

**APPLICATION FOR REVIEW OF  
DECISION OF THE MINISTER WHETHER TO PUBLISH A DUMPING DUTY  
NOTICE OR COUNTERVAILING DUTY NOTICE**

Under s 269ZZE of the *Customs Act 1901* (Cth), I hereby request that the Anti-Dumping Review Panel reviews a decision by the Minister responsible for Australian Customs and Border Protection Service:

to publish :             a dumping duty notice(s), and/or

a countervailing duty notice(s)

OR

not to publish :         a dumping duty notice(s), and/or

a countervailing duty notice(s)

in respect of the goods which are the subject of this application.

I believe that the information contained in the application:

- provides reasonable grounds to warrant the reinvestigation of the finding or findings that formed the basis of the reviewable decision that are specified in the application;
- provides reasonable grounds for the decision not being the correct or preferable decision; and
- is complete and correct to the best of my knowledge and belief.

I have included the following information in an attachment to this application:

- Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader).
- Name, title/position, telephone and facsimile numbers and e-mail address of a contact within the organisation.
- Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant adviser.
- Full description of the imported goods to which the application relates.
- The tariff classification/statistical code of the imported goods.
- A copy of the reviewable decision.
- Date of notification of the reviewable decision and the method of the notification.
- A detailed statement setting out the applicant's reasons for believing that the reviewable decision is not the correct or preferable decision.

[If the application contains material that is confidential or commercially sensitive] an additional non-confidential version, containing sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Signature: *Alan J. O'Neil*

Name: *ALAN O'NEIL*

Position: *Development Manager, International Trade Affairs*

Applicant Company/Entity:

*BlueScope Steel Limited*

Date: *17 Oct 2014*



BlueScope Steel Limited  
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17th January 2014

Anti-Dumping Review Panel  
c/o Legal Services Branch  
Australian Customs and Border Protection Service  
5 Constitution Avenue  
CANBERRA ACT 2601

Email: [ADRP\\_support@customs.gov.au](mailto:ADRP_support@customs.gov.au)

Dear Sir/Madam

**Request for Review of a Decision – Hot Rolled Plate Steel exported from the People’s Republic of China, The Republic of Indonesia, Japan, The Republic of Korea, and Taiwan – Findings in relation to a dumping and subsidisation investigation**

Attached for your consideration is an application for the review of the Minister’s decision to impose countervailing measures on exports of hot rolled steel plate (including Q&T greenfeed steel plate) exported from China. The Minister’s decision is not the correct or preferred decision and a substitute decision is required to adequately address the level of subsidisation and injury experienced to the Australian industry from the subsidised Chinese exports.

Specifically, BlueScope is seeking the ADRP to review:

- The adequacy of the benchmark for determining whether coking coal sold in China was at less than adequate remuneration; and
- The injury experienced by the Australian industry as a consequence of JIGANG’s exports of Q&T greenfeed steel plate exports to Australia during the investigation period.

The attached application for review details the grounds as to why the Minister’s decision is not the correct or preferred decision.

If you have any questions concerning this application for review or would like to discuss this application further, please do not hesitate to contact me on (02) 4275 3859.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Alan Gibbs".

Alan Gibbs  
Development Manager – International Trade Affairs

## **Application Particulars**

### **1. Contact Details**

#### **1.1 Name, street and postal address, and form of business of the applicant**

This application for review of a decision of the Minister for Home Affairs ("the Minister") published on 19 December 2013 to impose anti-dumping measures on exports of hot rolled plate steel exported from the People's Republic of China ("China") (except for exports by Shandong Iron and Steel Jinan Company Limited, Jinan Company ("JIGANG"), Hyundai Steel Company ("Hyundai") (Korea) and POSCO (Korea), and countervailing measures in respect of plate steel exported to Australia from China by all exporters.

The application is made by BlueScope Steel Limited (hereafter referred to as "BlueScope"), the sole Australian manufacturer of hot rolled plate steel.

BlueScope's postal address is:

P.O. Box 1854  
Wollongong NSW 2500  
Tel: (02) 4275 3859  
Fax: (02) 4275 7810

BlueScope is a fully integrated manufacturer of hot rolled plate steel in Australia.

