

# RESPONSE TO AN APPLICATION FOR EXEMPTION FROM DUTY UNDER THE *CUSTOMS TARIFF (ANTI-DUMPING) ACT 1975*

Exemption inquiry EX0084 – response requested by 2 August 2021

## 1 Introduction

The Anti-Dumping Commission (the Commission) requests your response to an application for exemption from anti-dumping measures under the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act).

Sections 8(7)(a) and 10(8)(a) of the Dumping Duty Act provide discretion for the Minister for Industry, Science and Technology (the Minister) to exempt goods from anti-dumping measures, where they are satisfied that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The Commission has received an application for exemption from anti-dumping measures in respect of certain zinc coated (galvanised) steel (galvanised steel or the goods) for the goods described at section 5 of this form (“the exemption goods”).

Your company has been identified as an Australian producer of the goods.

The Commission seeks your assistance in this exemption inquiry by responding to this questionnaire. The Commission will use the information you provide in its assessment as to whether an exemption from dumping duties may be recommended to the Minister.

## 2 Current anti-dumping measures

The Commission has carried out several inquiries into galvanised steel. A summary of these inquiries is set out in the table below. Further information regarding the measures on galvanised steel is also available on the Commission’s electronic public record (EPR).<sup>1</sup>

Case	ADN	Minister’s decisions ADN date	Country of export	Findings
190 and 193 (Investigation)	2013/66 <sup>2</sup>	5 August 2013	China, Korea, Taiwan	<ul style="list-style-type: none"> <li>• IDD imposed on China, Korea and Taiwan</li> <li>• ICD imposed on China</li> </ul>
290 and 298 (Anti-Circumvention inquiries)	2016/23 <sup>3</sup>	17 March 2016	China, Taiwan	<ul style="list-style-type: none"> <li>• Changed goods description to include alloyed goods</li> </ul>

<sup>1</sup> Available on the Commission [website](#).

<sup>2</sup> *International Trade Remedies Branch Report Nos.* [190 and 193 \(REP 190 and 193\)](#), and ADN [2013/66](#).

<sup>3</sup> *Anti-Dumping Commission Report Nos.* [290 and 298](#), and ADN [2016/23](#).

Case	ADN	Minister's decisions ADN date	Country of export	Findings
365, 366, 368, 371, 374, 376 (Review)	2017/49 <sup>4</sup>	10 May 2017	China, Taiwan	<ul style="list-style-type: none"> <li>• IDD varied for China and Taiwan</li> </ul>
370 (Investigation)	2017/99 <sup>5</sup>	16 August 2017	India, Malaysia, Vietnam	<ul style="list-style-type: none"> <li>• IDD imposed on India, Malaysia and Vietnam</li> <li>• ICD imposed on India</li> </ul>
449 (Continuation) and 457 (Review)	2018/96 (Continuation) <sup>6</sup> and 2018/94 (Review) <sup>7</sup>	12 July 2018	China, Korea, Taiwan	<ul style="list-style-type: none"> <li>• IDD varied for China, Korea and Taiwan</li> </ul>

### **Exempted goods**

There are several exempted goods in relation to galvanised steel. Further details can be found in the Dumping Commodity Register on the Commission's [website](#).

## **3 Application for Exemption from Measures**

An application for an exemption has been made to the Commission by Austube Mills Pty Ltd. The Commission has considered the application and after consultation with the applicant, accepted the application and will now undertake an examination to determine whether it should recommend the requested exemption.

## **4 Exemption Provisions**

The Dumping Duty Act provides discretion for the Minister to exempt goods from dumping duties if one of the criteria in section 8(7)(a) is met, or to exempt goods from countervailing duties if one of the criteria in section 10(8)(a) is met.

### **Section 8(7)(a)**

The Minister may, by notice in writing, exempt goods from interim dumping duty or dumping duty if he or she is satisfied:

- (a) that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade

### **Section 10(8)(a)**

The Minister may, by notice in writing, exempt goods from interim countervailing duty or countervailing duty if he or she is satisfied:

<sup>4</sup> *Anti-Dumping Commission Report Nos. 365, 366, 367, 368, 371, 372, 374, 375, and 376, and ADN 2017/49.*

<sup>5</sup> [REP 370](#) and ADN [2017/99](#).

<sup>6</sup> [REP 449 and 450](#), and ADN [2018/96](#).

<sup>7</sup> [REP 456 and 457](#), and ADN [2018/94](#).

**FOR OFFICIAL USE ONLY / PUBLIC RECORD**

- (a) that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade

The exemption provisions are subject to the discretion of the Minister and an exemption is not automatically granted, even where the criteria in the provision is met.

