



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission



Application for an accelerated review of anti-dumping measures

APPLICATION UNDER SECTION 269ZE OF THE *CUSTOMS ACT 1901* FOR AN ACCELERATED REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZE of the *Customs Act 1901* (the Act), I request that the Commissioner of the Anti-Dumping Commission conduct an accelerated review of a dumping duty notice and/or countervailing duty notice (the notice(s)) insofar as it affects this exporter.¹

NB: Only a new exporter is eligible to apply for an accelerated review. A new exporter means that, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for an accelerated review of the dumping or countervailing duty notice(s) in so far as it relates to the applicant; and
- is complete and correct.

Signature:	<i>k . B . Park</i>
Name:	Kwangbum Park
Position:	General Manager of Trade Affairs Team
Company:	Dongkuk Steel Mill Co., Ltd.
Date:	18 February 2022

¹ All legislative references are to the *Customs Act 1901*.

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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 Anti-Dumping Commission's (Commission's) client support section for advice.

NB: Where an application is made by an agent acting with authority on behalf of a company, joint venture, trust or sole trader, an authority to act letter must be provided with this application.

Dongkuk Steel Mill Co., Ltd.(hereafter "Dongkuk" or "the Applicant") has appointed Moulis Legal to represent it in this matter.

Please refer to Attachment 1 – ltr from Dongkuk to ADC re ML authority to act.

Assistance with the application

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.

Required information

1. Provide details of the current anti-dumping measure(s) the subject of this review application, including:

- identify the notice(s) imposing measures that the applicant seeks an accelerated review of; and

The goods subject to this application are those subject to measures originally imposed by way of the application of public notice under subsections 269TG(1) and (2) of the Customs Act 1901 ("the Act") dated 19 November 2015.

Please refer to Attachment 2 – Anti-Dumping Notice 2015/133.

Most recently, measures were varied by way of application of public notice under subsection 269ZDB(1)(a)(iii) of the Act dated 15

December 2021.

Please refer to Attachment 3 – Anti-Dumping Notice 2021/150.

- a description of the goods to which the notice(s) relates.

The goods subject to this application are described by the original imposition notice as:

“Hot-rolled deformed steel reinforcing bar whether or not in coil form, commonly identified as rebar or debar, in various diameters up to and including 50 millimetres, containing indentations, ribs, grooves or other deformations produced during the rolling process.

The goods covered by this application include all steel reinforcing bar meeting the above description of the goods regardless of the particular grade or alloy content or coating.

Goods excluded from this application are plain round bar, stainless steel and reinforcing mesh.”

The goods are classified to the tariff subheadings in Schedule 3 to the Customs Tariff Act 1995 specified below. It should be noted that the statistical codes applying to these tariff classifications were modified subsequent to the initiation of this investigation. The relevant changes are noted in italics:

- *7214.20.00 (statistical code 47);*
- *7228.30.90 (statistical code 49 (as of 1 July 2015, statistical code 40));*
- *7213.10.00 (statistical code 42);*
- *7227.90.90 (statistical code 42 (as of 1 January 2015 statistical codes 02 and 04)); and*
- *7227.90.10 (statistical code 69).*

Please refer to Attachment 2 – Anti-Dumping Notice 2015/133.

The Anti-Dumping Commission (“the Commission”) also specifies the following exemptions on the dumping commodities register:

Ministerial Exemption Instrument No 2 of 2019 effective from 28 September 2018.

Hot-rolled steel reinforcing bar with a continuous thread, commonly identified as ‘threadbar’ or ‘threaded bar’, in straight lengths, complying with Australian/New Zealand Standard AS/NZS4671, grade 500N, with a 40 mm diameter.

Ministerial Exemption Instrument No 3 of 2019 effective from 9 November 2018.

Fully threaded hot-rolled prestressing steel reinforcing bar, in straight lengths, with a minimum yield strength of 885 MPa or greater, with a 26.5 mm, 32 mm, 36 mm, 40 mm or 50 mm

diameter.

Please refer to Attachment 4 – Dumping Commodities Register – Steel Reinforcing Bar.

