



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 6 July 2021 for a review of a reviewable decision of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application to the ADRP for 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, 11 and/or 12 of this application form (s 269ZZG(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.

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.

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*.

PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: Macsteel Internation Australia ("Macsteel")
Address: Level 1, 40 Burwood Road, Hawthorn, VIC 3122
Type of entity (trade union, corporation, government etc.): Corporation

2. Contact person for applicant

Full name: Mr Andrew Schuberg
Position: Product Manager – Flat Products
Email address: asg@MITGR.com
Telephone number: +61 3 9805 0425

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

Macsteel is the importer of the goods subject to review.
--

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

Please only select **one** box. If you intend to select more than one box to seek review of more than one reviewable decision(s), **a separate application must be completed**.

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

The goods the subject of the reviewable decision are:

Flat rolled iron and steel products (whether or not containing alloys), of a width equal to or greater than 600 millimeters ("mm"), plated or coated with aluminium-zinc alloys, not painted, and whether or not including resin coating

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

7210.61.00 (statistical code 60, 61, 62)

7225.99.00 (statistical code 39)

8. Anti-Dumping Notice details:

Anti-Dumping Notice (ADN) number: 2021/147

Date ADN was published: 24 December 2021. Refer to notice at Attachment A.

****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 **highlighted in yellow**, and the document 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 how the grounds raised in question 9 support the making of the proposed correct or preferable decision:

[Refer to Attachment B.](#)

12. Set out the reasons why the proposed decision provided in response to question 10 is materially different from the reviewable decision:

[Refer to Attachment B.](#)

13. Please list all attachments provided in support of this application:

[Attachment A: ADN 2021/147](#)
[Attachment B: Grounds of review](#)

PART D: DECLARATION

The applicant's authorised representative 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: 

Position: 

Organisation: 

Date: 23 / 1 / 2022

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:	
Organisation:	
Address:	
Email address:	
Telephone number:	

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: *Andrew Geoffrey Schuberg*

Name: [Mr Andrew Schuberg](#)

Position: [Products Manager – Flat Products](#)

Organisation: [Macsteel International Australia](#)

Date: [20/ 01 / 2022](#)

Macsteel seeks a review of a following finding which led to the decision by the Minister to impose interim dumping duties on exports of aluminium zinc coated steel by KG Dongbu Steel Co. Ltd ("KG Dongbu").

Ground 1: The Minister erred in finding that exports from Korea caused material injury to the Australian industry producing like goods.

1. Grounds for review

Macsteel contends that the material injury and causal link findings in Report 558 are not correct or preferable due to:

- lack of evidence demonstrating a link between dumped exports from Korea and injury suffered by the Australian industry;
- lack of evidence demonstrating material injury suffered by the Australian industry;
- a failure to ensure that injury caused by other factors are not attributed to the dumped exports.
- a lack of evidence demonstrating that injury attributable to the dumped exports from Korea is material.

In order to publish a dumping duty notice, subsections 269TG(1) and (2) of the Act require the Minister to be satisfied that the subject goods are dumped, and that as a result of the dumped goods "...material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered".

Subsection 269TAE(1) of the Act sets out a non-exhaustive list of matters that the Minister may have regard to in assessing and determining whether material injury to the Australian industry is being caused by dumped exports. Determinations under subsection 269TAE(1) are subject to subsections 269TAE(2A) and (2AA) of the Act. Subsection 269TAE(2A) of the Act requires that injury caused by factors other than dumping not be attributed to the dumped goods, whilst subsection 269TAE(2AA) of the Act requires that the material injury determination "*must be based on facts and not merely on allegations, conjecture or remote possibilities*".

This provision is reflected in Article 3.1 of the WTO Anti-Dumping Agreement (ADA) which states:

A determination of injury for purposes of Article VI of GATT 1994 shall be based on positive evidence and involve an objective examination of both (a) the volume of the dumped imports and the effect of the dumped imports on prices in the domestic market for like products, and (b) the consequent impact of these imports on domestic producers of such products.

Macsteel contends that the material injury analysis and assessment in Report 588 is flawed as it is not based on affirmative or credible evidence which provides a reliable link between the Korean exports and the Australian industry's injury.