#### **1.2 Name, title/position, telephone and facsimile numbers, and email address of contact within the organisation**

The relevant contact detail at BlueScope for this application for review is:

Contact Name:	Mr Alan Gibbs
Company and position:	Development Manager – International Trade Affairs
Address:	Five Islands Road, Port Kembla, NSW, 2505.
Telephone:	(02) 4275 3859
Facsimile:	(02) 4275 7810
E-mail address:	Alan.Gibbs@bluescopesteel.com

#### **1.3 Name of consultant**

BlueScope has engaged the following consultant to assist with this application:

Name:	Mr John O'Connor
Representative's business name:	John O'Connor & Associates Pty Ltd
Address:	P.O. Box 329, Coorparoo Qld 4151
Telephone:	(07) 3342 1921
Facsimile:	(07) 3342 1931
E-mail:	jmoconnor@optusnet.com.au

A copy of the signed authorisation nominating Mr O'Connor as BlueScope's representative is included at Confidential Attachment 1.

#### **1.4 Full Description of the Goods**

The goods the subject of BlueScope's application for anti-dumping measures were described as follows:

*"Flat rolled products of:*

- *iron;*
- *non-alloy steel; or*
- *non-heat treated alloy steel of a kind commonly referred to as Quench and Tempered ("Q&T") Green Feed,*

*of a width greater than 600 millimetres(mm), with a thickness equal to or greater than 4.75mm, not further worked than hot rolled, not in coils, with or without patterns in relief.*

*Goods excluded from the investigation are:*

- *250 megapascals (MPa) yield strength grades of plate steel with a thickness greater than 150mm;*
- *350 megapascal (MPa) yield strength grades of plate steel with a thickness greater than 100mm;*
- *Q&T Green Feed grades of plate steel with a thickness greater than 105mm; and*
- *heat treated Q&T grades of plate steel."*

## **2. Tariff Classification**

Hot rolled plate steel is classified to the following tariff subheadings:

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40;
- 7208.52.00 statistical code 41; and
- 7225.40.00 statistical codes 22 and 24.

For tariff subheadings:

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40; and
- 7208.52.00 statistical code 41

the general rate of duty is 5 per cent for goods imported from Japan and free for imports from China, Indonesia, Korea and Taiwan.

For goods imported under the tariff subheading 7225.40.00 statistical codes 22 and 24, the general rate of duty for goods imported from Japan, Korea and Taiwan is 5 per cent and 4 per cent for imports from China and Indonesia.

## **3. A copy of the written advice from the CEO of the decision to terminate the investigation**

BlueScope was notified of the Minister's decision to impose anti-dumping and countervailing duty notices by the publication of Anti-Dumping Notice No. 2013/72 of 19 December 2013 and by notice that appeared in *The Australian* newspaper on the same date.

A copy of ACDN No. 2013/72 and the notice from the Australian newspaper are included at Non-Confidential Attachment 2 and 3.

#### **4. A detailed statement setting out the reasons for believing that the reviewable decision is not the correct or preferable decision.**

##### Introduction

BlueScope Steel Limited ("BlueScope") is the applicant company that sought the anti-dumping measures on hot rolled plate steel exported to Australia from China, Indonesia, Japan, Korea and Taiwan. The application also requested the imposition of countervailing measures on hot rolled plate steel exported from China.

On 19 December 2013 a notice was published in the Australian newspaper informing that the Minister for Home Affairs ("the Minister") had accepted the recommendations of the Anti-Dumping Commission and imposed anti-dumping measures on exports of hot rolled plate steel from the People's Republic of China ("China") (except for exports by Shandong Iron and Steel Jinan Company Limited, Jinan Company ("JIGANG"), Hyundai Steel Company ("Hyundai") (Korea) and POSCO (Korea), and countervailing measures in respect of hot rolled plate steel exported to Australia from China by all exporters.

This application for review relates to the Minister's decision to impose countervailing measures on exports of hot rolled plate steel from China. BlueScope contends that the Minister's decision is not the correct or preferable decision and requests that pursuant to s.269ZZA(1)(a) of the Customs Act, the Anti-Dumping Review Panel review the decision and certain factors relevant to that decision and recommend to the Minister under s.269ZZK(1)(b) that the Minister revoke the decision and substitute a new specified decision.

