



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

**Anti-Dumping  
Commission**



Application for a  
review of  
anti-dumping measures

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**APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*  
FOR A REVIEW OF ANTI-DUMPING MEASURES**

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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

**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 (*HiSteel Co., Ltd.*)
- exporters generally

**NOTE**

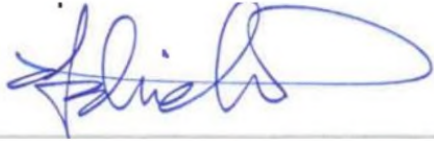
Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

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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: Mr. Shinchul Um

Position: Vice President

Company: HiSteel Co., Ltd.

ABN:

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Date: 28 August 2020

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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](mailto:clientsupport@adcommission.gov.au)

Other information is available from the Commission's website at [www.adcommission.gov.au](http://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](http://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.

#### **Response:**

**HiSteel Co., Ltd.**  
**8th floor, Hanyoung building**  
**28 Toegye-ro 27-gil,**  
**Jung-gu, Seoul, Republic of Korea**

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

**Response:**

**Name: XXXXXXXXXXXXX**

**Position in the company: XXXXXXXXXXXXX**

**Telephone: XXXXXXXXXXXXX**

**Facsimile: XXXXXXXXXXXXX**

**E-mail address: [xxxx@hi-steel.co.kr](mailto:xxxx@hi-steel.co.kr)**

3. Name other parties supporting this application.

**Response:**

**XXXXXXXXXXXX**

**XXXXXXXXXXXX**

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).

**Response:**

**Hi-Steel produces and exports the goods to Australia.**

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:
- tariff classification
  - the countries and/or companies
  - specified date of publication of the measure

**Response:**

**Goods: Hollow Structural Sections (refer Exhibit 1 for detailed description of goods)**

**Tariff: 7306.30.00; 7306.61.00; 7306.69.00**

**Countries: China, Korea, Malaysia, Taiwan**

**Publication date: 3 July 2012**

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?

**Response:**

**Hi-Steel exported XXXXX metric tonnes of the goods with the estimated value of US\$ XXXXX during the period 1 October 2018 to 30 September 2019.**

- 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

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goods exported to Australia each year during the three years prior to the review period.

**Response:**

Period	Quantity (MT)	Value (USD)
201510~201609	XXXXX	XXXXX
201610~201709	XXXXX	XXXXX
201710~201809	XXXXX	XXXXX
<b>Total</b>	<b>XXXXX</b>	<b>XXXXX</b>

- 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.*

**Response:**

**Exports to other countries listed below.**

Country	Quantity	Unit of quantity	Value of sales	Currency
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
XXXXX	XXXXX	Metric Ton	XXXXX	XXXXX
<b>Total</b>	<b>XXXXX</b>		<b>XXXXX</b>	

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.

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Orrcon Manufacturing Pty Ltd  
121 Evans Road  
SALISBURY, QLD, 4107

Liberty Austube Mills / InfraBuild  
146 Ingram Road  
ACACIA RIDGE, QLD, 4110

**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 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.

**Response:**

N/A

**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.

**Response:**

**1. REVOCATION: NO DUMPING**

Histeel requests revocation of the dumping duties due to no history of dumping and dumping is unlikely to occur. Histeel is cooperating in the current interim review, which has confirmed that Histeel did not sell at dumped prices during the period of investigation ("POI"). The Anti-Dumping Commission's verification report shows a dumping margin of -6.2%

Histeel also can confirm that it has not previously sold dumped HSS exports to Australia as it made only infrequent spot sales of very small quantities prior to 2017 (approximately XXX metric tonnes). Also Histeel was not involved in the original investigation which resulted in the dumping duties. This is because Histeel made its first exports to Australia after the original investigation period.

Histeel's exports to Australia involve only one type of product (ie.

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XXXXXXXXXXXX). All of the exports are grouped under one model control code (P-N-O-R-350-P). As the exports include only one model control code, Histeel can more easily review its domestic prices for similar products under this model control code. For this reason, Histeel can confirm that its export prices in the future will not fall below the domestic prices.

