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*Customs Act 1901 – Part XV B*

## **Anti-Dumping Notice No. 2016/86**

### **Zinc Coated (Galvanised) Steel**

**Exported from the People’s Republic of China and Taiwan**

**Initiation of Reviews of Anti-Dumping Measures relating to:**

**Synn Industrial Co., Ltd;  
Jiangyin Zongcheng Steel Co., Ltd;  
Yieh Phui Enterprise Co., Ltd; and  
Angang Steel Company Limited**

#### ***Notice under subsection 269ZC(4) of the Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated four reviews of the anti-dumping measures applying to zinc coated (galvanised) steel (the goods) exported to Australia from the People’s Republic of China (China) and Taiwan. Each review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect the particular applicant for the review of anti-dumping measures should be varied. The four applicants are Jiangyin Zongcheng Steel Co., Ltd (Zongcheng), Angang Steel Company Limited (Angang), Synn Industrial Co., Ltd (Synn) and Yieh Phui Enterprise Co., Ltd (Yieh Phui).

Given that none of the four applicants are subject to countervailing measures on galvanised steel, the reviews will only examine matters in relation to the dumping duty notice and will not examine matters relating to the relevant countervailing duty notice in applicable to certain exports from China.

#### **The Goods**

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

*“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.”*

Goods identified as galvanised steel, as per the description above, are classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*:

- 7210.49.00 statistical code 55, 56, 57 and 58;
- 7212.30.00 statistical code 61;
- 7225.92.00\* statistical code 38\*; and
- 7225.92.00\* statistical code 71\*.

\*The last two tariff subheadings only apply to the following exporters/suppliers:

- Angang;
- Benxi Iron and Steel (Group) International Economic & Trading Co.; and
- Yieh Phui.

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised plate steel and corrugated galvanised steel are not covered by the dumping duty notice.

### **Background to the measures**

On 5 August 2013, the anti-dumping measures in the form of a dumping duty notice (the original dumping duty notice) were initially imposed by the then Attorney-General in relation to galvanised steel (non-alloyed) exported from China, Korea and Taiwan (Anti-Dumping Notice No. 2013/66 refers). The original dumping duty notice did not apply to Union Steel Co., Ltd from Korea; Sheng Yu Co., Ltd from Taiwan; and Ta Fong Steel Co., Ltd from Taiwan as the CEO of the Australian Customs and Border Protection Service had terminated the dumping investigation in respect of these exporters.

On 13 October 2014, Zongcheng, a new exporter, applied for an accelerated review of the anti-dumping measures applying to its exports of galvanised steel from China. Zongcheng did not participate in the original investigation because it did not export galvanised steel to Australia during the original investigation period (1 July 2011 to 30 June 2012).

*Anti-Dumping Commission Report No. 274* recommended that the dumping duty notice have effect in relation to Zongcheng as if different variable factors had been ascertained.

The then Minister for Industry and Science accepted the findings in REP 274 and the Minister’s decision to alter the notices as they applied to Zongcheng was published in the *Commonwealth of Australia Gazette* and *The Australian* newspaper on 17 February 2015 (Anti-Dumping Notice 2015/10 refers). As of this date, Zongcheng became subject to the floor price duty method. Under the floor price, interim dumping duty is only payable for Zongcheng’s exports where the actual export price is below the confidential floor price.

On 17 March 2016, the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the then Parliamentary Secretary) accepted the Commissioner’s findings and recommendations in *Anti-Dumping Commission Report Nos. 290 and 298* (REP 290 and 298). On 18 March 2016, a notice

was published (Anti-Dumping Notice No. 2016/23 refers) on the Commission's electronic public record outlining the then Parliamentary Secretary's decision to alter the original dumping duty notice by amending the goods description to include alloyed galvanised steel exported from:

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

Certain findings in relation to REP 290 and 298 are currently subject of a review by the Anti-Dumping Duty Review Panel (ADRP). The ADRP review is ongoing and will be taken into consideration should the ADRP's review impact my current reviews of the anti-dumping measures.

### **The current reviews**

Four separate applications have been lodged by Zongcheng, Angang, Synn and Yieh Pieh under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for reviews of the anti-dumping measures in relation to the goods exported to Australia by those exporters.

Particulars of the reasons for the decisions to undertake four reviews of measures are shown in *Anti-Dumping Commission Consideration Report Nos. 365, 366, 368 and 371*, which has been placed on the public record.

The review period is 1 July 2015 to 30 June 2016. The reviews will examine whether the variable factors relevant to the taking of the anti-dumping measures, with respect to the applicants, have changed.

At the conclusion of each of the reviews, I will recommend to the Assistant Minister for Industry Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)<sup>1</sup> that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application<sup>2</sup> no later than **6 October 2016** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

### **Future Reviews**

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the dumping or countervailing duty notice or the notice

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<sup>1</sup> The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, and accordingly, the Parliamentary Secretary is the relevant decision maker. On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science.

<sup>2</sup> In accordance with section 269ZCB of the Act.

declaring the outcome of the last review of the dumping or countervailing duty notice. Once a notice declaring the outcome of a review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of these reviews cannot be made for a period of 12 months.

### **Public Record**

A public record must be maintained for reviews. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

### **Lodgment of submissions**

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning these reviews, no later than the close of business on **6 October 2016**, addressed to:

The Director  
Operations 3  
GPO Box 1632  
Melbourne VIC 3001

or email to [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au), or fax to +61 3 8539 2499.

Interested parties wishing to participate in these reviews must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

## **Statement of Essential Facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A SEF will be placed on the public record by **19 December 2016**, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The SEF will set out the essential facts on which I propose to base my recommendations to the Parliamentary Secretary in relation to each of the reviews. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

## **Report to the Parliamentary Secretary**

Submissions received in response to the SEF will be taken into account in preparing the report and recommendations in relation to each of the reviews to the Parliamentary Secretary. Recommendations to the Parliamentary Secretary will be made in a report on or before **1 February 2017** (or such later date as the Parliamentary Secretary may allow).

## **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 2 6213 6387 or email to [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

30 August 2016