##### Grounds for Review

BlueScope submits that the Minister's decision in imposing countervailing measures on certain exports of hot rolled plate steel from China is not the correct or preferred decision as follows:

- (i) the appropriate benchmark selected by the delegate of the Anti-Dumping Commission ("the Commission") was not the correct or preferred benchmark for assessing whether coking coal exported by Chinese producers of like goods was sold at less than adequate remuneration by Chinese exporters during the investigation period; and
- (ii) the finding that injury to BlueScope in the Quenched and Tempered ("Q&T") greenfeed market was not caused by JIGANG's subsidised exports to Australia is not correct and is not supported by the relevant facts.

##### **Particulars**

###### 1. Appropriate Benchmark for coking coal sold in China

It is recalled that BlueScope has previously raised with the ADRP its concern that the benchmark price for coking coal selected by the then Australian Customs and Border Protection Service ("customs and Border Protection") in Investigation No. 193 was incorrect. The benchmark selected by Customs and Border protection was the Chinese export price information provided by the Government of China ("GOC") for the investigation period in Investigation No.193.

BlueScope submitted that Chinese exports of coking coal involved low grade coking coal, whereas coking coal consumed in the manufacture of intermediate steel slab is manufactured from premium hard coking coal sourced from countries including Australia.

The Senior Member of the ADRP confirmed in his decision to revoke the termination decision in Investigation No. 193 as it related to the exporter Angang Steel Company Limited ("ANSTEEL") as:

“...the coal for which the export prices were ascertained (and used) as the benchmark to determine adequate remuneration, was not of comparable quality to the coal purchased by Chinese manufacturers to manufacture coated steel products”.

The matter was referred back to the Commission for re-investigation. A decision of the Minister (as at the date of this application) is pending following the Commission's reinvestigation of this issue.

The Commission has again recommended the use of Chinese coal export prices as the benchmark for assessing whether coal in China is sold at less than adequate remuneration to Chinese hot rolled steel plate manufacturers. The benchmark prices have again been supplied by the GOC in the hot rolled plate steel investigation. The Senior Member of the ADRP has confirmed that the coal consumed by Chinese slab manufacturers (that manufacture coil and plate steel) is a blend of premium hard coking coal and low-grade coking coal. Premium hard coking coal is not exported by Chinese coal producers, hence the export prices reflect low grade prices.

By contrasting the Chinese steel manufacturer's purchase price for blended premium hard coking coal and low grade coking coal with the Chinese export prices of low-grade coking coal understates the level at which coking coal consumed by Chinese steel manufacturers is sold at less than adequate remuneration (i.e. understates the subsidy margin).

BlueScope requests the ADRP to review the Minister's decision to use Chinese export prices for low-grade coking coal as the appropriate benchmark for determining whether coking coal is sold at less than adequate remuneration in China.

## 2. Injury to the Australian industry from subsidised Q&T greenfeed

The Commission has examined the injury caused to the Australian industry manufacturing Q&T greenfeed and concluded that the injury sustained was not caused by JIGANG's subsidised Q&T exports to Australia.

BlueScope rejects this finding as incorrect. The Commission's analysis only takes account of the price-effect injury experienced by the Australian industry from the subsidised Chinese Q&T exports and fails to adequately consider the 8,384 tonnes of lost volume that BlueScope would otherwise have produced and sold.

Additionally, no consideration was afforded to the likely threat of material injury from JIGANG's subsidised exports to its joint venture Australian partner. BlueScope further contends that the inadequacy of the benchmark used for assessing the margin of subsidy (See 1 above) also understates the 2.6 per cent subsidy margin determined.

The Commission has correctly stated that the Bisalloy Steel Group Limited (“Bisalloy”) is the sole Australian customer of Q&T greenfeed in Australia. BlueScope is exposed to Bisalloy's election to purchase domestically or import. It is understood that Bisalloy has a Joint Venture arrangement with the Chinese exporter JIGANG, hence, it is likely that this relationship may influence Bisalloy's purchasing decisions.

