



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	Jack Howard representing Siam Yamato Steel Co. Ltd (Siam)
Time opened	12.00 pm AEST
Time closed	12.45 pm AEST

Purpose

The purpose of this conference was to obtain further information in relation to the Siam 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.269ZH(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 also advised the participant 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 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.



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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 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 the conference, you are providing 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.

The participant 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 decisions of the Minister to vary the 'variable factors' for Siam 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 Siam's review of measures/continuation applications as follows:

1. In Ground Three of the review application, could Siam please clarify whether the approach adopted by the Anti-Dumping Commission (ADC) in relation to the normal value adjustment for export credit made any difference to the ascertained normal value and, if so, quantify the difference as this is not clear from the application.

Siam advised that the policy adopted makes no material difference to the ascertained normal value. It submitted this ground on the basis of establishing the correct methodology for future duty assessment applications. The Review Panel advised that its role is only to consider grounds related to the reviewable decision not being correct or preferable. In this case, the claim relates to a potential issue for a future duty assessment. Siam confirmed that this is correct.



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2. In Ground Four of the review application, could Siam please clarify whether the approach adopted by the ADC made any difference to the ascertained normal value and, if so, quantify this difference as this is not clear from the application?

Siam referred the Review Panel to page 10 of its application and explained the reasons it would make a difference. It advised that this ground would make a major difference to the ascertained normal value and accordingly the dumping margin. It would reduce the dumping margin from 5 percent to ■ per cent.

3. In Ground Four of Siam's applications the wording is different between the review of measures application and the continuation application. Could Siam clarify whether the following wording adapted from the latter-mentioned application captures the appropriate intent for the review application and reflects Ground Four in the review of measures application:

'The ascertained normal value was incorrect. Certain quarterly domestic sales of the most directly comparable goods that on a total weighted average net selling price when compared to the total weighted average cost to make and sell were profitable. It was open to the Commission to properly consider if those actual sales at a loss were in fact recoverable within a reasonable period of time in accordance with s.269TAAD(3) of the Act and accordingly should have been included in the consideration of domestic selling prices under s.269TAC(1) of the Act.'

Siam confirmed that it would consider this wording to ensure it reflects the intent of Ground Four.

4. Siam was asked to explain the content of the Confidential Attachments to its continuation inquiry application.

Siam clarified the content of the relevant Confidential Attachments.

The Review Panel advised that a draft of the conference summary would be provided to Siam 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 Siam's responses could be provided within two working days.



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Anti-Dumping Review Panel

Siam is to provide the following information following the conference:

1. *Confirmation that Ground Four reflects its wording.*

Siam subsequently confirmed.

2. *Modification of its applications to ensure that the Confidential Attachments are correctly identified in each.*

Siam modified the description of its confidential attachments.