## 5 The Goods Subject to this Exemption Application

The goods the subject of this exemption inquiry were defined by the applicant as:

*Coils, non-alloy steel, hot rolled, zinc coated complying with American Society for Testing and Materials Standard A653 / A653M - 11 (ASTM A653/A653M-11) or ASTM A653/653M-20, having ALL of the following:*

- (a) thickness NOT less than 2.75mm and NOT greater than 6.0mm;*
- (b) width NOT less than 784mm and NOT greater than 1,263mm;*
- (c) minimum yield strength NOT less than 330 MPa;*
- (d) minimum tensile strength NOT less than 430 MPa;*
- (e) inside diameter NOT less than 500mm and NOT greater than 710mm;*
- (f) zinc coating mass NOT less than 0.080 kg/m<sup>2</sup> per side;*
- (g) weight NOT less than 14 metric tonnes;*
- (h) chemical composition by weight of ALL of the following:*
  - (i) carbon content NOT greater than 0.20%;*
  - (ii) manganese content NOT less than 0.30% and NOT greater than 0.90%;*
  - (iii) phosphorus content NOT greater than 0.03%;*
  - (iv) sulphur content NOT greater than 0.03%;*
  - (v) chromium content less than 0.30%;*
  - (vi) molybdenum content less than 0.08%;*
  - (vii) aluminium content NOT greater than 0.10%;*
  - (viii) copper content NOT greater than 0.25%;*
  - (ix) nickel content NOT greater than 0.25%;*
  - (x) titanium content NOT greater than 0.04%;*
  - (xi) vanadium content less than 0.10%;*
  - (xii) silicon content NOT greater than 0.45%*

The exemption goods are generally classified to tariff subheadings 7210.49.00 (statistical code 55, 56, 57 and 58), 7212.30.00 (statistical code 61), 7225.92.00 (statistical code 38) and 7226.99.00 (statistical code 71) of Schedule 3 to the *Customs Tariff Act 1995*. The exemption goods are identical to those described in TCO Number 1328432,<sup>8</sup> with the exception of the characteristic for inside diameter.

### **Goods produced in Australia**

The applicant claims that the Australian industry is unable to offer like or directly competitive goods.

## 6 Instructions on Completing this 'Response to the Exemption Application'

---

<sup>8</sup> Available on the Australian Border Force [website](#).

**FOR OFFICIAL USE ONLY / PUBLIC RECORD**

The applicant has identified your company as the sole Australian producer of galvanised steel that are subject to the anti-dumping measures.

Consequently, the Commission has forwarded you this 'Response to Exemption Application' (the response) to provide you with the opportunity to participate in this exemption inquiry.

The Commission seeks your assistance with this exemption inquiry by responding to the questions in this form. The Commission will use the information you provide to make a recommendation as to whether an exemption from dumping and/or countervailing duty should be granted by the Minister for Innovation, Science and Technology.

Specifically, the information provided by Australian galvanised steel producers will assist the Commission in determining whether like or directly competitive goods are offered for sale in Australia and whether offers for sale of the goods are available to all purchasers on equal terms under like conditions having regard to custom and usage of trade.

**FOR OFFICIAL USE ONLY / PUBLIC RECORD**

**Due date for the response**

We request that you complete your response and return it to the Commission by **2 August 2021**.

Please email your response to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

**Verification of the information that you supply**

The Commission may seek to verify some or all of the information supplied in the response. The Commission may request evidence to support the claims such as quotations and offers of sale.

An onsite visit by the Commission may be required in some cases. A report will be prepared of visits conducted and a non-confidential version will be placed on the public record.

There is no legislative timeframe for completion of an exemption inquiry, however a recommendation to the Minister will be made as soon as practicable after obtaining all relevant information.

**Confidential and non-confidential submissions**

We request that you also lodge a non-confidential version of your response suitable for placement on the public record. The Commission puts greater weight on submissions that are available to other interested parties for comment.

Please ensure that each page of information you provide is clearly marked either: “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

**Outline of information required by the response**

<b>Part A</b>	Company contact information
<b>Part B</b>	Response to exemption application
<b>Part C</b>	Identical goods
<b>Part D</b>	Like or directly competitive goods
<b>Part E</b>	Capability to produce like or directly competitive goods
<b>Part F</b>	Additional comments
<b>Part G</b>	Your declaration

## Response to Exemption Application

### PART A – Company Information

A.1 Please provide the following company contact information:

Name:	XXXX XXXX
Position in company:	XXXXXXXXXXXXXXXXXXXX
Address:	Five Islands Rd Port Kembla
Telephone:	XXX XXXXXX
Facsimile number:	n/a
E-mail address of contact person:	XXXXXXXXXXXXXXXXXXXX

### PART B – Response to Exemption Application

B.1

Does your company oppose or not consent to the request for an exemption?

