for 'other' exporters from Japan.

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from Japan.^{xv} Movements in the FOB export price for the goods (expressed in USD/t) since the original investigation period is illustrated in **Confidential Figure B-1** (below).



CONFIDENTIAL FIGURE B.1

Confidential Figure B-1 Monthly weighted average export prices of the goods exported from Japan since October 2012 (Source: CONFIDENTIAL ATTACHMENT C)

2.1.1 JFE Bars and all other exporters from Japan

The dumping duty notice applying to the goods exported to Australia from Japan by JFE Bars and all other exporters remains subject to the export prices ascertained in *Dumping Investigation No. 223*.

Given the movements in export prices to Australia exported from Japan for the goods and like goods (as expressed in USD/t) since the original investigation period (refer **Figure C-1** (above)), the industry applicant considers that the ascertained export prices for JFE Bars and all other exporters will have changed, specifically, it is likely to have **decreased by over four per cent** since anti-dumping measures were last imposed.^{xvi}

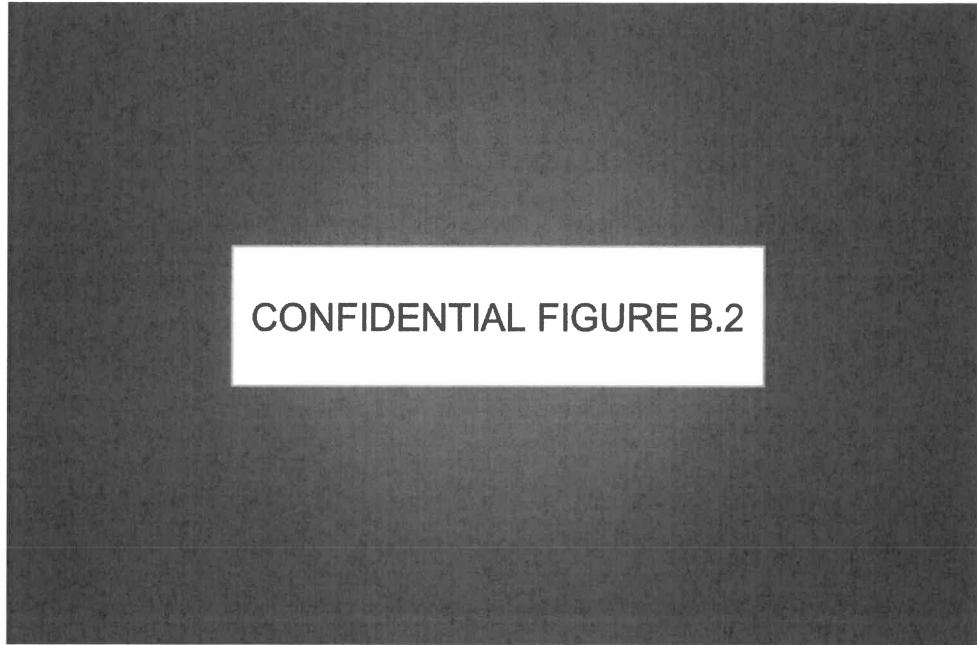
2.2 Korea

In *Dumping Investigation No. 223*, Hyundai Steel was the only cooperative exporter of the goods from Korea. The export price for exports by Hyundai Steel was established under s 269TAB(1)(a), using the invoiced export price, by product model, less transport and other costs arising after exportation. For uncooperative and all other exporters from Korea, the Commission established export prices pursuant to s 269TAB(3), having regard to all relevant information by reference to the export price determined with the verified information of Hyundai Steel over the investigation period. In other words the export price for

PUBLIC RECORD

all other exporters from Korea was established by reference to the export price determined for Hyundai Steel. Therefore, changes to the export price for Hyundai Steel will result in changes to the country rate for 'other' exporters from Korea.