- a) Margin of dumping by KG Dongbu

One of the relevant matters for the Minister to consider is assessing material injury is the size of the dumping margin³. In REP 588, the Commission determined a 2.6% dumping margin for KG Dongbu's exports during the investigation period. Australia's legislation and the WTO Dumping Agreement recognise that a margin of dumping less than 2% cannot cause 'material' injury. That is, for exported goods with dumping margins up to 2%, the determined export prices are considered to be dumped at levels which cannot be linked to 'material' injury.

Given that KG Dongbu's dumping margin is only 0.6% greater than the considered negligible level, Macsteel submits that this small difference supports the view that KG Dongbu's exports did not contribute to the material injury. The highlighted difference represents a mere US\$ [REDACTED]/mt of KG Dongbu's weighted average export price across the investigation period. It is implausible to conclude that KG Dongbu's exports contributed to material injury suffered by the Australian industry as a result of its export prices being US\$ [REDACTED]/mt lower than negligible (or non-injurious) levels.

To highlight more clearly, BlueScope alleges that exports from Korea, Taiwan and Vietnam undercut its prices in the Australian market which led to BlueScope being '*... unable to sufficiently raise its prices in the face of the growing import volumes at unfair prices to recover full cost.*' It is again implausible to consider that BlueScope could have raised its prices sufficiently to recover its full costs, had KG Dongbu's export prices been on average US\$ [REDACTED]/mt higher over the investigation period. This highlights that KG Dongbu's small margin of dumping did not contribute or cause injury to BlueScope that was material.

b) Macsteel's selling prices confirm that exports by KG Dongbu were non-injurious

In REP 588, Commission determined that investigated exports ranged from from Taiwan were non-dumped and non-injurious, ranging from -5.6% for Taiwan to 20.9% for Vietnam. During the investigation period, [REDACTED]

[REDACTED]. [Selling price comparison between different export sources]. Therefore, export price comparisons are meaningful and informative.

Based on known export price information [REDACTED]

[REDACTED]. [Selling price comparison between different export sources].

MCC:	Qtr
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

This supports and confirms that KG Dongbu's export prices were also non-injurious.

c) Injury to the Australian industry was negligible and not likely to continue

REP 558 demonstrates that during the investigation period, BlueScope's economic and financial performance showed broad improvement across all indicators when examined

³ Subsection 269TAE(1)(aa)

across the injury period. The Commission's conclusion that BlueScope experienced material injury appears to rely on an examination over the injury period for some indicators, and an examination through the investigation period for other indicators. This is despite the various charts and graphs showing a clear improvement in the investigation period relative to the previous three years of the injury examination period.

Below is a summary of the findings outlined in REP 558 which confirms that injury during the investigation period was negligible:

- sales volumes increased each year, with a 4.8% increase in the investigation period to the base year;
- market share fell in YE March 2018 before experiencing an increasing trend through to the investigation period;
- unit selling prices experienced a steady increase throughout the injury period, with prices highest during the investigation period;
- whilst unit costs were higher in the investigation period than the base index year, a sharp decrease in the investigation period resulted in substantially reduced losses;
- profits improved sharply in the investigation period;

Macsteel also submits that BlueScope's performance following the end of the investigation period is also directly relevant to the Commission's assessment of material injury during the investigation period. That is, a subsequent sharp improvement in BlueScope's overall financial and economic position following the investigation period would provide more tangible evidence that injury, if any, was transitory.

A comparison of financial indicators between the two recently completed financial years shows a record improvement in BlueScope's company-wide performance and the 'Australian Steel Products' segment which comprises the subject goods⁴. A summary is outlined in the table below showing the strong growth experienced by BlueScope.

⁴ [FY2021 Results Investor Presentation](#); [FY2020 Results Investor Presentation](#)