It is stated in Report No. 198 that BlueScope sells to Bisalloy on an “IPP tender” basis. BlueScope does not dispute that an IPP negotiation occurs, however, it is not as straight-forward as is implied that the non-injurious price to BlueScope's is the agreed selling prices to Bisalloy plus the 2.6 per cent margin. A comparison of Chinese Q&T export prices to Australia with Korean Q&T export prices to Australia during 2012 confirms that the former is approximately \$200-250 per metric tonne below the latter. An IPP based solely on Chinese Q&T import prices is not a single negotiation point for BlueScope. Korean Q&T export prices to Australia would also be a consideration in an IPP negotiation.

The understatement of the 2.6 per cent subsidy margin due to the inadequacy of the appropriate coking coal benchmark (for assessing coking coal in China at less than adequate remuneration) is also a factor that impacts the Commission's incorrect finding.

BlueScope is further concerned by the "separation" of the Q&T greenfeed market segment from the broad hot rolled plate steel injury analysis. The Commission has essentially considered Q&T greenfeed as a separate market and undertaken an isolated injury analysis of that market segment. The application did not segregate Q&T greenfeed, nor did the Commission – prior to the publication of Report No. 198 – undertake a separate injury analysis of the Q&T market in Australia. BlueScope was not informed that the Commission would undertake a separate Q&T injury analysis in Report No. 198, nor was BlueScope provided the opportunity to comment that this was a consideration of the Commission.

The correct approach would have involved the cumulation of the injury in Q&T and the remainder of hot rolled steel plate exports from China to assess the materiality of aggregate injury sustained by the Australian industry from the dumped and subsidised Chinese exports.

In Section 10 of Report No. 198, the Commission was satisfied that the dumping and subsidisation of Chinese exports (hot rolled plate steel and Q&T greenfeed plate steel) will continue. In relation to the subsidies the Commission found that *"exporters from China were in receipt of a number of subsidies from the Chinese government. In view of the nature of the primary subsidies, being raw materials supplied by the government at less than adequate remuneration, and the nature of manufacture of the goods the Commission considers that subsidisation will continue in the absence of anti-dumping measures"*. The Commission was satisfied the subsidies would continue and that material injury from the dumping and subsidisation would also continue. These conclusions include Q&T greenfeed sales.

The Commission, however, has not provided any explanation as to what caused the injury to BlueScope in its Q&T greenfeed sales. BlueScope highlights with the ADRP that the loss of 8,384 tonnes in 2012 to subsidised Chinese exports cannot be considered "immaterial" in an injury assessment context and that the loss of the volume impacts not only BlueScope's revenue but also its production costs (higher costs for reduced production volumes).

The correct or preferred decision in respect of injury experienced by the Australian industry in respect of exports of Q&T greenfeed by JIGANG involves a positive finding that injury is proven and that countervailing measures for JIGANG at the 2.6 per cent margin (or higher, once account of the correct coal benchmark is made) is required.

### 3. Summary and Conclusions

BlueScope is seeking a review of the Minister's decision to impose countervailing measures on exports of hot rolled steel plate (including Q&T greenfeed steel plate) exported from China. The Minister's decision is not the correct or preferred decision and a substitute decision is required to adequately address the level of subsidisation and injury experienced to the Australian industry from the subsidised Chinese exports.

Specifically, BlueScope is seeking the ADRP to review:

- The adequacy of the benchmark for determining whether coking coal sold in China was at less than adequate remuneration; and
- The injury experienced by the Australian industry as a consequence of JIGANG's exports of Q&T greenfeed steel plate exports to Australia during the investigation period.

The correct or preferred decision that the benchmark was understated in Report No. 198 and that injury was caused to the Australian industry from exports of JIGANG's Q&T greenfeed would cause the Minister's original decision to be substituted.



The ADRP is requested to review of the identified matters and request the Minister to direct the Commission to reinvestigate both matters.

If you have any questions concerning this review application, please do not hesitate to contact Mr Alan Gibbs on (02) 4275 3859.



*Customs Act 1901 – Part XV B*

# Hot rolled plate steel Exported from the People's Republic of China

## Findings in Relation to a Subsidisation Investigation

### Public notice under subsection 269TJ(2) of the Customs Act 1901

The Anti-Dumping Commission (the Commission) has completed its investigation into the alleged subsidisation of hot rolled plate steel ("the goods"), exported to Australia from the People's Republic of China.