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from Korea.^{xvii} 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 Korea since October 2012 (Source: CONFIDENTIAL ATTACHMENT C)

2.2.1 Hyundai Steel and all other exporters from Korea

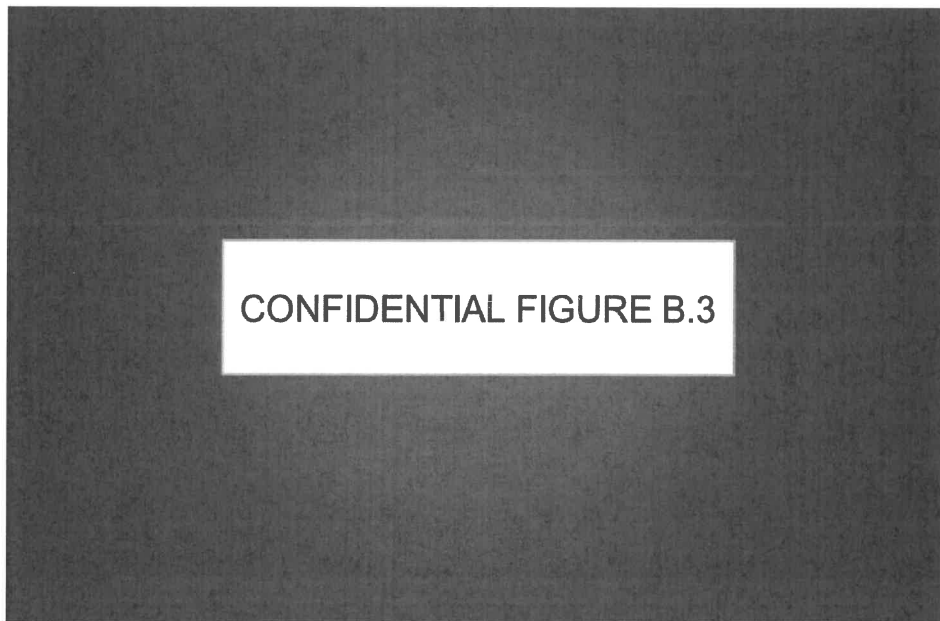
The dumping duty notice applying to the goods exported to Australia from Korea by Hyundai Steel and all other exporters remains subject to the normal values ascertained in *Dumping Investigation No. 223*.

Given the movements in export prices to Australia exported from Korea for the goods and like goods (as expressed in USD/t) since the original investigation period (refer **Figure C-2** (above)), the industry applicant considers that the ascertained export prices for Hyundai Steel and all other exporters will have changed, specifically, it is likely to have **decreased by close to 12 per cent** since anti-dumping measures were imposed.^{xviii}

2.3 Taiwan

In *Dumping Investigation No. 223*, TS Steel and Tung Ho were cooperative exporters of the goods from Taiwan. The export prices ascertained for these exporters in the original investigation were determined under s 269TAB(1)(a) using the invoiced export price, by product model, less any expenses that represent a charge for any matter arising after exportation.^{xix} For uncooperative and all other exporters from Taiwan, the export price was established under s 269TAB(3) using the lowest export price from the cooperative exporters found to have a dumping margin greater than 2%.^{xx} In other words the export price for all other exporters from Taiwan was established by reference to the export prices determined for either TS Steel or Tung Ho under s 269TAB(1)(a).

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from Taiwan.^{xxi} Movements in the FOB export price for the goods (expressed in USD/t) since the original investigation period and subsequent reviews is illustrated in **Confidential Figure B-3** (below).



Confidential Figure B-3 Monthly weighted average export prices of the goods exported from Taiwan since October 2012 (Source: CONFIDENTIAL ATTACHMENT C)

2.3.1 Tung Ho

Tung Ho was the applicant for review of anti-dumping measures in *Review No. 345* having a review period of 1 January to 31 December 2015. Following conclusion of that review, the Commissioner recommended, and the then

Parliamentary Secretary accepted, that the dumping duty notice applying to the goods exported to Australia from Taiwan by Tung Ho be taken to have had different variable factors in respect of Tung Ho relevant to the determination of duty with effect from 19 October 2016.

Given the movements in export prices to Australia exported from Taiwan for the goods and like goods (as expressed in AU\$/t) since the review period (refer **Figure B-3** (above)), the industry applicant considers that the ascertained export prices for Tung Ho will have changed, specifically, it is likely to have **increased by over two per cent** since anti-dumping measures were last reviewed.^{xxii}

2.3.2 Dragon Steel Corporation (Dragon Steel)

Dragon Steel was the applicant for accelerated review of anti-dumping measures in *Accelerated Review No. 359* having a review period of 1 April 2015 to 31 March 2016. Following conclusion of that review, the Commissioner recommended, and the then *Parliamentary Secretary* accepted, that the dumping duty notice applying to the goods exported to Australia from Taiwan by Dragon Steel be taken to have had different variable factors in respect of Dragon Steel relevant to the determination of duty with effect from 18 October 2016.