Performance indicator	FY2020	FY2021	Change	Bluescope commentary
Company - Underlying EBIT	A\$564M	A\$1,723.8M	206% increase	Sales revenue of \$12,872.9M was 14% higher than FY2020, on higher global steel prices and strong demand across the portfolio, partly offset by the unfavourable impacts from a stronger Australian dollar exchange rate.
Company - Net Profit after Tax	A\$96.5M	A\$1,193.3M	1,137% increase	
Company - Sales revenue	A\$11,284.5M	A\$12,872.9M	14% increase	The 14% increase in sales revenue from continuing operations was primarily due to stronger selling prices driven by higher global steel prices, combined with the benefit of improved volumes from stronger demand, partly offset by the unfavourable impacts from a stronger Australian dollar exchange rate (A\$:US\$).
Australian Steel Products - Underlying EBIT	A\$305.1M	A\$674.3M	121% increase	The \$369.2M increase in underlying EBIT was largely due to: <ul style="list-style-type: none"> • higher steelmaking spread with higher domestic and export selling prices driven by stronger global steel prices combined with lower raw material costs • improved steel volumes, particularly in metal coated and painted products • higher contribution from export coke.
Australian Steel Products - Return on Invested Capital	11%	23.60%	12.6 % point increase	Underlying EBIT ROIC is the primary measure of performance across all business units and one of the key measures of the Group. It underpins the objective of delivering top quartile shareholder returns and is a key discipline for performance management, project assessment, and executive incentives.
Australian Steel Products - Sales revenue	A\$5,418.1M	A\$5,848.5M	8% increase	The \$430.4M increase in sales revenue was primarily due to higher volumes on robust domestic activity, along with stronger prices on higher global steel prices, partly offset by the unfavourable influence of a stronger A\$:US\$ exchange rate.
Australian Steel Products - Domestic sales volume (ex-m	2,168.9 mt	2,487.7 mt	15% increase	FY2021 domestic sales volumes ex-mill increased 15% on FY2020 to 2,488kt; the highest since FY2008. <ul style="list-style-type: none"> • Increased volumes were driven by strength across building and construction, with activity levels supported by focussed sales and marketing initiatives, various government stimulus and infrastructure programs, redirected discretionary spending, and recovery work following recent storm / flood events. • FY2021 steel sales of COLORBOND® steel, TRUECORE® steel, TRU-SPEC® steel and Galvanised were the highest on record for the ASP business – assisted by both specific sales initiatives and broader segment demand growth.

Since the end of the investigation period, BlueScope's economic performance has recovered and reached record levels, eclipsing all previous years. As noted by BlueScope, 'FY2021 steel sales of COLORBOND® steel, TRUECORE® steel, TRU-SPEC® steel and Galvanised were the highest on record for the ASP business – assisted by both specific sales initiatives and broader segment demand growth.'

As BlueScope notes in its recent financial reports, the record performance indicators were driven in large part by the strength in building and construction activity. This would support the conclusion that the weaker performance experienced during the investigation period was also in large due to the weaker building and construction activity. Again supporting the view that any injury during the investigation period was transitory.

The Commission has dismissed BlueScope's subsequent performance as not relevant to the investigation '...because a company may be profitable overall and yet still suffer injury'. Macsteel disagrees and as explained above, submits that the subsequent performance provides valuable insight and context to the nature of the performance during the investigation period, and the impact of small margins of dumping on overall performance levels.

BlueScope's subsequent vast improvement following the end of the investigation period is relevant, as it helps to understand that the negligible injury found to exist during the investigation period, was undoubtedly transitory. The transitory nature of the injury provides context to the transitory nature of the causal effects, which include Bluescope's offer of lower pricing for its TRUECORE product into the framing market, against cheaper timber alternatives.

d) Effect of injury should not be cumulated

The Commission has cumulated the effects of injury for subject goods exported from Korea and Vietnam. Critically, the Act allows for cumulation only if the Minister is satisfied that:

(e) it is appropriate to consider the cumulative effect of those exportations, having regard to:

- (i) *the conditions of competition between those goods; and*
- (ii) *the conditions of competition between those goods and like goods that are domestically produced.*

As REP 588 confirms, there are two distinct market segments for the subject imports and like goods, being the framing segment and roofing/walling segment. Macsteel queries the decision to cumulate the exports from Korea and Vietnam given that Korean imports are understood to be exclusively sold into the roofing/walling segment of the market, and Vietnamese imports are exclusively or predominantly sold into the framing segment. This is confirmed by the examples of competition with imports submitted by BlueScope in its application, with all examples of Vietnamese imports appearing to be relevant to the framing segment.

In the situation outlined above, Macsteel contends that the Commission ought not to have cumulated the effects Korea and Vietnamese exports, for the purposes of assessing material injury.

e) Price undercutting

The causal link finding in REP 588 is influenced heavily by the Commission's price undercutting analysis. The Commission finds that at a broader product level, undercutting ranged from 3% to 17%, with Vietnamese imports being the lowest priced across all quarters. At the more specific product level, undercutting from Korea ranged from 0% - 17%.