The goods are classified to tariff subheadings

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40;
- 7208.52.00 statistical code 41;
- 7225.40.00 statistical codes 22 and 24

in Schedule 3 of the *Customs Tariff Act 1995*.

A full description of the goods is available in Australian Customs Dumping Notice (ACDN) No. 2013/18 and ACDN 2013/20. These ACDNs are available on the internet at [www.adcommission.gov.au](http://www.adcommission.gov.au)

The Commission reported its findings and recommendations to the Minister for industry (the Minister) in *Anti-Dumping Commission Report to the Minister No. 198 (REP 198)*, in which it outlines the investigations carried out by the Commission and recommends the publication of a countervailing duty notice in respect of the goods. The Minister has considered REP 198 and has accepted the Commission's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commission's recommendations were based, and particulars of the evidence relied on to support the findings.

Particulars of the subsidy programs and level of subsidisation established are set out in the following table:

All exporters from the People's Republic of China (China) (except Shandong Iron and Steel, Jinan Company (JIGANG))	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42	37%
JIGANG	3, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42	2.6%

\* The names and details of each of the above countervailable subsidy programs are contained within REP 198.

I, IAN MACFARLANE, Minister for Industry, have considered and accepted the recommendations of the Commission, 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 198.

I am satisfied that a countervailable subsidy has been received in respect of the goods that have already been exported to Australia, and that a countervailable subsidy may be received in respect of like goods that may be exported to Australia in the future, and because of that, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore under subsection 269TJ(2) of the Act, I **DECLARE** that section 10 of the *Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act)* applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from China.

The considerations relevant to my determination of material injury to the Australian industry caused by subsidisation are the size of the subsidy margin, the effect of subsidised imports on prices in the Australian market including loss of sales volume, reduced revenues, price depression and suppression, reduced profits and profitability, reduced return on income and loss of employment.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of subsidised goods, and have not attributed injury caused by other factors to the exportation of those subsidised 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 XV B of the Act, within 30 days of the publication of this notice.

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

Clarification about how measures are applied to 'goods on the water' is available in ACDN 2012/34, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

REP 198 and other documents included in the public record are available at [www.adcommission.gov.au](http://www.adcommission.gov.au). Alternatively, the public record may be examined at the Commission office by contacting the case manager on the details provided below.

Enquiries about this notice may be directed to the case manager on telephone number

02 6275 6129 fax number 1300 882 506 or +61 2 6275 6888 or [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au)

Dated this 3rd day of December 2013

IAN MACFARLANE



## **ANTI-DUMPING NOTICE NO. 2013/72**

### **Hot rolled plate steel**

**Exported from the People's Republic of China,  
the Republic of Indonesia, Japan, the Republic of Korea and  
Taiwan**

### **Findings in relation to a dumping and subsidisation investigation**

#### ***Customs Act 1901 – Part XVB***

The Anti-Dumping Commission (the Commission) has completed its investigation, which commenced on 12 February 2013, into the alleged dumping of plate steel (the goods) exported to Australia from the People's Republic of China (China), Republic of Indonesia (Indonesia), Japan, the Republic of Korea (Korea) and Taiwan, and the alleged subsidisation of the goods exported to Australia from China.

The Commission has published a dumping duty notice in respect of the goods exported to Australia from China, Indonesia, Japan and Korea and has published a countervailing duty notice in respect of the goods exported to Australia from China.

The goods are currently classified to tariff subheadings:

- 7208.40.00 statistical code 39;
- 7208.51.00 statistical code 40;
- 7208.52.00 statistical code 41;
- 7225.40.00 statistical codes 22 and 24

in Schedule 3 of the *Customs Tariff Act 1995*.

A full description of the goods is available in Australian Customs Dumping Notice (ACDN) No. 2013/18 (relating to the initiation) and ACDN 2013/20 (relating to the clarification of the goods). These ACDNs are available at the Commission website [www.adcommission.gov.au](http://www.adcommission.gov.au).

The Commission reported its findings and recommendations to the Minister for Industry (the Minister) in Anti-Dumping Commission Report to the Minister No. 198 (REP 198), in which it outlines the investigations carried out by the Commission and recommends the publication of a dumping duty notice and a countervailing duty notice in respect of the goods. The Minister has considered REP 198 and has accepted the Commission's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commission's recommendations were based, and particulars of the evidence relied on to support the findings.

