



Application for review of a Ministerial decision

Customs Act 1901 s 269ZZE

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 11 July 2018 for a review of a reviewable decision of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application for review to the ADRP of a review of a Ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences

The ADRP may request that you or your representative attend a conference for the purpose of obtaining further information in relation to your application or the review. The conference may be requested any time after the ADRP receives the application for review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. See the ADRP website for more information.

Further application information

You or your representative may be asked by the Member to provide further information in relation to your answers provided to questions 9, 10 and/or 11 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by completing the withdrawal form on the ADRP website.

¹ By the Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

² As defined in section 269ZX *Customs Act 1901*.

Contact

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: Chung Hung Steel Corporation ("Chung Hung")
Address: 317, Yu Liao Road, Chiao Tou District Kaohsiung City 825, Taiwan
Type of entity (trade union, corporation, government etc.): Chung Hung is a corporation.

2. Contact person for applicant

Full name: Mr. Pan, Che Jen
Position: Section Chief, Commercial Administration Department
Email address: ch25290@chsteel.com.tw
Telephone number: 886-7-6117171 Ext. 3531

3. Set out the basis on which the applicant considers it is an interested party:

Chung Hung is the exporter of the goods from Taiwan that was the subject of the review of measures.

4. Is the applicant represented?

Yes ☒ No ☐

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

PART B: REVIEWABLE DECISION TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decision was made under:

☐ Subsection 269TG(1) or (2) –
decision of the Minister to publish a
dumping duty notice

☐ Subsection 269TH(1) or (2) –
decision of the Minister to publish a
third country dumping duty notice

☐ Subsection 269TJ(1) or (2) –
decision of the Minister to publish a
countervailing duty notice

☐ Subsection 269TK(1) or (2)
decision of the Minister to publish a
third country countervailing duty
notice

☐ Subsection 269TL(1) – decision of the
Minister not to publish duty notice

☒ Subsection 269ZDB(1) – decision of the
Minister following a review of anti-dumping
measures

☐ Subsection 269ZDBH(1) – decision of the
Minister following an anti-circumvention
enquiry

☐ Subsection 269ZHG(1) – decision of the
Minister in relation to the continuation of anti-
dumping measures

6. Provide a full description of the goods which were the subject of the reviewable decision:

The goods subject of the reviewable decision are flat rolled products of iron and non-alloy steel, of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc.

Additional information in relation to the goods

Zinc coated (galvanized) steel is commonly referred to as galvanised steel. The amount of zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared (g/m²) with the prefix being Z (Zinc) or ZF (Zinc converted to a Zinc/Iron alloy coating). Common coating masses used for zinc coating are: Z350, Z275, Z200, Z100, and for zinc/iron alloy coating are: ZF100, ZF80 and ZF30 or equivalents based on international standards and naming conventions.

Product treatment

The goods cover galvanised steel whether or not including any (combination of) surface treatment, for instance; whether passivated or not passivated, (often referred to as chromated or unchromated), oiled or not oiled, skin passed or not skin passed, phosphated or not phosphated (for zinc iron alloy coated steel only).

Excluded goods

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised plate steel and corrugated galvanised steel are not covered by the dumping duty notice.

7. Provide the tariff classifications/statistical codes of the imported goods:

Goods identified as galvanised steel, as per the description above, are classified to the following tariff subheadings in Schedule 3 to the Customs Tariff Act 1995:

- 7210.49.00 statistical code 55, 56, 57 and 58;
- 7212.30.00 statistical code 61.

8. Anti-Dumping Notice details:

Anti-Dumping Notice (ADN) number: 2018/94 (Refer to **Attachment A**)

Date ADN was published: 17 July 2018

****Attach a copy of the notice of the reviewable decision (as published on the Anti-Dumping Commission's website) to the application****

PART C: GROUNDS FOR THE APPLICATION

If this application contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the application that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

- Personal information contained in a non-confidential application will be published unless otherwise redacted by the applicant/applicant's representative.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: ☒

9. Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision:

Refer to **Attachment B**.

10. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 9:

Refer to [Attachment B](#).

11. Set out the reasons why the proposed decision provided in response to question 0 is materially different from the reviewable decision:

Refer to [Attachment B](#).

