



## **ANTI-DUMPING NOTICE NO. 2015/98**

### **Certain Quenched and Tempered Steel Plate Exported from Sweden**

#### **Initiation of an anti-circumvention inquiry into the avoidance of the intended effect of duty**

##### ***Customs Act 1901 – Part XV B***

I, Dale Seymour, Commissioner of the Anti-Dumping Commission have initiated an anti-circumvention inquiry in relation to certain Quenched and Tempered steel plate (Q & T steel plate) exported to Australia from Sweden.

This follows an application lodged with the Anti-Dumping Commission (Commission) by Bisalloy Steels Pty Ltd (Bisalloy), a manufacturer of Q & T steel plate in Australia. Bisalloy claims that circumvention activity in the form of avoidance of the intended effect of duty has occurred within the meaning of subsection 269ZDBB(5A) of the *Customs Act 1901* (the Act). The application was lodged in accordance with section 269ZDBD of the Act.

Pursuant to subsection 269ZDBE(1) of the Act, I have examined the application and have not rejected the application for the conduct of an anti-circumvention inquiry.

##### **The circumvention goods**

The goods subject to the application are:

*Flat rolled products of alloyed steel plate commonly referred to as Quenched and Tempered (“Q&T”) steel plate (although some Q&T grades may not be tempered), not in coils, not further worked than hot rolled, of widths from 600mm up to and including 3,200mm, thickness between 4.5-110mm (inclusive), and length up to and including 14 metres, presented in any surface condition including but not limited to mill finished, shot blasted, primed (painted) or un-primed (unpainted), lacquered, also presented in any edge condition including but not limited to mill edge, sheared or profiled cut (i.e. by Oxy, Plasma, Laser, etc.), with or without any other minor processing (e.g. drilling).*

*Goods of stainless steel, silicon-electrical steel and high-speed steel, are excluded from the goods covered.*

The goods are classified to tariff subheadings 7225.40.00 (statistical codes 21, 22, 23 and 24) and 7225.99.00 (statistical code 39 and 44) in Schedule 3 of the *Customs Tariff Act 1995*. A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2014/01.

For tariff subheadings 7225.40.00 and 7225.99.00, the general rate of duty is 5 per cent for goods imported from Sweden.

### **The anti-dumping measures**

The anti-circumvention inquiry relates to the original dumping duty notice published under subsection 269TG(2) of the Act. On 5 November 2014, anti-dumping measures, in the form of a dumping duty notice (the original dumping duty notice), were imposed by the then Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) in relation to Q & T steel plate exported from Finland, Japan and Sweden. ADN No. 2014/123 outlines the details of the interim dumping duty applicable to Q & T steel plate exported to Australia from Finland, Japan and Sweden. This ADN is available on the internet at [www.adcommission.gov.au](http://www.adcommission.gov.au).

### **The anti-circumvention inquiry**

A notice advising the initiation of this inquiry was published in *The Australian* on 19 August 2015.

*Consideration Report No. 306* (CON 306) contains the background to this inquiry, details of the application, and the Commission's assessment of the application in accordance with legislation. It is available on the Commission's website, [www.adcommission.gov.au](http://www.adcommission.gov.au).

The anti-circumvention inquiry will examine whether there has been any circumvention activity in the form of avoidance of the intended effect of duty over a reasonable period. This will include an examination of whether the importer, directly or through an associate or associates, sells those goods in Australia without increasing the price commensurate with the total amount of duty payable on the circumvention goods under the *Customs Tariff (Anti-Dumping) Act 1975*. The Commission will examine reasons why prices of the imported goods had not increased to a level that would have reasonably been anticipated following imposition of the duty. Interested parties may make submissions and provide evidence that explains the reason for any lack of movement in the resale prices following the imposition of the measures.

Given the claims made in the application, sales at a loss by the importer will be examined in the inquiry.

The goods exported to Australia during the period 1 January 2015 to 30 June 2015 will be examined to determine whether the circumvention activity has occurred.

Unless the inquiry is terminated earlier, after concluding the inquiry, I will recommend to the Parliamentary Secretary that the original duty notices in respect of Q & T steel plates:

- (i) remain unaltered; or
- (ii) be altered following a finding that circumvention activity in relation to the original notices has occurred.

### **Lodgment of submissions**

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry, no later than the close of business on 28 September 2015, addressed to the Case Manager, by email [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au), by fax number to + 61 3 8539 2499 or by post:

Director Operations 1  
Anti-Dumping Commission  
GPO Box 1632  
MELBOURNE, VIC 3001

Interested parties wishing to participate in the inquiry 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 final report on the public record.

The Commission will maintain a public record of each inquiry. The public record will contain, among other things, a copy of all submissions from interested parties. Interested parties making submissions must also provide a non-confidential version for 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 the requirement 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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

## **Public Record**

It is a legislative requirement to maintain a public record, which may be examined at the Commission's office by contacting the Case Manager using the contact details provided below. Alternatively, the public record is accessible at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The public record will contain, among other things, a copy of the non-confidential version of the application, CON 306 and a copy of all submissions from interested parties.

A summary of the anti-circumvention inquiry process and other relevant reference materials are also available on the Commission's website.

## **Report to the Parliamentary Secretary**

Submissions received in response to this notice will be taken into account in completing the report and recommendations to the Parliamentary Secretary.

A recommendation to the Parliamentary Secretary will be made in a report on or before 27 November 2015 (or such later date as the Parliamentary Secretary may allow).

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

## **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2419, fax number +61 3 8539 2499 or email at [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

19 August 2015