2. Provide details of the name, street and postal address, of the applicant seeking the accelerated review;

The details of the applicant are:

Name:	Dongkuk Steel Mill Co., Ltd.
Address:	Ferrum Tower, 19 Uljiro 5-gil, Jung-gu, Seoul, Korea

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

The details of the contact person, and representative of Dongkuk for the purposes of this application is:

Name	Macky Markar
Position	Associate, Moulis Legal
Telephone number	+61 2 6163 1000
Email address	macky.markar@moulislegal.com

4. Describe the applicant’s role in the exportation of the goods (e.g. producer or manufacturer, distributor or trader of the goods);

The applicant, Dongkuk, is the manufacturer and exporter of the subject goods exported to Australia.

5. Confirm that the applicant is a ‘new exporter’, meaning, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).

The applicant, Dongkuk, confirms it is a “new exporter” in relation to the goods the subject of this application, as defined under subsection

269T(1) of the Act, and as such may submit this application in accordance with subsection 269ZE(1) of the Act.

6. Confirm whether the applicant has previously applied for an accelerated review in relation to the notices the subject of this application.

Dongkuk confirms it has not previously applied for an accelerated review in relation to the notice the subject of this application.

7. Confirm whether the applicant is related to an exporter whose exports were examined in relation to the application for publication of the notice(s), and the nature of the relationship (s 269ZE(2)(b) refers).

In determining whether the applicant is an associate of an exporter whose exports were examined in relation to the application for publication of the notices(s), answer the following (s 269TAA(4) refers):

- (a) Are both natural persons?

If yes:

- (i) Are they members of the same family? Or;
(ii) Is one of them an officer or director of a body corporate controlled, directly or indirectly, by the other?

- (b) Are both body corporates?

If yes:

- (i) Are both of them controlled by a third person (whether or not a body corporate)? Or;
(ii) Do both of them together control, directly or indirectly, a third body corporate? Or;
(iii) Is the same person (whether or not a body corporate) in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them?

- (c) Is one of them, being a body corporate, directly or indirectly, controlled by the other (whether or not a body corporate)?

- (d) Is one of them, being a natural person, an employee, officer or director of the other (whether or not a body corporate)?

- (e) Are they members of the same partnership?

NB: Please include appropriate evidence in support of your view that the applicant is or is not related to another company whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation). This should include an overview of your corporate structure, including entities that the applicant has an interest in and entities that have an interest in the applicant, list of directors and annual report(s) where applicable.

Dongkuk confirms it is not related to any exporter whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation).

To assist in this consideration, Dongkuk provides information about its corporate structure as follows:

- Attachment 5 – Dongkuk Group Companies information [CONFIDENTIAL ATTACHMENT];
- Attachment 6 – List of Dongkuk Directors;
- Attachment 7 – Dongkuk 2020 Annual Report

8. Provide a statement setting out the basis on which you consider the particular dumping or countervailing duty notice is inappropriate, so far as the applicant is concerned.

Dongkuk is a “new exporter” as defined under subsection 269T(1) of the Act. The measures in place do not reflect or relate to Dongkuk’s circumstances of exportation and is therefore inappropriate.

At present, the “uncooperative and all other exporters” duty rate of 8.5% is applicable to Dongkuk’s exports to Australia. This rate of duty was calculated based on the export price and normal value of Daehan Steel Co Ltd. Dongkuk is not related to Daehan, and can advise that the 8.5% duty rate calculated based on Daehan’s information cannot appropriately reflect the Dongkuk’s circumstances. To support this view, Dongkuk provides its analysis regarding its Australian sales of the goods under consideration and the domestic sales of like goods during the 2021 period at Attachment 8 – Dongkuk dumping margin estimation [CONFIDENTIAL ATTACHMENT]. Dongkuk considers that this information provide additional support for its view that the currently applicable anti-dumping duty is inappropriate in so far as Dongkuk is concerned.

Impact of an all exporter review of measures

Where a review of measures applies to all exporters of the goods generally (that is, not a single exporter), the changes to the notice(s) that result from the review may apply to all relevant exporters of the goods, including past applicants for an accelerated review. This means that changes to a notice as an outcome of an all exporter review of measures may replace an earlier published outcome of an accelerated review.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or

- pre-paid 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

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(outside Australia)

Public Record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for an accelerated review will be opened and accessible on the Commission's website at www.adcommission.gov.au. The public record will contain, among other things, a copy of the application, all submissions from interested parties and Commission reports.

At the time of making the application, the Commission requests both a confidential version (for official use only) and non-confidential version (public record) of the application 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 accelerated 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.