PART D: DECLARATION

The applicant/the applicant's authorised representative *[delete inapplicable]* declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected; and
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature:



Name: [Mr John Bracic](#)

Position: [Director](#)

Organisation: [J.Bracic & Associates Pty Ltd](#)

Date: [16 / 08 / 2018](#)

PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative:

Full name of representative: Mr John Bracic
Organisation: J.Bracic & Associates Pty Ltd
Address: PO Box 3026, Manuka, ACT 2603
Email address: john@jbracic.com.au
Telephone number: +61 (0)499 056 729

Representative's authority to act

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature: 

Name: Mr Kai-Ming Huang

Position: Vice-President, Commercial Division

Organisation: Chung Hung Steel Corporation

Date: 16 / 08 / 2018



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

ANTI-DUMPING NOTICE NO. 2018/94

Zinc Coated (Galvanised) Steel Exported from the People's Republic of China, the Republic of Korea and Taiwan

Findings in Relation to a Review of Anti-Dumping Measures

Notice under subsection 269ZDB(1) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission has completed a review, which commenced on 10 November 2017, of the anti-dumping measures applying to zinc coated (galvanised) steel (the goods) exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea) and Taiwan.

Recommendations resulting from that review, reasons for the recommendations and material findings of fact and law in relation to the review are contained in *Anti-Dumping Commission Report Nos. 456 and 457* (REP 456 and 457).

I, ZED SESELJA, the Assistant Minister for Science, Jobs and Innovation (Assistant Minister) have considered REP 456 and 457 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of facts or law set out in REP 456 and 457.

Under subsection 269ZDB(1)(a)(iii) of the *Customs Act 1901* (the Act), I declare that, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act), that with effect from the date of publication of this notice the dumping duty notice currently applying to the goods exported to Australia from China, Korea and Taiwan and the countervailing duty notice currently applying to the goods exported to Australia from China, are to be taken to have effect as if different variable factors had been fixed in respect of exporters generally, relevant to the determination of duty.

The duty that has been determined is an amount worked out in accordance with the combination of fixed and variable duty method or the floor price duty method, as detailed in the table below. Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are set out in the following table.

Country	Exporter	Dumping Margin	Subsidy Margin	Effective rate of combined interim countervailing duty and interim dumping duty*	Duty Method
China	Angang Steel Company Ltd	15.7%	N/A	15.7%	combination of fixed and variable duty method
	Yieh Phui (China) Technomaterial Co. Ltd	6.7%	N/A	6.7%	combination of fixed and variable duty method
	Jiangyin Zongcheng Steel Co Ltd	18.6%	N/A	18.6%	combination of fixed and variable duty method
	ANSC-TKS Galvanizing Co Ltd also known as TAGAL	20.6%	N/A	20.6%	combination of fixed and variable duty method
	Shandong Guanzhou Dingxin Plate Technology Co. Ltd	0%	0%	0%	floor price duty method
	All other exporters	20.6%	22.8%	43.4%	combination of fixed and variable duty method
Korea	Dongkuk Steel Mill Co Ltd	Exempt			
	Dongbu Steel Co Ltd	2.4%	N/A	2.4%	combination of fixed and variable duty method
	POSCO	0%	N/A	0%	floor price duty method
	All other exporters	13.7%	N/A	13.7%	combination of fixed and variable duty method
Taiwan	Ta Fong Steel Co Ltd	Exempt			
	Sheng Yu Steel Co Ltd	Exempt			
	Yieh Phui Enterprise Co Ltd	2.4%	N/A	2.4%	combination of fixed and variable duty method
	Synn Industrial Co. Ltd	6.1%	N/A	6.1%	combination of fixed and variable duty method
	Chung Hung Steel Corporation	10.2%	N/A	10.2%	combination of fixed and variable duty method
	All other exporters	28.2%	N/A	28.2%	combination of fixed and variable duty method

* The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods, is the sum of:

- the subsidy rate calculated for all countervailable programs, and
- the dumping rates calculated.

The actual duty liability may be higher than the effective rate of duty due to a number of factors. Affected parties should contact the Anti-Dumping Commission (the Commission) at business.gov.au on 132 846 or +61 2 6213 6000 or by email to clientsupport@adcommission.gov.au for further information regarding the actual duty liability calculation in their particular circumstance.