Given the movements in export prices to Australia exported from Taiwan for the goods and like goods (as expressed in USD/t) since the accelerated review period (refer **Figure C-3** (above)), the industry applicant considers that the ascertained export prices for Dragon Steel will have changed, specifically, it is likely to have **increased by over 12 per cent** since anti-dumping measures were last imposed.^{xxiii}

2.3.3 TS Steel and all other exporters from Taiwan

The dumping duty notice applying to the goods exported to Australia from Taiwan by TS Steel and all other exporters was not subject to *Review No. 345*, and the export prices ascertained in *Dumping Investigation No. 223* for TS Steel and all other exporters from Taiwan (excluding Feng Hsin) continues to apply to the determination of duty.

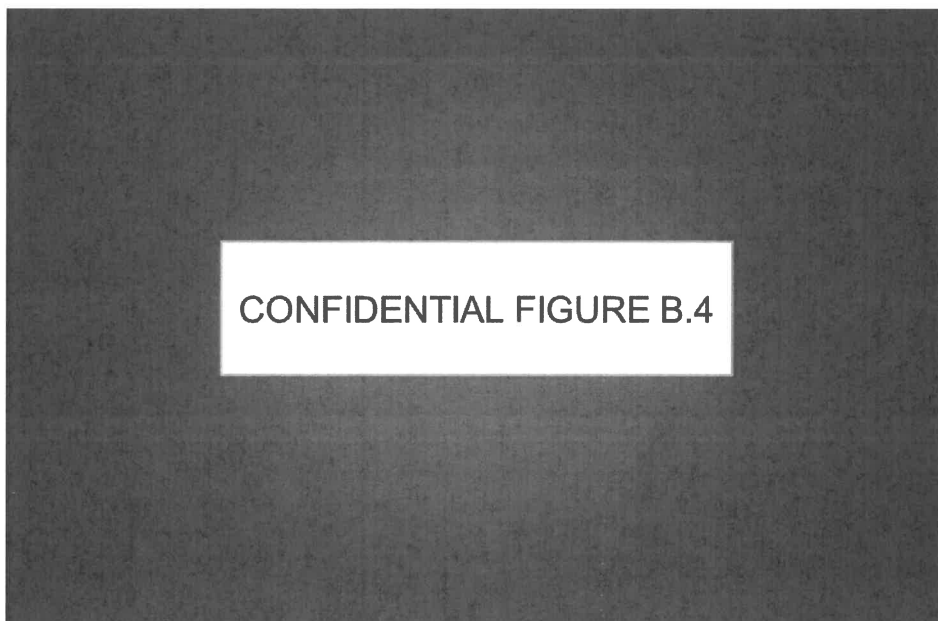
Given the movements in export prices to Australia exported from Taiwan for the goods and like goods (as expressed in USD/t) since the accelerated review period (refer **Figure B-3** (above)), the industry applicant considers that the ascertained export prices for TS Steel and all other exporters will have

changed, specifically, it is likely to have **decreased by over 15 per cent** since anti-dumping measures were last imposed.^{xxiv}

2.4 Thailand

In *Dumping Investigation No. 223*, SYS was the sole cooperative exporter of the goods from Thailand. The export price ascertained for SYS in the original investigation was determined under s 269TAB(1)(a) as the price paid by the importer less transport and other costs arising after exportation. For uncooperative and all other exporters from Thailand, the Commission established export prices pursuant to s 269TAB(3), having regard to all relevant information by reference to the export price determined with the verified information of SYS over the investigation period. In other words the export price for all other exporters from Thailand was established by reference to the export price determined for SYS. Therefore, changes to the export price for SYS will result in changes to the country rate for 'other' exporters from Thailand.

Published export price information (obtained on a subscription basis) is available of the goods exported to Australia from Thailand.^{xxv} Movements in the FOB export price for the goods (expressed in USD/t) since the original investigation period is illustrated in **Confidential Figure B-4** (below).



Confidential Figure B-4 Monthly weighted average export prices of the goods exported from Thailand since October 2012 (Source: CONFIDENTIAL ATTACHMENT C)

Siam Yamato Steel Co Ltd (SYS)

SYS was the applicant for review of anti-dumping measures in *Review No. 346* having a review period of 1 January to 31 December 2015. Following conclusion of that review, the Commissioner recommended, and the then *Parliamentary Secretary* accepted, that the dumping duty notice applying to the goods exported to Australia from Thailand by SYS be taken to have had different variable factors in respect of SYS relevant to the determination of duty with effect from 19 October 2016.