- Oppose  
 Not oppose

**NOTE: If your company does not oppose the request for an exemption, you do not need to complete all parts of the questionnaire. Please indicate that you do not oppose the request (stating the reasons why), answer the questions that are relevant to your reasons for not opposing the request, sign and return the form as soon as possible.**

### PART C – Identical Goods

C.1

Does your company produce, in Australia, goods that are identical in all respects to the goods described in section 5 of this 'Response to Exemption Form'?

If no, go to Part D – Like or directly competitive goods.

- Yes  
 No

C.2

Please provide evidence that you have produced and sold in Australia, in the last 12 months, goods that are identical in all respects to the goods subject to this application for exemption.

Evidence can be in the form of production reports and sales invoices. To the extent that production reports or sales invoices do not refer to the goods in the same detail as set out in the description of the goods (section 5), please provide additional information that indicates that identical goods have

## FOR OFFICIAL USE ONLY / PUBLIC RECORD

been produced or sold. The evidence should be attached to this form to ensure that it can be linked to this specific response. Please also include any available product literature respecting the identical goods you have produced and sold.

### C.3

Provide evidence of the terms and conditions of sale of these identical goods. Are these products available to all purchasers on equal terms under like conditions? If so, provide evidence and explain why you consider that these products are available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

## PART D – Like or Directly Competitive Goods

### D.1

If your company does not produce identical goods, does it produce and sell in Australia goods that are like or directly competitive to the goods subject to this application for exemption?

In determining whether the goods are like or directly competitive, the Commission will consider whether the goods have characteristics closely resembling each other and are substitutable.

The Commission may also consider;

- whether physical characteristics of the goods are similar (including size, weight, shape, content, appearance, grade, standards, strength and purity);
- whether the goods are commercially alike, this may include consideration of the following;
  - whether the goods directly compete in the same market sector;
  - the extent to which participants in the supply chain are willing to switch between the goods and the goods subject to the application for exemption;
  - how the price of the goods and goods subject to the application influences consumption;
  - whether the goods share similar distribution channels; and
  - whether the goods are similarly packaged.
- functional likeness – whether the goods are suitable with regard to end use, this may include an assessment of;
  - the extent to which the goods are functionally substitutable;
  - the extent to which the goods are capable of performing the same or similar function;
  - whether the goods have the same or similar quality standards; and
  - consumer behavior in relation to the goods and goods subject to this application for exemption.
- production likeness, this may include an assessment of;
  - the extent to which the goods are constructed of the same or similar materials;
  - the manufacturing process of the goods; and
  - whether any patented processes or inputs are involved in the production of the goods.

### D.2

If you answered yes to question D.1, please provide a description of the goods produced by your company that you consider to be like or directly competitive to the goods subject to this application.

FOR OFFICIAL USE ONLY / PUBLIC RECORD



**FOR OFFICIAL USE ONLY / PUBLIC RECORD**

Your description of the goods your company produces should refer to all aspects of the goods as set out in the description of the goods in section 5.

<b>Characteristics</b>	<b>Description</b>

Please provide evidence that the goods you consider like or directly competitive to the goods subject to this application for exemption have recently been produced or sold in Australia by your company. Evidence can be in the form of production reports and sales invoices. To the extent that production reports or sales invoices do not refer to the goods described in the above table, please provide additional information that indicates that the goods have been produced or sold. The evidence should be attached to this form to ensure that it can be linked to this specific response. Please also include any available product literature concerning the like or directly competitive goods you produced and sold.

**D.3**

Provide evidence of the terms and conditions of sale of these like or directly competitive products. Are these products available to all purchasers on equal terms under like conditions? If so, provide evidence and explain why you consider that these products are available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

**PART E – Capability to Produce Identical or Like or Directly Competitive Products**

**E.1**

If your company has not produced and sold in Australia products that are identical to, or like or directly competitive to the goods subject to this application for exemption, is your company capable of producing such goods?

Yes

No

**E.2**

If you answered yes to question E.1, indicate whether the product that you can produce is identical to, or like or directly competitive to the goods subject to this application for exemption.

**E.3**

If you are capable of producing identical, like or directly competitive goods, explain why you have not produced such goods.

Provide evidence of your production capability, including evidence of the production and sale of similar products, certification of the identical, like or directly competitive goods and at what cost they could be produced, as well as any plans for the imminent production of the goods or orders for the goods and any relevant information.

**E.4**

If you are capable of producing identical, like or directly competitive goods, provide reasonable evidence of likely terms and conditions of sale for these goods.

**PART F – Additional Comments**

**F.1**

Provide any additional comments including any other information that will assist the Commission in reaching a recommendation to the Minister regarding this application for exemption.

**PART G – Declaration**

I hereby declare that BlueScope Steel has completed the attached response to application for exemption and, having made due inquiry, certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

**Name** : XXXX XXXX

**Signature** :

**Position in Company** : XXXXXXXXXXXXXXXXXXXX

**Date** : 12/07/2021