To preserve confidentiality, details of the revised variable factors such as Ascertained Export Price (AEP) and Normal Value and Non-Injurious Price (NIP) will not be published.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel (www.adreviewpanel.gov.au) in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

The Anti-Dumping Review Panel can be contacted by mail, phone, fax or email:

Anti-Dumping Review Panel
c/o Legal, Audit and Assurance Branch
Department of Industry, Innovation and Science
10 Binara Street
CANBERRA ACT 2601
Phone: +61 2 6276 1781
Fax: +61 2 6213 6821
Email: ADRP@industry.gov.au

REP 456 and 457 has been placed on the Commission's public record. The public record may be examined at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office during business hours by contacting the case manager on the details provided below.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2440, fax number +61 3 8539 2499 (outside Australia) or email investigations1@adcommission.gov.au.

Dated this 12th day of July 2018.


ZED SEELJA
Assistant Minister for Science, Jobs and Innovation



J.BRACIC & ASSOCIATES
TRADE REMEDY ADVISORS

PO Box 3026
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16 August 2018

Anti-Dumping Review Panel
c/o Legal, Audit and Assurance Branch
Department of Industry and Science
10 Binara Street
Canberra City ACT 2601

**Review of a decision by the Minister in relation to the review of
measures – Zinc coated (Galvanised) steel exported
by Chung Hung Corporation**

**1. REASONS FOR BELIEVING THAT THE REVIEWABLE
DECISION IS NOT THE CORRECT OR PREFERABLE DECISION.**

Chung Hung seeks a review of a following findings and conclusions which led to the decision by the Assistant Minister:

- Finding 1: The Minister erred in ascertaining Chung Hung's export prices by including exported goods which are exempt from the dumping duty notice subject to review.

1.1 Finding 1: The Minister erred in ascertaining Chung Hung's export prices by including exported goods which are exempt from the dumping duty notice subject to review.

Background to exempted goods

On 5 August 2013, notification was made of the then Attorney-General's decision to accept the recommendations of Report 190 and impose a dumping duty notice applying to exports of galvanised steel from China, Korea and Taiwan. Included in Report 190 was recommendations by the then Customs and Border Protection, for the Minister to exempt from interim dumping duty and dumping duty, certain goods which were covered by Tariff Concession Orders (TCOs) in force at the date of that original report.

Since the Attorney-General's decision to impose the dumping duty notice and initially exempt certain galvanised steel products covered by existing TCOs, the Commission

undertook further exemption inquiries which resulted in additional galvanised steel products being exempted from the dumping duty notice. This included the following exemption inquiries:

- ADN 2014/53: exempts goods covered by Tariff Concession Order TC 1328432; and
- ADN 2017/114: exempts goods covered by Tariff Concession Order TC 1663110.

Copies of these dumping notices are included at **Attachment C**.

Current review

In submitting its detailed export sales information requested by the Commission's exporter questionnaire, Chung Hung listed all Australian export sales of galvanised steel including those goods exempt from the current dumping duty notice. The exempted goods are identified in Column T of Exhibit B-4 with the description "TCO" and corresponding tariff concession numbers in Column U.

In its preliminary calculation of Chung Hung's export prices, the Commission stated in SEF 457 that '[t]he majority of Chung Hung's exports to Australia are subject to a goods exemption and are therefore not considered in the calculation of the export price.' Chung Hung agrees and supports the Commission's preliminary view that as exempted goods are not covered by the dumping duty notice, those exempted goods do not fall within the parameters of the review of the dumping duty notice.

However in Report 457, the Commission then overturned its initial position and recommended that the Assistant Minister ascertain the variable factors relevant to Chung Hung's exports with the inclusion of goods exempted from the dumping duty notice. To justify its change, the Commission states in Report 457:

The Commission notes that subsection 8(7) of the Dumping Duty Act states that the Minister may exempt goods from the payment of interim dumping duty and dumping duty. In the Commission's view, however, such an exemption does not exclude the goods from the operation of a notice under section 269TG. Noting that the Minister has a discretion to revoke an exemption at any time (for example, because the exemption was granted on the basis of a Tariff Concession Order that is no longer in force), the Commission's view is that such goods remain subject of the notice despite not attracting a duty liability.

Chung Hung disagrees with the Commission's altered position and considers it an incorrect interpretation of the review provisions and definitions.

