

11 June 2020

Mrs Heidi Yang  
Assistant Director, Operations 1  
Anti-Dumping Commission  
Level 35  
55 Collins Street  
Melbourne Victoria 3000

**Public File**

Dear Mrs Yang,

**Review of anti-dumping measures Investigation No. 521 – Zinc Coated (Galvanised) Steel exported from China, India, Korea, Malaysia, Taiwan, and Vietnam**

BlueScope Steel Limited (“BlueScope”) is the Australian manufacturer of Zinc Coated (Galvanised) steel (hereafter referred to as “galvanised steel” and/or “the subject goods”) and is the applicant company for the review of variable factors applicable to galvanised steel exported from the subject countries (‘Review No. 521’).

BlueScope provides the following submission to the Anti-Dumping Commission (“the Commission”) concerning recent representations by Dongbu Steel Co., Ltd (“Dongbu”) (refer EPR Document No. 032).

**1. Change in Variable Factors**

BlueScope anticipates that the outcome of Review No. 521 will be the assignment of different variable factors to each cooperative exporter, the determination of different variable factors for all other exporters, the notice of which for both would then be published in accordance with subsection 269ZDB(1)(a)(iii) of the *Customs Act 1901* (“the Act”).

Specific to the ‘all other exporters’ rate so determined, the Commission’s Dumping and Subsidy Manual details as follows:

*“...the Commission will determine separate rates for the individual exporters and an ‘all other exporters’ rate. The ‘all other exporters’ rate applies to any exporters not known, or which did not exist, at the time of the investigation, and applies to any new exporters. In practice the Commission generally calculates one rate for uncooperative and all other exporters known as ‘the uncooperative and all other exporters’ rate. New exporters may be eligible to apply for an accelerated review in order to receive individualised variable factors.”<sup>1</sup>*

As detailed below, BlueScope submits that Dongbu should now be considered an ‘all other exporter’.

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<sup>1</sup> Dumping and Subsidy Manual, November 2018, p.158.

## 2. Dongbu's Legal Entity Name Change

Review No. 521's inquiry period is July 2018 to June 2019 ("FY2019"), and ADN 2019/100 stipulated that the Republic of Korea ("Korea") fell within its scope. As an active and cooperative exporter, Dongbu furnished an Exporter Questionnaire response,<sup>2</sup> which was subsequently verified by the Commission.<sup>3</sup>

On 27 May 2020, Dongbu advised a 'Notice of Company Name Change'<sup>4</sup> detailing that the KG Consortium had purchased a substantial portion of Dongbu's shares and had become the major shareholder (holding an ownership total of 71.96% as of 7 October 2019). The new legal entity name is now '*KG Dongbu Steel Co., Ltd*' ("KG Dongbu Steel").

## 3. Application of Variable Factors to Dongbu

Section 269T of the Act defines a new exporter to mean an exporter who did not export such goods to Australia at any time starting from:

- i. the commencement of the investigation period; and
- ii. ending the day before the Commissioner publishes the statement of essential facts ("SEF") in relation to the inquiry.

Firstly – BlueScope submits, by the premise of the legal entity name change, that KG Dongbu Steel Co., Ltd is a "new exporter" and not a cooperative exporter in Review No. 521 as the entity itself did not exist and therefore did not export the subject goods to Australia during the review period. Accordingly, the determined 'all other' exporter variable factors should be applied to KG Dongbu Steel at completion of Review No. 521.

Secondly – BlueScope requests that the Commission assess KG Dongbu's Steel's exports of the subject goods to Australia post the FY2019 Review No. 521 investigation period (and until publication of the SEF), as these should be subject to the 13.7% 'all other' duty rate.

If you have any questions concerning this submission, please do not hesitate to contact me on [REDACTED].

Yours faithfully,

[REDACTED]

Manager – Trade Measures

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<sup>2</sup> Electronic Public Record Folio No. 12.

<sup>3</sup> Electronic Public Record Folio No. 23.

<sup>4</sup> Electronic Public Record Folio No. 32.