Whilst Macsteel accepts at face value the undercutting margins calculated by the Commission, the margin of undercutting relative to the margin of dumping provides a further clear indicator that factors other than exports from Korea, were the cause of any injury.

As noted earlier, KG Dongbu's dumping margin was 2.6% and a mere 0.6% above negligible and non-injurious levels. Given the undercutting margins found by the Commission, BlueScope's selling prices would have continued to be undercut by between 2% to 16%, had KG Dongbu's exports been priced at negligible levels. This refutes the claim presented by BlueScope, and accepted by the Commission, that the margins of dumping from Korea prevented prices increases from occurring.

2. Applicant's opinion of the correct or preferable decision

Macsteel's contends that the correct or preferable decision was for REP 558 to conclude that injury caused by exports from Korea was negligible. Accordingly, the Commissioner ought to have terminated the investigation insofar as it related to Korea, pursuant to subsection 269TDA(13) of the Act.

Alternatively, the Commissioner should have recommended that the Minister publish a notice pursuant to subsection 269TL of the Act, deciding not to impose duties on the subject goods exported from Korea.

3. Support for the proposed correct or preferable decision

The proposed decision is supported by the facts and evidence outlined in REP 558, and the demonstration of the Commission's flawed reasoning in its recommendation to the Minister.

4. Reason why the proposed decision is materially different from the reviewable decision

The proposed decision is materially different to the reviewable decision, as the proposed decision would result in exports from Korea not being subject to the anti-dumping measures.



CUSTOMS ACT 1901 - PART XVB

**Aluminium zinc coated steel
of a width equal to or greater than 600 millimetres**

**Exported to Australia from the Republic of Korea,
Taiwan and the Socialist Republic of Vietnam**

Findings in Relation to a Dumping Investigation

Public notice under subsections 269TG(1) and (2) of the *Customs Act 1901*¹

Anti-Dumping Notice (ADN) No 2021/147

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of aluminium zinc coated steel of a width equal to or greater than 600 millimetres (the goods). The investigation concerns the goods exported to Australia from the Republic of Korea (ROK), Taiwan and the Socialist Republic of Vietnam (Vietnam).

The subject goods of the investigation (the goods) are:

Flat rolled iron and steel products (whether or not containing alloys), of a width equal to or greater than 600 millimetres ("mm"), plated or coated with aluminium-zinc alloys, not painted, and whether or not including resin coating.

Further information on the goods:

Trade or further generic names often used to describe the subject goods include:

- ZINCALUME® steel;*
- GALVALUME® steel;*
- Aluzinc, Supalume, Superlume, ZAM, GALFAN;*
- Zinc aluminium coated steel;*
- Aluminium zinc coated steel;*
- Aluminium zinc magnesium coated steel;*
- Alu-Zinc Steel sheet in Coils;*
- Al/Zn; and*
- Hot Dipped 55% Aluminium-Zinc Alloy coated steel sheet in coil.*

The imported goods the subject of this application covers aluminium zinc coated steel whether or not including any combination of surface treatment. For example, whether passivated (often referred to as chromated), resin coated or not resin coated (often referred to as Anti-Finger Print ("AFP") or not AFP), oiled or not oiled, skin-passed or not skin-passed.

¹ All legislative references in this notice are to the *Customs Act 1901* (the Act), unless otherwise specified.

Excluded from the goods description of this application is un-passivated (often referred to as unchromated) aluminium zinc coated steel.

The amount of aluminium 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 AZ (Aluminium Zinc). Common coating masses used are: AZ200, AZ150, AZ100, and AZ70.

There are several relevant International Standards for aluminium zinc coated steel, covering the full range of products via specific grade designations, and including the recommended or guaranteed properties of each of those product grades.

These relevant standards are noted in the table below.

