



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Hot Rolled Structural Steel Sections exported from Japan, the Republic of Korea, Taiwan (except for exports by Feng Hsin Steel Co Ltd) and the Kingdom of Thailand

The Anti-Dumping Review Panel (Review Panel) received applications seeking review of a decision by the Minister for Industry, Science and Technology made under section 269ZDB(1) of the *Customs Act 1901* in respect of Hot Rolled Structural Steel Sections exported from Japan, the Republic of Korea, Taiwan (except for exports by Feng Hsin Steel Co Ltd) and the Kingdom of Thailand (the Reviewable Decision).

The applications were made by:

- OneSteel Manufacturing Pty Limited (OneSteel);
- Siam Yamato Steel Co Ltd (Siam); and
- Hyundai Steel Co., Ltd (Hyundai).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 11 November 2019 (ADN 2019/125).

The Review Panel is satisfied that the following grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision:

(a) OneSteel:

Ground One: There are errors in the determination of the dumping margin for Hyundai Steel, in particular, incorrect determination of the date of sale for the export sales to Australia.

Ground Two: The Commissioner's determination of the normal value for the verified exporters from Taiwan (being Tung Ho Steel Enterprise Corporation (Tung Ho) and TS Steel Co. Ltd (TS Steel) under s.269TAC(2)(c) of the Act was not authorised by the terms of paragraphs (a) or (b) of s.269TAC(2). The incorrect determination of normal values will have a consequential effect on the determination of normal values for 'all other exporters'.

Ground Three: The Minister's decision to direct that the normal value of the goods exported to Australia by TS Steel be adjusted for differences in the exporter's domestic credit costs is not supported by s.269TAC(9) and is therefore not the correct or preferable decision.

(b) Siam:

Ground One: The normal value was incorrect as the Commission failed to base normal value on relevant quarterly domestic sales of identical goods and absent relevant identical domestic sales, on the most directly comparable quarterly domestic sales to the goods exported to Australia in accordance with section 269T of the Act which defines 'like goods'.

Ground Two: The normal value was incorrect as whilst the Commission determined the normal value for Siam in accordance with s.269TAC(1) of the Act, and correctly accepted the need to adjust normal value to reflect domestic credit costs in accordance with s.269TAC(8) of the Act, the Commission wrongly considered a hypothetical rate of domestic credit rather than the actual effective rate.

Ground Three: The normal value was incorrect as whilst the Commission determined the normal value for Siam in accordance with s.269TAC(1) of the Act, and made adjustments to the normal value, it should not have included an export credit adjustment in the ascertained normal value.

Ground Four: 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.269TAA(3) of the Act and accordingly should have been included in the consideration of domestic selling prices under s.269TAC(1) of the Act.

(c) Hyundai:

The Minister's decision with respect to the dumping margin applicable to its exports was not the correct or preferable decision, due to the following reasons:

Ground One: The Minister did not apply physical difference-based (non-identical goods) adjustments in arriving at the normal value under s.269TAC(8) of the Act in a consistent manner.

Ground Two: The Minister made errors relating to the determination of the domestic sales of like goods in the ordinary course of trade (OCOT) under s.269TAA(3) of the Act.

Ground Three: The Minister incorrectly determined the export price with respect to the goods that were exported by Hyundai to Australia and imported by Hyundai into Australia.

and

Ground Four: The determination of the non-injurious price was not correct or preferable.

The Review Panel proposes to conduct a review of the Reviewable Decision in relation to the above grounds.

The goods to which these applications relate are:

Hot rolled structural steel sections in the following shapes and sizes, whether or not containing alloys:

- *universal beams (I sections), of a height greater than 130 mm and less than 650 mm;*
- *universal columns and universal bearing piles (H sections), of a height greater than 130 mm and less than 650 mm;*
- *channels (U sections and C sections) of a height greater than 130 mm and less than 400 mm; and*
- *equal and unequal angles (L sections), with a combined leg length of greater than 200 mm.*

Sections and/or shapes in the dimensions described above, that have minimal processing, such as cutting, drilling or painting do not exclude the goods from coverage of the investigation.

The measures do not apply to the following goods:

- *hot rolled 'T' shaped sections, sheet pile sections and hot rolled merchant bar shaped sections, such as rounds, squares, flats, hexagons, sleepers and rails; and*
- *sections manufactured from welded plate (e.g. welded beams and welded columns).*

Submissions

Interested parties have **30 days** from the date this notice is published to provide the Review Panel with a submission. Your submission should indicate your eligibility to make a submission as either an interested party to the Reviewable Decision or as one of the specified entities under section 269ZZJ of the Act.

If your submission contains confidential information, you must provide a public version that can be published on the Review Panel website. Failure to do so will result in your submission not being considered.

You may either email your submission to ADRP@industry.gov.au or mail the submission to:

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the grounds for seeking review in

full, and other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Jaclyne Fisher
Panel Member
Anti-Dumping Review Panel
17 January 2020