



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Application for a review of
anti-Dumping measures

APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901*(the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

Hot Rolled Structural Steel Sections Exported from Japan, Korea, Taiwan and Thailand

1. **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)In this case the factors that I consider have changed are:

normal value

export price

non injurious price

subsidy

The variable factors review is in relation to:

a particular exporter (*if so provide name and country details*)

[Tung Ho Steel Enterprise Corporation](#)

exporters generally

or

2. **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

the dumping duty notice

the countervailing duty notice

the undertaking

The revocation review is in relation to:

a particular exporter (*if so provide name and country details*)

exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

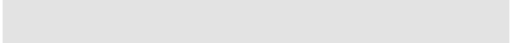
Signature: 

Name: Troy Morrow – Mobile Business Consultants

Position: Authorised Representative/Agent

Company: Tung Ho Steel Enterprise Corporation

ABN:

Date: 

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with up to 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the Department of Industry, Innovation and Science's International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone 13 28 46.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.

[Tung Ho Steel Enterprise Corporation \("THS"\)](#)
6 Floor., 9 Chang An E. Road
Sec1, Taipei, Taiwan, R.O.C.

2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.

[Troy Morrow – Mobile Business Consultants](#)
Authorised Representative/Agent
+61 419 782205
troy@lentro.com.au

3. Name other parties supporting this application.

The application is supported by Sanwa Pty Ltd as an importer of the goods from the applicant into Australia.

4. Describe your interest as an affected party (eg are you concerned with the exportation of the goods, the importation of the goods, or part of the Australian industry, or acting on behalf of the Government of an exporting country).

THS is an exporter of Hot Rolled Structural Steel Sections from Taiwan to Australia.

5. Provide details of the current anti-dumping measure(s) the subject of this review application, including:

- tariff classification

The goods are classified to following tariff subheadings in Schedule 3 of the CustomsTariff Act 1995:

- 7216.31.00 statistical code 30;
- 7216.32.00 statistical code 31;
- 7216.33.00 statistical code 32; and
- 7216.40.00 statistical code 33.

- the countries or companies

Japan	JFE Bars and Shapes Corporation
Korea	Hyundai Steel Company
Taiwan	TS Steel Co Ltd Tung Ho Steel Enterprise Corporation
Thailand	Siam Yamato Steel Co Ltd

- specified date of publication of the measure

20 November 2014

6. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

The Australian manufacturer of Hot Rolled Structural Steel Sections is OneSteel Manufacturing Pty Ltd. Their address, telephone and facsimile numbers are as follows:-

Address : Level 6, 205 Pacific highway, St Leonards, NSW 2065
Telephone : (02) 8424 9880
Facsimile : (02) 8424 9885

There are numerous other parties who are likely to have an interest in this matter. Details of addresses and contact details of these parties can

be sourced from the electronic public record for the original investigation.

**Applications
for review of
variable
factors**

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
 - Normal Value
 - Export Price
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- During the investigation period of 1 October 2012 to 30 September 2013 the following values were calculated:-
 - Normal Value (NTD XX.XX per kg); and
 - Export Price (NTD XX.XX per kg).
- Duty Assessment Applications for the following periods have been lodged, whereby the actual Normal Values and Export Prices for those periods have varied compared to those during the investigation period, as follows: -
 - 20 July 2014 to 19 November 2014
 - Normal Value (NTD XX.XX per kg); and
 - Export Price (NTD XX.XX per kg).
 - 20 November 2014 and 19 May 2015.
 - Normal Value (NTD XX.XX per kg); and
 - Export Price (NTD XX.XX per kg).
- Further verification information has been provided for both periods through Exporter Verification Questionnaires and additional verification information requested by the Australian Anti-Dumping Commission.
- Interim Dumping Duty for the period 20 July 2014 to 19 November 2014 has been refunded, subsequent to verification by Australian Anti-Dumping Commission.
- In addition, we attach confidential spreadsheet attachments “ExportSalesSummary(AU) DA 1.xlsx” and “ExportSalesSummary(AU) DA 2.xlsx”, which were provided as part of duty assessment applications, which provide information for above Normal Value and Export Price calculations.
- in your opinion the causes of the change and whether these causes are likely to persist.
- Above Duty Assessment applications demonstrate an increasing gap between normal value and export prices.

- 3rd Duty Assessment application for the period 20 May 2015 to 19 November 2015 will be lodged within the next month, which will further verify that market conditions continue.
- THS selling prices are subject to market forces, no price lists are published or is pricing in the broader public domain. Strong competition, both domestic and import, in THS Taiwanese domestic market continues.
- THS have implemented internal controls whereby THS have procedures in place, to ensure export price offered to Australia is benchmarked against current domestic prices to ensure export price remains above domestic price for like models.
- International steel markets since the investigation period have changed significantly, including additional competition in THS's domestic market, whereby export prices exceed normal values.
- International market influences continue to impact THS's Normal Values compared to Export Prices. No evidence exists that this will not continue. Verification of actual data during Review of Measures process will confirm this.

Application for a revocation review	If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.
	Include evidence in support of your view that there are reasonable grounds for asserting that the measures are no longer warranted. Refer to the “Guidelines for Preparing an Application for Review of Measures” as part of preparing your response. If you consider anti- dumping measures are no longer warranted because of: <ul style="list-style-type: none">• <i>no dumping or no subsidisation</i>: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.• <i>no injury</i>: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.
Lodgement of the application	This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either: <ul style="list-style-type: none">• preferably, email, using the email address clientsupport@adcommission.gov.au, or• pre-paid post to: The Commissioner of the Anti-Dumping Commission GPO Box 1632 Melbourne VIC 3001, or• facsimile, using the number (03) 8539 2499 or +61 3 8539 2499 (outside Australia)
Public Record	During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission’s website at www.adcommission.gov.au . At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application <u>must</u> be submitted. Please ensure each page of the application is clearly marked “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission’s client support section for advice.