International Standards	Product Grades
<i>General and Commercial Grades</i>	
AS/NZS 1397	G1, G2
ASTM A792	CS, type A, B and C
EN 10346	DX51D, DX52D
JIS 3321	SGLCC
<i>Forming, Pressing & Drawing Grades</i>	
AS/NZS 1397	G3
ASTM A792	FS, DS
EN 10346	DX53D, DX53D
JIS 3321	SGLCD, SGLCDD
<i>Structural Grades</i>	
AS/NZS 1397	G250, G300, G350, G450, G550
ASTM A792	33 (230), 37(255), 40 (275), 50 (340), 55 (380), 80 (550)
EN 10346	S220GD, S250GD, S280GD, S320GD, S350GD, S550GD
JIS 3321	SGLC400, SGLC440, SGLC490, SGLC570

Table 1: Relevant International Standards for aluminium zinc coated steel

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

- 7210.61.00 (statistical code 60, 61 and 62)
- 7225.99.00 (statistical code 39).

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No 558* (REP 558). REP 558 outlines the investigation carried out and

recommends the publication of a dumping duty notice in respect of the goods. I have considered REP 558 and accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings. The report is available at: www.adcommission.gov.au

On 15 November 2021, the Commissioner terminated the dumping investigation into the goods exported in relation to all exporters from Taiwan and Vietnamese exporter Nam Kim Steel Joint Stock Company. *Termination Report No 558* (TER 558) sets out the reasons for that termination. That report is available at: www.adcommission.gov.au

Particulars of the dumping margins established in REP 558 and an explanation of the methods used to compare export prices and normal values to establish each dumping margin are set out in Table 2 below.

Country	Exporter	Dumping Margin (%)	Fixed effective Rate of Duty – Ad valorem (%)	Variable Component of IDD	Method to establish dumping margin
ROK	KG Dongbu Steel Co., Ltd	2.6	2.6	Applicable only where the actual export price is below the ascertained export price	Weighted average export prices were compared with corresponding normal values over the investigation period, in accordance with section 269TACB(2)(a) of the <i>Customs Act 1901</i> .
	Dongkuk Steel Mill Co., Ltd	3.9	3.9		
	Uncooperative exporters	10.5	10.5		
Vietnam	Hoa Phat Steel Sheet Co., Ltd	12.8	5.5		
	Hoa Sen Group Joint Stock Company	8.1	8.1		
	Uncooperative exporters	20.9	13.1		

Table 2: Summary of dumping margins and effective rates of duty

The above table lists the effective rate of duty which is different from the dumping margins found for Hoa Phat Steel Sheet Co., Ltd and uncooperative exporters from Vietnam. This is due to the application of the lesser duty rule, pursuant to section 8(5B) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under the lesser duty rule, consideration is given to the desirability of imposing duties at less than the full dumping margins, if the lesser amount of duty is adequate to remove injury to the Australian industry.

The effective rate of duty for all exporters is an amount worked out in accordance with the combination method, comprising a fixed *ad valorem* rate and a floor price.

I, ANGUS TAYLOR, the Minister for Industry, Energy and Emissions Reduction (the Minister) have considered and accepted the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based, and the evidence relied on to support those findings in REP 558.

I am satisfied, as to the goods that have been exported to Australia, that the amount of the export price of the goods is less than the normal value of those goods. Consequently, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TG(1) and section 45 of the Act, I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) like goods that were exported to Australia from the ROK and Vietnam, and entered for home consumption on, or after, 23 September 2021.²

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods. Furthermore, I am satisfied that the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods. Consequently, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore, under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to the goods that are exported from the ROK and Vietnam to Australia after the date of publication of this notice.³

The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on prices in the Australian market in the form of price undercutting, and the consequent impact on the Australian industry, including:

- reduced sales volume
- price depression
- reduced profits and
- reduced profitability.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor (or factors) other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

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

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures and/or securities are applied to 'goods on the water' is available in ACDN 2012/34 at: www.adcommission.gov.au


² The date when the Commonwealth took securities, following the Commissioner's Preliminary Affirmative Determination published on 22 September 2021. Section 45 and section 269T(2) of the Act enable securities to be taken for goods entered for home consumption prior to the publication of this notice.

³ This declaration does not apply to Nam Kim Group Joint Stock Company, and exports from Taiwan for the reasons outlined in REP 558 and TER 558.

REP 558 and other documents included in the public record may be examined at the Anti-Dumping Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at: www.adcommission.gov.au

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2418 or by email at: investigations4@adcommission.gov.au

Dated this 29th day of December 2021

A handwritten signature in black ink, appearing to read 'Angus Taylor'.

ANGUS TAYLOR

Minister for Industry, Energy and Emissions Reduction