



Australian Government
Anti-Dumping Review Panel

Anti-Dumping Review Panel
C/O Legal, Audit & Assurance
Department of Industry, Innovation and Science
10 Binara Street
Canberra City ACT 2601
02 6276 1781
Email: adrp@industry.gov.au
Web: www.adreviewpanel.gov.au

By EMAIL:

Mr Dale Seymour
Commissioner
Anti-Dumping Commission
55 Collins Street
Melbourne VIC 3000

Dear Mr Seymour

Zinc Coated (Galvanised) Steel exported from the Republic of Korea, Taiwan and the People's Republic of China

As you know, the Anti-Dumping Review Panel is currently conducting a review of the decision of the former Parliamentary Secretary to publish a notice under s 269ZDBH(1) of the *Customs Act 1901* (the Act) in relation to zinc coated (galvanised) steel exported from the Republic of Korea, Taiwan and the People's Republic of China. Notice of the reviewable decision was published on 18 March 2016. Notice of initiation of the review was published on 25 May 2016. A copy of the notice is attached for your assistance.

Pursuant to s 269ZZL of the Act, I require reinvestigation of the finding in part 5.3.2.4 of the Anti-Dumping Commission Report No. 289/290 (the ADC Report) that circumvention activity within regulation 48 of the *Customs (International Obligations) Regulation 2015* (the Regulation) had occurred in relation to the alloyed zinc coated (galvanised) steel exported from Taiwan by Yieh Phui Enterprise Co., Ltd (Yieh Phui). Specifically, I require reinvestigation of whether or not had the alloyed galvanized steel not been so slightly modified those goods would have been the subject of the dumping duty notice published under s 269TG of the Act on 5 August 2013.

Briefly, the reasons for the request for reinvestigation are:

1. In order that circumvention activity be found to have occurred as prescribed by the Regulation, regulation 48(2)(d) of the Regulation requires that had the circumvention

goods not been slightly modified, they would have been the subject of a notice under s 269TG(2) or s 269TJ(2) of the Act.

2. In the ADC Report there is a finding that, excluding goods which met the requirements of certain Tariff Concession Orders (TCOs) or were within excluded categories of galvanised steel, the galvanised steel produced by Yieh Phui would have been subject to the original dumping duty notice.
3. There is then a reference in the ADC Report to certain evidence and then a statement that the Anti-Dumping Commission considered it did not have definitive evidence to establish whether all of Yieh Phui's exports fitted into any of the excluded categories of galvanised steel or the TCOs.
4. The conclusion in the ADC Report is that it was likely that the vast majority, if not all, of the alloyed galvanised steel exported by Yieh Phui would have been subject to the original dumping duty notice.
5. It is not clear from the ADC Report whether or not the Anti-Dumping Commission found as a fact that had the alloyed galvanised steel exported by Yieh Phui not been modified, it would have been the subject of the original dumping duty notice.

Please report the result of the reinvestigation as soon as practical and, in any event within 30 days, that is by 22 August 2016.

Thank you for your assistance.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Joan Fitzhenry', written in a cursive style.

Joan Fitzhenry
Acting Senior Member
Anti-Dumping Review Panel

22 July 2016