



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

**ZINC COATED (GALVINIZED) STEEL exported from THE REPUBLIC OF
KOREA, TAIWAN and PEOPLE'S REPUBLIC OF CHINA**

The Anti-Dumping Review Panel has received an application from CITIC Australia Steel Products Pty Ltd (ABN 82 603 950 778) for a review of a decision by the Parliamentary Secretary to publish a notice under section 269ZDBH(1) of the *Customs Act 1901* (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (the ADC) website on 18 March 2016.

The subject matter of the Reviewable Decision was previous decisions made by the Parliamentary Secretary (the Original Decisions), notices of which were published in the Australian Government Gazette, on 5 August 2013. The effect of the Original Decisions was to impose dumping and countervailing duties in respect of Zinc Coated (Galvanised) Steel imported from the Republic of Korea, Taiwan and the People's Republic of China.

The effect of the Reviewable Decision was to modify the descriptions of the goods to which the Original Decisions applied so as to extend the scope of the Original Decisions to certain additional classifications of goods exported by specified exporters from Taiwan and the People's Republic of China.

The grounds raised in the application for the Reviewable Decision not being the correct or preferable decision include:

- (a) The Parliamentary Secretary wrongly revised the original notice as from 5 May 2015;
- (b) The Parliamentary Secretary has failed to consider the exercise of the discretion to address the variable factors;
- (c) There was a failure to consider findings in other investigations, particularly Investigation 249 and to consider whether current imports were being dumped;
- (d) The Parliamentary Secretary's decision is not the correct or preferable one as the Commissioner failed to address key scientific questions or failed to adequately evaluate the scientific evidence before the ADC;
- (e) The Parliamentary Secretary's decision was not the correct or preferable one as it wrongly determined that differences between the original goods and the circumvention goods were merely minor;
- (f) The ADC wrongly failed to address each of the designated factors;
- (g) The ADC wrongly dealt with confidentiality;
- (h) There was a wrong application of law as per Regulation 48(2)(b) of the *Customs (International Obligations) Regulation 2015*, as the relevant goods were never changed; and
- (i) The Parliamentary Secretary's decision fails to make the required analysis of normal value, export price, injury and causation and hence is not the correct or preferable

decision consistent with Australia's international obligations and is not justifiable under a proper construction of the relevant legislation.

The goods to which these applications relate are:

(a) in respect of the notice under s 269TG(2) of the *Customs Act 1901*:

flat rolled products of iron and non-alloy steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc; and

flat rolled products of alloyed steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc exported from:

- China by Angang Steel Co., Ltd or Benxi Iron and Steel (Group) International Economic & Trading Co.; or
- Taiwan by Yieh Phui Enterprise Co., Ltd; and

(b) in respect of the notice under s 269TJ(2) of the *Customs Act 1901*:

flat rolled products of iron and non-alloy steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc; and

flat rolled products of alloy steel of a width less than 600mm and equal to or greater than 600mm, plated or coated with zinc exported from China by Benxi Iron and Steel (Group) International Economic & Trading Co.

The Anti-Dumping Review Panel proposes to conduct a review of the Reviewable Decision. Interested parties may make submissions to the Panel within **30 days** from the date of publication of this notice.

Submissions may be emailed to ADRP@industry.gov.au. Submissions may also be posted to:

the Anti-Dumping Review Panel
c/o ADRP Secretariat, Legal, Audit and Assurance Branch
Department of Industry and Science
GPO Box 9839
ACT 2600 Australia.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the full grounds for seeking review 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's website at www.adcommission.gov.au

Joan Fitzhenry
Acting Senior Member
Anti-Dumping Review Panel