The Commissioner's notice initiating the review of measures clearly states that the 'review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect exporters of the goods from China, Korea and Taiwan generally should be varied'. Subsection 269T(4E) of the Act defines variable factors relevant to a Division 5 review as:

- (a) *If the goods are the subject of a dumping duty notice – to the normal value, export price and non-injurious price of goods of that kind as ascertained, or last ascertained, by the Minister for the purpose of the notice;*

Further, section 269T defines 'dumping duty notice' as a notice published by the Minister under subsection 269TG(1) or (2) or 269TH(1) or (2). The relevant notice in this case was

made pursuant to 269TG(2) which provides for the Minister to declare that section 8 of the Dumping Duty Act apply to like goods that exported to Australia.

Therefore, the scope of the review of measures is limited to ascertaining variable factors for those goods subject to the dumping duty notice. The relevant declarations made by the Minister pursuant to section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act), establishes the scope of those goods subject to the dumping duty notice. Encompassing the section 8 declarations must be the Ministerial Exemption Instruments made pursuant to subsection 8(7) of the Dumping Duty Act.

It appears that the Commission's basis for reversing its original position is a view that the Minister's powers to impose and exempt duties on certain goods under section 8 of the Dumping Duty Act, are detached from the Minister's powers under section 269TG of the Customs Act. If so, this view overlooks section 6 of the Dumping Duty Act which makes clear that *'[t]he Customs Act 1901 (in this Act referred to as the Customs Act) is incorporated and shall be read as one with this Act.'*

Chung Hung contends that a reasonable interpretation of the interaction between the Customs Act and Dumping Duty Act, provides that where the Minister has exempted certain goods from the dumping duty notice, those goods are not subject to review of the dumping duty notice and therefore, must not be included in the calculation of the ascertaining variable factors.

More practically, the Commission's interpretation could conceivably result in an outcome contrary to the Minister's purpose for imposing a dumping duty notice on certain goods and exempting certain other goods from the dumping duty notice.

The decision to impose interim dumping duty on certain goods follows the Minister's acceptance that dumping duty was necessary to remedy injury to the Australian industry caused by dumping. Meanwhile, the decision to exempt certain goods due to the existence of a TCO indicates that substitutable goods are not manufactured locally and therefore injury is unlikely to be caused. The Commission's position however could conceivably result in no dumping duties being imposed on the injurious dumped goods due to a greater weighting of the overall product dumping margin by the non-injurious exempted goods.

2. THE PROPOSED CORRECT AND PREFERABLE DECISIONS

Finding 1: The Minister erred in ascertaining Chung Hung's export prices by including exported goods which are exempt from the dumping duty notice subject to review.

The proposed correct and preferable decision relevant to finding 1 is that the Commission should have calculated Chung Hung's export price relying only on export sales of those goods which were not exempt from the dumping duty notice. Exported goods confirmed as being exempt from dumping duties should not be included in the determination of export prices.

3. REASONS WHY THE PROPOSED DECISION IS MATERIALLY DIFFERENT FROM THE REVIEWABLE DECISION

Finding 1: The Minister erred in ascertaining Chung Hung's export prices by including exported goods which are exempt from the dumping duty notice subject to review.

As noted by the Commission in Report 457, the majority of Chung Hung's exports were represented by exempted goods. The Commission's decision to alter its position following its preliminary findings in SEF 457, resulted in Chung Hung's dumping margin increasing from 8.4% to 10.2%. By applying the proposed decision and reverting to the Commission's original position of excluding the exempted exports from the export price calculations, Chung Hung estimates that its dumping margin would reduce to 8.4%.



Australian Government
Anti-Dumping Commission

ANTI-DUMPING NOTICE NO. 2014/53

Zinc coated (galvanised) steel

Exported to Australia from the People's Republic of China, the Republic of Korea and Taiwan

Findings of an exemption inquiry

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have completed the exemption inquiry in relation to certain goods which are the subject of anti-dumping measures applying to zinc coated (galvanised) steel exported to Australia from China, Korea and Taiwan.

The exemption was sought pursuant to paragraph 8(7)(b) and 10(8)(aa) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) may exempt goods from interim dumping and countervailing duties where he is satisfied:

'that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.'

The Anti-Dumping Measures

Anti-dumping measures, in the form of a dumping and countervailing duty notice, were initially imposed on galvanised steel by public notice on 5 August 2013 by the Parliamentary Secretary following consideration of the *Anti-Dumping Commission Report No. 190* and *Report No. 193*.

The Goods

The imported goods subject to anti-dumping measures are described as:

"flat rolled products of iron and non-alloy steel of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc"¹.

Galvanised steel of any width is included.