Notice of the Minister's decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 19 December 2013.

### **Termination 198a**

On 10 September 2013, the Commission terminated its dumping investigation into the goods exported by all exporters from Taiwan, Hyundai Steel Company and POSCO from Korea and Shandong Iron and Steel, Jinan Company (JIGANG) from China. *Termination Report No. 198* (TER 198) sets out the reasons for these terminations. This report is available on the Commission's website.

### **Imposed measures**

In REP 198, the Commission found that:

- plate steel exported by all exporters from China (except JIGANG), was dumped with a margin of 22.1%;
- plate steel exported by all exporters from China (except JIGANG), was subsidised to 36.9%;
- plate steel exported by JIGANG was subsidised to 2.6%;
- plate steel exported by all exporters from Indonesia was dumped with margins ranging from 8.6% to 19%;
- plate steel exported by all exporters from Japan was dumped with a margin of 14.3%;
- plate steel exported by all exporters from Korea (except Hyundai and POSCO) was dumped with margins ranging from 18.4% to 20.6%;
- the dumped exports caused material injury to the Australian industry producing like goods;
- the subsidised exports caused material injury to the Australian industry producing like goods; and
- continued dumping and subsidisation may cause further material injury to the Australian industry.

The interim dumping duty payable is an amount worked out in accordance with the combination of fixed and variable 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.

<b>Country</b>	<b>Manufacturer / exporter<sup>1</sup></b>	<b>Dumping margin</b>	<b>Subsidy margin</b>	<b>Effective rate of duty</b>
China	JIGANG	<2%	2.6%	0.0%*
	<i>All other exporters</i>	22.1%	36.9%	54.9%
Indonesia	PT Gunung Rajapaksi (Rajapaksi)	8.6%	Not applicable	8.6%
	PT Krakatau Steel (Krakatau)	11.3%	Not applicable	11.3%
	PT Gunawan Dianjaya Steel (Dianjaya)	11.3%	Not applicable	11.3%
	<i>All other exporters</i>	19.3%	Not applicable	19.3%
Japan	<i>All exporters</i>	14.3%	Not applicable	14.3%
Korea	Dongkuk Steel Mill, Co., Ltd	18.4%	Not applicable	18.4%
	<i>All other exporters (except Hyundai Steel Company and POSCO)</i>	20.6%	Not applicable	20.6%

\* Refer to section 12 of REP198

<sup>1</sup> The manufacturers / exporters listed in figure 1 may supply the goods directly or indirectly through traders.

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 exported from China is the sum of:

- the subsidy rate calculated for all countervailable programs; and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 1.

Anti-dumping measures apply to goods that are exported to Australia after publication of the Minister's notice.

The actual duty liability may be higher than the effective rate of duty due to a number of factors. Affected parties should contact the Commission on 1300 884 159 or +61 2 6275 6066 (outside Australia) or at [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au) for further information regarding the actual duty liability calculation in their particular circumstance.

Any dumping securities that have been taken on and from 19 July 2013, will be converted to interim dumping duty.<sup>2</sup> Importers will be contacted by the Regional Securities Officer in their respective capital city detailing the required conversion action for each security taken.

To preserve confidentiality, the export price, normal value and non-injurious price applicable to the goods will not be published. Bona fide importers of the goods can obtain details of the rates from the Dumping Liaison Officer in their respective capital city.

Clarification about how measures securities are applied to 'goods on the water' is available in ACDN 2012/34, available on the Commission website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

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 *Customs Act 1901* within 30 days of the publication of the Minister's notice.

REP 198 and TER 198 have been placed on the Commission's public record, available at [www.adcommission.gov.au](http://www.adcommission.gov.au). Alternatively, the public record may be examined at the Commission office by contacting the Case Manager on the details provided below.

Enquiries about this notice may be directed to the case manager on 02 6275 6129, fax number 1300 882 506 or [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au).

Lisa Hind  
National Manager Operations  
Anti-Dumping Commission

19 December 2013

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<sup>2</sup> Within the time limitations of section 45 of the *Customs Act 1901*.