The Anti-Dumping Commission's dumping method also helps Histeel to properly calculate its future normal values, to make sure that its export price offers to Australia are not dumped. This can give confidence to the Anti-Dumping Commission that Histeel would not make future exports at dumped prices.

Histeel considers that these reasons provide a reasonable basis for asserting that the measures are no longer warranted.

### 2. REVOCATION: NO INJURY

To prove that Histeel's exports will not cause material injury, we have reviewed the 'Anti-Dumping Commission Report No. 532 – Hollow Structural Sections from Thailand – Continuation inquiry' to apply the same factors to Histeel's export situation.

#### a) Dumping during the period

Histeel's verification report shows -6.2% margin during the period. Also, no dumping has been shown for previous exports. Like Thailand exports, Histeel has also had a floor price apply to its exports since June 2017.

#### b) Patterns or trade / Distribution links

Histeel has been exporting to Australia since 2015-16 period and while volumes have increased over that period, the export volume in POI are less than the export volumes for the main Thai exporters. It is also the case that the largest export volume by Histeel happened in the POI, when it had a floor price with no duty rate, and was still found to be not dumping by -6.2%.

The Anti-Dumping Commission can also observe that Histeel has kept stable distribution links, with a single primary customer (XXXXXXXXXXXX). Histeel's sole partner is with XXXXXXXXXXXX as they are a certified Australian Trusted Trader.

#### c) Impact of USA dumping cases

As the Anti-Dumping Commission has confirmed, Histeel's largest export market remains the United States of America during the POI. This shows that the US trade remedies in 2018, has not caused major impact to Histeel's exports. So there can be no conclusion that Histeel will have excess capacity or that this will be directed to Australia.

#### d) Korean domestic market for HSS

Histeel does not have import data of the particular HSS products that it exports to Australia but Histeel can confirm that it faces little import competition in the domestic market. The main competition for domestic sales comes from other local producers.



**e) Capacity**

Histeel had limited excess capacity (capacity in 2019 was approximately XX%) during the POI which is a small fraction of the total Australian market. In addition, Australian export sales represented a small percentage of Histeel's total sales.

**f) Value of exported goods**

Histeel's exports to Australia have not been the lowest prices in the Australian market, with imports from Thailand, the UAE and India undercutting Histeel's exports. This is confirmed by the Commission's finding in Report 532.

**g) Impact of measures on prices**

Histeel's exports involve a floor price of KRW XXXXXX /mt, and its export prices during the POI were from KRW XXXXXX to KRW XXXXXX. The average export price over the period was KRW XXXXXX /mt, which is approximately X% above the floor price.

This shows that the floor price was not a factor in Histeel's export prices, and that the negative dumping margin calculated by the Commission was based on Histeel's own price setting methodology.

**h) Measures imposed by other countries**

Measures were imposed by the US administration which apply to Histeel's exports. The applicable duty rate was XX%. This has had a marginal impact on Histeel's exports to North America as measures have been imposed more broadly on numerous countries and exports to XXXXXX and XXXXXX have improved.

**i) Effectiveness of the current measures**

As noted above, Histeel's export prices have been well above the floor price applying to Histeel's exports. The export prices during the POI were well above the normal values, which confirms that Histeel has been setting its export prices at fair levels and without considering the floor price.

It can also be observed that based on the Anti-Dumping Commission's normal values for Histeel, it could have exported at the lower floor price and still not be dumping over the POI. Because its export prices were much higher than the floor price, it is reasonable to conclude that the floor price is not needed to prevent dumping.

The factors we have discussed above were considered by the Anti-Dumping Commission in deciding that HSS exports by all exporters from Thailand were unlikely to cause a recurrence of dumping and material injury. As we have shown, Histeel's own situation is just as strong against each of the factors. In fact, as Histeel has never exported to Australia at dumped prices, it is fair to conclude that it was more unlikely to start dumping if there was no floor price.

**Therefore, Histeel declares that it has reasonably shown that the**

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### **situation exists to support revoking the dumping duties applying to its HSS exports.**

#### **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](mailto: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](http://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.