

## PUBLIC RECORD

### FILE NOTE

REVIEW 499 AND CONTINUATION INQUIRY 505

ANTI-DUMPING MEASURES APPLYING TO CERTAIN HOT ROLLED  
STRUCTURAL STEEL SECTIONS

EXPORTED TO AUSTRALIA FROM

JAPAN, THE REPUBLIC OF KOREA, TAIWAN (EXCEPT FOR EXPORTS BY  
FENG HSIN STEEL CO LTD) AND THE KINGDOM OF THAILAND

#### MEETING WITH HYUNDAI STEEL CO. LTD

The Commission met with the Commercial Attaché of the Embassy of the Republic of Korea and representatives of Hyundai Steel on 17 September 2019.

The Commission stated that the Commissioner is not required to give consideration to any new matters raised at the meeting if to do so would delay the timely provision of his report to the Minister.

At this meeting, Hyundai Steel presented its views on the following matters that it had raised in submissions made in respect of Review 499 and Continuation 505:

- **Current and future situation of Australian industry and the Commission's injury assessment**
  - Changed structure of Australian industry, Liberty Steel's relationship with its related party distributors and its impact on profits in various divisions of the company
  - The Australian industry is different now to what it was five years and one year ago
  - Inappropriate separation of rail from other HRS in injury and policy terms
  - Consideration should be given to the Minister's discretion as allowed under Article 4.1 of the *Anti-Dumping Agreement* to exclude Liberty Steel as a member of the Australian industry because it is also an importer
  - As an importer of HRS from Hyundai, Liberty Steel had set the prices and as such caused injury to itself
  - Steelforce acquisition and the future of the Australian industry
- **Dumping margin determination:**
  - Date of export sales should be the order date because that is when the material terms of sale were established
  - Adjustment to normal value on the basis of physical differences should be considered even if the MCC is in place
  - It is possible for products within the same MCC category to have physical differences between that which is sold domestically and that which is exported and, as such, to require an adjustment to be made
  - The ordinary course of trade test should not be on an EXW basis but rather at the delivered price of domestic sales

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- Hyundai should be considered as the importer in export sales where the sales term is “duty paid”;
- Dumping duty paid should not be deducted from Hyundai’s export price as this has distortive effects in subsequent reviews of measures.
- If anti-dumping measures are continued, the form of measures should be an *ad valorem* duty.

A summary document of the matters raised by Hyundai was provided for the public record.

The Commercial Attaché of the Embassy of the Republic of Korea stressed the Korean Government’s interest in this matter and reiterated the views it had made in its earlier submission of 4 June 2019. An attachment that may be added to that submission was provided for the public record.

The Commission acknowledged these views and stated that it will address matters that have been provided to it in submissions accordingly.