¹ Galvanised steel application, page 10.

The amount of zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared (g/m^2) with the prefix being Z (*Zinc*) or ZF (*Zinc converted to a Zinc/Iron alloy coating*). Common coating masses used for zinc coating are: Z350, Z275, Z200, Z100, and for zinc/iron alloy coating are: ZF100, ZF80 and ZF30 or equivalents based on international standards and naming conventions.

Trade and other names often used to describe galvanised steel include:

- "GALVABOND®" steel;
- "ZINCFORM®" steel;
- "GALVASPAN®" steel;
- "ZINCHITEN®" steel;
- "ZINCANNEAL" steel;
- "ZINCSEAL" steel;
- Galv;
- GI;
- Hot Dip Zinc coated steel;
- Hot Dip Zinc/iron alloy coated steel; and
- Galvanneal.

Product Treatment

The anti-dumping measures cover galvanised steel whether or not including any (combination of) surface treatment, for instance; whether passivated or not passivated, (often referred to as chromated or unchromated), oiled or not oiled, skin passed or not skin passed, phosphated or not phosphated (for zinc iron alloy coated steel only).

Goods excluded from investigation scope

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised plate steel and corrugated galvanised steel are not covered by the anti-dumping measures.

Galvanised steel is classified to tariff subheadings 7210.49.00 (and statistical codes 55, 56, 57 and 58) and 7212.30.00 (and statistical code 61) of Schedule 3 to the *Customs Tariff Act 1995*.

The general rate of duty is currently 5% for goods imported under these tariff subheadings. Imports from China are subject to a special rate of duty, which is free. Imports from Korea and Taiwan are subject to a duty rate of 5%.

The inquiry

An application was lodged by OneSteel Australian Tube Mills (ATM).

I made a recommendation to the Parliamentary Secretary that the exemption be granted.

The Parliamentary Secretary has accepted the recommendation and has exempted the goods the subject of the application from dumping and countervailing duties through Exemption Instrument No. 2 of 2014.

The exemption is for goods covered by Tariff Concession Order TC 1328432, described as follows:

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

- (a) thickness NOT less than 2.75 mm and NOT greater than 6.0 mm;
- (b) width NOT less than 784 mm and NOT greater than 1 263 mm;
- (c) minimum yield strength NOT less than 330 Mpa;
- (d) minimum tensile strength NOT less than 430 Mpa;
- (e) inside diameter NOT less than 711 mm and NOT greater than 813 mm;
- (f) zinc coating mass NOT less than 0.080 kg/m² 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%

A copy of the exemption instrument is available on the Anti-Dumping Commission's website (www.adcommission.gov.au).

Further Information

If importers believe that goods they are importing are exempted from dumping and countervailing duty in accordance with the exemption instrument, when they or their broker enter these goods for home consumption via the Integrated Cargo System, the exemption category 'GOODS' should be selected and no dumping or countervailing duties will be applied to the shipment.

Importers are eligible to seek refunds for dumping and countervailing duty paid on consignments of the exempted goods that were imported on or after 18 December 2013.

To facilitate the refunds process, importers are required to complete an Australian Customs and Border Protection Service (ACBPS) **B653 Refund Application** form. This application form is accessible on the ACBPS website at www.customs.gov.au. Importers should contact the *ACBPS National Refund Centre* by email at nationalrefunds@customs.gov.au, or telephone number on 08 8447 9310, for advice on completing the refund application form, including the correct refund reason code to use.

The decision to grant the exemptions does not prevent further applications for exemptions from dumping duties being considered. Parties can apply for an exemption where they believe their goods satisfy any of the conditions for exemption detailed in subsection 8(7) or 10(8) of the Dumping Duty Act. Further information on the application process can be found at the Commission website at: <http://www.adcommission.gov.au/system/csi/exemption/how-to-apply.asp>

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Commission on 1300 884 159 for further information or by email clientsupport@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

23 June 2014



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

ANTI-DUMPING NOTICE NO. 2017/114

Zinc Coated (Galvanised) Steel

Exported to Australia from the People's Republic of China, The Republic of Korea and Taiwan

Findings of an exemption inquiry

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have completed the exemption inquiry in relation to certain goods which are the subject of anti-dumping measures applying to certain zinc coated (galvanised) steel exported to Australia from the People's Republic of China (China) the Republic of Korea (Korea) and Taiwan.

