



Anti-Dumping Notice No. 2019/79

**Public notice under subsection 269TC(4)
of the *Customs Act 1901***

Hot dip galvanised steel angle

Exported from the People's Republic of China

Initiation of Investigation No. 516 into alleged dumping

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an investigation following an application lodged by Galintel Pty Ltd (Galintel), a manufacturer of hot dip galvanised steel angle (the goods) in Australia. The application seeks the publication of a dumping duty notice in respect of hot dip galvanised steel angle exported to Australia from the People's Republic of China.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry through:

- loss of sales volumes;
- price suppression;
- reduced profit and profitability;
- reduced return on investment;
- reduced attractiveness to reinvest; and
- increased inventory levels.

The non-confidential version of the application, which contains the basis of the alleged dumping and injury, is available on the public record.

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 516*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice.

The Goods

The goods the subject of the application (the goods) are:

Hot dip galvanised steel angle, made from hot rolled coil steel, alloyed or non-alloyed, cold roll-formed, with a nominal thickness greater than 3.2 mm and not more than 12 mm, both legs greater than 75 mm (with the longest leg not greater than 250 mm), nominal length of 800 mm or greater, whether or not perforated.

Tariff Classifications

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

- 7216.61.00 (statistical code 57);
- 7228.70.00 (statistical code 12);
- 7308.30.00 (statistical code 07); and
- 7308.90.00 (statistical code 64)

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods, the subject of this investigation.

Investigation Process

The investigation period is 1 January 2018 to 31 December 2018. I will examine exports to Australia of the goods during this period to determine whether dumping has occurred. I will examine details of the Australian market from 1 January 2015 for injury analysis purposes.

Where the Minister for Industry, Science and Technology (the Minister) is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim dumping duties.¹

¹ In accordance with section 269TG of the *Customs Act 1901*.

Where there are grounds for the Minister to publish a dumping duty notice in respect of the goods, I will examine whether the trade in the dumped goods give rise to retrospective notices being published pursuant to section 269TN of the *Customs Act 1901* (the Act), and make recommendations to the Minister accordingly.

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at www.industry.gov.au.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 516* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

Lodgement of Submissions

Interested parties, as defined by subsection 269T(1) of the *Customs Act 1901 (the Act)*, are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on 31 July 2019, addressed to:

The Director
Investigations 2
GPO Box 2013
Canberra ACT 2600
Australia

or by email to investigations2@adcommission.gov.au or by fax to +61 3 8539 2499.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

Interested parties should also note that I am directed² to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances. This is available at www.legislation.gov.au.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

² Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* have been delegated to the Anti-Dumping Commission's General Managers (Anti-Dumping Notice No. 2017/10, available at www.adcommission.gov.au. refers).

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Lodgement of Exporter Questionnaires

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **31 July 2019**.

The exporter questionnaire and the associated spreadsheets are available under the case information for ADC 516 which can be found under 'Cases' on the Anti-Dumping Commission's (Commission) website, www.industry.gov.au. Alternatively, exporters can email investigations2@adcommission.gov.au upon receipt of this letter and the Commission will forward the exporter questionnaire and spreadsheets for completion.

Proposed Model Control Code Structure

As announced in Anti-Dumping Notice (ADN) No. 2018/128 published on 9 August 2018, the Commission has commenced using a model control code (MCC) structure in relation to applications received for the publication of a dumping duty and countervailing duty notice.

The Commission will undertake model matching using the proposed MCC structure outlined at **Appendix 1** to this notice in order to identify key characteristics that will be used to match models of the goods exported to Australia and like goods sold domestically in the country of export. The proposed MCC structure is based on information received from the applicant and any other information the Commission considers relevant. The MCC structure shall be applied in responses to questionnaires provided by exporters.

Proposals to modify the MCC structure should be raised as soon as is practicable, but no later than the time responses to the exporter questionnaires are due (**31 July 2019**) and placed on the public record prior to any verification.

Interested parties are encouraged to make submissions on whether proposed modifications to the MCC structure should be accepted by the Commission. Any changes to the MCC structure will be considered by the Commission and reported in either verification reports or in the SEF.

Full guidance regarding the Commission's application of MCC structure is provided at ADN No. 2018/128 on the Commission's website at www.industry.gov.au.

Provisional Measures

Pursuant to section 269TD of the Act, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice or there appears that there will be sufficient grounds for the publication of a dumping duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping duty that may become payable on the goods, where a PAD has been made.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website, www.legislation.gov.au.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. In accordance with section 269TDAA of the Act, a statement of essential facts will be placed on the public record by **12 October 2019**, or by such later date as allowed in accordance with section 269ZHI of the Act.³ The statement will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the statement within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Minister.

³ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Anti-Dumping Commission. Refer to ADN No. 2017/10 for further information.

Report to the Minister

A recommendation to the Minister will be made in a report on or before **26 November 2019** (or such later date as allowed under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by me to terminate the investigation, or a decision of the Minister to publish or not to publish a dumping duty notice after considering my report.

Interested Party List

Throughout the investigation, the Commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email investigations2@adcommission.gov.au

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2451 or investigations2@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

24 June 2019



Appendix 1 to ADN No. 2019/79 – Proposed Model Control Code Structure

Item	Category	Sub-category	Identifier	Sales Data	Cost data	Key category
1	Prime	Prime	P	Mandatory	Optional	Yes
		Non-Prime	N			
2	Alloys	Alloyed	A	Mandatory	Mandatory	Yes
		Non-alloyed	B			
3	Form	Perforated	PE	Mandatory	Mandatory	Yes
		Ribbed	RB			
		Perforated and ribbed	PR			
		Not perforated or ribbed	NT			
4	Equal or unequal angle	Equal	EQ	Mandatory	Optional	No
		Non-equal	NE			
5	Nominal dimension (in mm)	The dimension of the longest leg of the angle is greater than 75 and less than or equal to 100	D1	Mandatory	Optional	No
		The dimension of the longest leg of the angle is greater than 100 and less than or equal to 150	D2			
		The dimension of the longest leg of the angle is greater than 150 and less than or equal to 250	D3			
6	Length (in mm)	The length of the angle is greater than or equal to 800 and less than or equal to 2,500	L1	Mandatory	Optional	No
		The length of the angle is greater than 2,500	L2			
7	Thickness (in mm)	Thickness greater than 3.2 and less than or equal to 6	T1	Mandatory	Optional	No
		Thickness is greater than 6 and less than or equal to 12	T2			