Given the movements in export prices to Australia exported from Thailand for the goods and like goods (as expressed in USD/t) since the review period (refer **Figure B-4** (above)), the industry applicant considers that the ascertained export prices for SYS will have changed, specifically, it is likely to have **increased by over two per cent** since anti-dumping measures were last reviewed.^{xxvi}

2.4.2 All other exporters from Thailand

The dumping duty notice applying to the goods exported to Australia from Thailand by all other exporters was not subject to *Review No. 346*, and the export price ascertained in *Dumping Investigation No. 223* for all other exporters from Thailand continues to apply to the determination of duty.

Given the movements in export prices to Australia exported from Thailand for the goods and like goods (as expressed in USD/t) since the original investigation period (refer **Figure B-4** (above)), the industry applicant considers that the ascertained export price for all other exporters will have changed, specifically, it is likely to have **decreased by over 15 per cent** since anti-dumping measures were last imposed.^{xxvii}

- 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.

In the industry applicant's opinion, the change in the variable factors between the original investigation period, review periods (Review Nos. 345 and 346) and accelerated review period (Accelerated Review No. 359) 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

PUBLIC RECORD

price of steel scrap (denominated in the home currency of the respective country of export) and the domestic selling prices, and the export prices to Australia. In the case of the latter, the relationship between the steel scrap price and 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 Figures C-1, C-2, C-3 and C-4 (below), illustrate the influence of steel scrap prices on the domestic sales values and export prices to Australia of the goods and like goods since the original investigation period.

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.



CONFIDENTIAL FIGURE C.1

Confidential Figure C-1 Steel scrap prices, Japanese domestic sales prices for the like goods and export prices from Japan to Australia for the goods and like goods (Source: CONFIDENTIAL ATTACHMENT D)



CONFIDENTIAL FIGURE C.2

Confidential Figure C-2 Steel scrap prices, Korean domestic sales prices for the like goods and export prices from Korea to Australia for the goods and like goods (Source: CONFIDENTIAL ATTACHMENT D)



CONFIDENTIAL FIGURE C.3

Confidential Figure C-3 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 D)

PUBLIC RECORD

CONFIDENTIAL FIGURE C.4

Confidential Figure C-4 Steel scrap prices and export prices from Thailand to Australia for the goods and like goods (Source: CONFIDENTIAL ATTACHMENT D) (Note: in the absence of domestic sales information for the Thai market for like goods, the industry applicant contends that movements in the steel scrap price will result in proportionate changes in the domestic selling prices).

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

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

PUBLIC RECORD

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.

ⁱ References to statutory provision are references to provisions of the *Customs Act 1901*, unless specified otherwise.

ⁱⁱ CONFIDENTIAL ATTACHMENT A.

ⁱⁱⁱ The published domestic sales price data is expressed in Japanese Yen to reflect the denomination in which the ascertained normal value is expressed.

^{iv} CONFIDENTIAL ATTACHMENT A.

^v *Ibid.*

^{vi} *Ibid.*

^{vii} *Ibid.*

^{viii} *Ibid.*

^{ix} *Final Report No. 223*, p. 48.

^x *Ibid.*, p. 61.

^{xi} EPR Folio No. 223/075, p. 23 at [5.4.1].

^{xii} EPR Folio No. 346/006, p. 9 at [4.2.1].

^{xiii} CONFIDENTIAL ATTACHMENT B

^{xiv} *Ibid.*

^{xv} 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.

^{xvi} CONFIDENTIAL ATTACHMENT C.

^{xvii} Refer endnote [xv].

^{xviii} CONFIDENTIAL ATTACHMENT C.

^{xix} *Final Report No. 223*, pp. 44-45 at [7.6.1] and [7.6.2].

^{xx} *Ibid.*, p. 61.

^{xxi} Refer endnote [xv].

^{xxii} CONFIDENTIAL ATTACHMENT C.

^{xxiii} *Ibid.*

^{xxiv} *Ibid.*

^{xxv} Refer endnote [xv].

^{xxvi} CONFIDENTIAL ATTACHMENT C.

^{xxvii} *Ibid.*