The exemption was sought pursuant to subsections 8(7)(b) and 10(8)(aa) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary)¹ may exempt goods from interim dumping duty, dumping duty, interim countervailing duty and countervailing duty (the duties) if satisfied that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.

The anti-dumping measures

Anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice, were initially imposed on certain galvanised steel by public notice on 5 August 2013 by the then Attorney-General following consideration of *International Trade Remedies Branch Report No. 190* and *International Trade Remedies Branch Report No. 193*.

Exports from China, Korea and Taiwan are subject to dumping duty and exports from China are subject to countervailing duty. A number of exporters are exempt from the duties. Certain goods subject to specified Tariff Concession Orders (TCO) are also exempt from the duties. Details of these exemptions can be found in the Dumping Commodity Register on the Commission's [website](#).

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this inquiry, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

The goods

The goods covered by the anti-dumping measures (in the form of a dumping duty notice and countervailing duty notice) are:

flat rolled products of iron and non-alloy steel, of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc; and

flat rolled products of alloyed steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc exported from:

- *China by Angang Steel Co., Ltd or Benxi Iron and Steel (Group) International Economic & Trading Co.; or*
- *Taiwan by Yieh Phui Enterprise Co., Ltd.*

The goods description includes galvanised steel whether or not including any (combination of) surface treatment, for instance; whether passivated or not passivated, (often referred to as chromated or unchromated), oiled or not oiled, skin passed or not skin passed, phosphated or not phosphated (for zinc iron alloy coated steel only).

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised plate steel and corrugated galvanised steel are not covered by the dumping duty notice.

The exemption goods

The goods subject to the application for exemption are certain zinc coated (galvanised) steel ("the exemption goods") meeting the following specific characteristics covered by TCO TC 1663110:²

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

- a) *thickness NOT less than 3.60 mm and NOT greater than 6.0 mm;*
- b) *width NOT less than 784 mm and NOT greater than 1 263 mm;*
- c) *minimum yield strength NOT less than 175 Mpa;*
- d) *minimum tensile strength NOT less than 280 Mpa;*
- e) *inside diameter NOT less than 711 mm and NOT greater than 813 mm;*
- f) *zinc coating mass NOT less than 0.040 kg/m² 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. *phosphorus content NOT greater than 0.03%;*
 - iii. *sulphur content NOT greater than 0.03%;*
 - iv. *aluminium content NOT greater than 0.10%;*
 - v. *copper content NOT greater than 0.25%;*
 - vi. *nickel content NOT greater than 0.25%;*
 - vii. *titanium content NOT greater than 0.04%;*
 - viii. *silicon content NOT greater than 0.45%.*

The exemption goods are classified to the tariff subheading 7210.49.00 (statistical code 58) of Schedule 3 to the *Customs Tariff Act 1995*. For these goods the general rate of duty is currently five per cent for goods imported from Korea and Taiwan and free for imports from China.

² Further details are available on the Department of Immigration and Border Protection [website](#).

The inquiry

Following an application by Australian Tube Mills Pty Ltd (AusTube), I made a recommendation to the Parliamentary Secretary that the exemption goods be exempted from anti-dumping measures.

The Parliamentary Secretary has accepted my recommendation and has exempted the goods the subject of the application from the duties through *Ministerial Exemption Instrument No. 8 of 2017*. The exemption takes effect from 10 March 2017.

Copies of *Exemption Inquiry Report No. EX0053* and the exemption instrument are available on the Anti-Dumping Commission (Commission) [website](#).

The exemption granted as a result of this inquiry may be subject to review and may be revoked by the Parliamentary Secretary if circumstances change.

Further Information

If importers believe that goods they are importing are exempted from the duties in accordance with these exemption instruments, when they or their broker enter these goods for home consumption via the Integrated Cargo System, the exemption category 'GOODS' should be selected and no dumping and / or countervailing duties will be applied to the shipment.

Parties seeking a refund of the duties already paid should contact the Commission on 13 28 46 or email at clientsupport@adcommission.gov.au.

The decision to grant the exemption does not prevent further applications for exemptions from dumping duties being considered. Parties can apply for an exemption where they believe their goods satisfy any of the conditions for exemption detailed in subsections 8(7) and 10(8) of the Dumping Duty Act. Further information on the application process can be found on the Commission [website](#).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Commission on 13 28 46 or for international callers on +61 2 6213 6000 or by email at clientsupport@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

9 August 2017