



# ADRP Conference Summary

## 2019/120 and 121 Hot Rolled Structural Steel Sections exported from Japan, the Republic of Korea, Taiwan and the Kingdom of Thailand.

Panel Member	Jaclyne Fisher
Review type	Reviews of Minister's Decision
Date	8 January 2020
Participants	Charles Zhan & Macky Markar (Moulis Legal) representing Hyundai Steel Company (Hyundai)
Time opened	2.00 pm AEST
Time closed	2.30 pm AEST

### Purpose

The purpose of this conference was to obtain further information in relation to Hyundai's applications before the Anti-Dumping Review Panel (Review Panel) in relation to Hot Rolled Structural Steel Sections exported from Japan, the Republic of Korea, Taiwan and the Kingdom of Thailand. The applications relate to a review pursuant to s.269ZDB(1) (review of measures) and s.269ZHG(1) (a continuation inquiry) of the *Customs Act 1901* (the Act).

The conference was held pursuant to s.269ZZHA of the Act.

In the course of the conference, I may ask a party to clarify an argument, claim or specific detail contained in the review application or submissions or report. The conference is not a formal hearing of the review and is not an opportunity for parties to argue their case before me.

I have only had regard to information provided at this conference as it relates to relevant information (within the meaning of s.269ZZK(6) of the Act). Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously put in an application or submission is not something that the Review Panel has regard to, and, is therefore not reflected in this conference summary.

I advised participants that the conference was being recorded and transcribed by Express Virtual Meetings Pty Ltd. The recording will capture anything that is said during the conference. The conference is being recorded to have regard to the recording and to allow me to prepare



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a conference summary. This conference summary will be published on the Review Panel's website. Confidential information discussed during the conference will be redacted from the conference prior to publication.

The Review Panel's Privacy Statement outlines who the conference recording and transcript may be disclosed to. The Privacy Statement is available on the Review Panel's website. The Secretariat has sent each of you a link to the Privacy Statement in preparation for this conference. If you have not already done so, please indicate whether you consent to:

- The recording of this conference; and
- The recording being dealt with as set out in the Privacy Statement.

By continuing with this conference, you provide consent to it being recorded and transcribed for the purpose of the Panel Member making future reference to statements within the conference, including preparing a non-confidential summary to be published online. If you do not consent or would like to withdraw your consent, please let me know at any time and I will stop the recording.

Both participants indicated that they understood the Privacy Statement and agreed to the conference being recorded.

## Discussion

The Review Panel Member advised that the reviewable decisions relate to the decision of the Minister to vary the 'variable factors' for Hyundai following a review of measures and to continue the anti-dumping measures following a continuation review. The specific information that the Review Panel sought in this conference was in reference to the grounds listed in Hyundai's review of measures/continuation applications as follows:

1. On page 13 of the Hyundai application Attachment Two, relating to the review of continuation of measures, there is a reference: 'footnote 29 Attachment One'. The Review Panel could not locate this attachment and requests that it be supplied to the Secretariat for inclusion on the public file, subject to confidentiality.

*Hyundai advised that the relevant attachment can be found at the ADC EPR 505/18. A copy of the attachment was provided to the Review Panel. It is not considered confidential.*



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2. In Ground 1(b), could Hyundai please identify what is the material difference in relation to this ground indicating that the reviewable decision is not correct or preferable?

*Hyundai advised that its claim is that the Minister has not correctly applied the ordinary course of trade test (OCOT) in determining the ascertained normal value. (It referred to pages 10 and 11 of its application which elaborate on the issue). Its assessment of the difference this makes is that the dumping margin would decrease by [REDACTED] percent which it considers material.*

3. In Ground 1(c), could Hyundai please provide further explanation of the Table (page 12 of its application) in relation to the reviewable decision and how this ground impacts on the reviewable decision not being correct or preferable?

*Hyundai indicated that it considers the Minister has not determined the export price correctly and the Table provides an illustrative example of the implications of the approach adopted by the Anti-Dumping Commission. Hyundai indicated, as outlined in its application, it considers that the interim dumping duty (IDD) should not be deducted from certain transactions to determine the export price. It proposes that to do otherwise is to double count the effect of the existing dumping margin which has the consequence of increasing the dumping margin. It also proposes that the legislation does not authorise the deduction of the IDD and hence this suggests that the export price has been incorrectly determined. It noted that this issue relates to the sales where Hyundai is both the exporter and importer. Hyundai noted that this impacted approximately [REDACTED] per cent of Hyundai's sales, and led the dumping margin to increase by [REDACTED] per cent and the dumping margin overall to increase by [REDACTED] per cent.*

The Review Panel advised that a draft of the conference summary would be provided to Hyundai within one working day in order to ensure that it is an accurate reflection of the conference and for identification of any confidential information for redaction. It would be appreciated if Hyundai's response could be provided within two working days.