Australian Government
Anti-Dumping Review Panel

APPLICATION FOR REVIEW OF A DECISION BY THE MINISTER WHETHER TO PUBLISH A DUMPING DUTY NOTICE OR A COUNTERVAILING DUTY NOTICE

Anti-Dumping Review Panel
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APPLICATION FOR REVIEW OF

DECISION OF THE MINISTER WHETHER TO PUBLISH A DUMPING DUTY NOTICE OR COUNTERVAILING DUTY NOTICE

Under s 269ZZE of the *Customs Act 1901* (Cth), I hereby request that the Anti-Dumping Review Panel reviews a decision by the Minister responsible for Australian Customs and Border Protection Service:

to publish : ☒ a dumping duty notice(s), and/or

☐ a countervailing duty notice(s)

OR

not to publish : ☐ a dumping duty notice(s), and/or

☐ a countervailing duty notice(s)

in respect of the goods which are the subject of this application.

I believe that the information contained in the application:

- provides reasonable grounds to warrant the reinvestigation of the finding or findings that formed the basis of the reviewable decision that are specified in the application;
- provides reasonable grounds for the decision not being the correct or preferable decision; and
- is complete and correct to the best of my knowledge and belief.

I have included the following information in an attachment to this application:

☒ Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader).

☒ Name, title/position, telephone and facsimile numbers and e-mail address of a contact within the organisation.

☒ Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser.

☒ Full description of the imported goods to which the application relates.

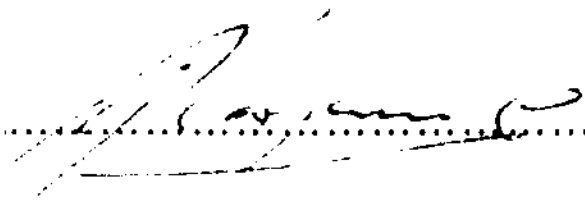
☒ The tariff classification/statistical code of the imported goods.

☒ A copy of the reviewable decision.

☒ Date of notification of the reviewable decision and the method of the notification.

☒ A detailed statement setting out the applicant's reasons for believing that the reviewable decision is not the correct or preferable decision.

☐ [If the application contains material that is confidential or commercially sensitive] an additional non-confidential version, containing sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Signature: 

Name:...John Cosgrave.....

Position:...Solicitor.....

Applicant Company/Entity:

OneSteel Australian Tube Mills Pty Ltd.....

Date: 4 September 2013 /

MinterEllison
LAWYERS

APPENDIX A

Non-Confidential – For Public Record

Statement by OneSteel Australian Tube Mills Pty Ltd relating to the decision of the Attorney General under s.269TG(1) &(2) to publish Dumping Duty Notices applying to Zinc Coated (Galvanised) Steel exported from the People's Republic of China, the Republic of Korea and Taiwan.

INTRODUCTION

1. OneSteel Australian Tube Mills Pty Ltd (**ATM**) is an interested party directly concerned with the importation into Australia of Zinc Coated (**Galvanised**) Steel from Taiwan.

2. On 5 August 2013, the Attorney General (**Attorney**), pursuant to s.269TG(1) & (2) of the *Customs Act 1901 (Cth)* (**Act**), published dumping duty notices in the *Australian* Newspaper applying to Galvanised Steel. It appears that the Attorney failed to publish those dumping duty notices in the *Gazette* as required by s.269ZI(1) of the Act. The consequences of that failure are that there is no valid declaration that s.8 of the *Customs Tariff (Anti-Dumping) Act 1975* (Cth) (**Dumping Duty Act**) applies to Galvanised Steel and consequently, that dumping duty has not been imposed on the goods.

3. This statement in support of our client's application now proceeds on the assumption that the failure to publish in the *Gazette* can and will be remedied.

4. The decision of the Attorney was based on Report No. 190 (**Report**) and adopted the recommendations in that report by the Commissioner of the Anti-Dumping Commission (**Commission**).

5. We request that, pursuant to paragraph 269ZZA(1)(a) of the Act, the Review Panel review the decision and certain essential elements of that decision and recommend to the Attorney under paragraph 269ZZK(1)(b) that he revoke the decision and substitute a new specified decision.

6. The grounds that support our belief that the Attorney's decision is not the correct or preferable decision and our request for revocation and substitution are set out in the following sections of this submission.

CONTENTIONS

7. In so far as the dumping duty notice of 25 July 2013 concerning Galvanised Steel purports to apply to our client's imports of Galvanised HRC steel, we contend that it must be set aside for the following reasons:

   (a) in the absence of an Australian Industry producing like goods during the relevant periods there were no reasonable grounds for the Attorney's expression of satisfaction that the exported goods imported by ATM had caused or were causing material injury to an Australian industry producing other categories of products included within the GUC;

   (b) the Attorney's expressed satisfaction in relation to the possibility of future injury does not provide any basis for a lawful conclusion that there is a threat of material injury which is the only ground provided in the Act for a finding of future injury;

   (c) there is no finding, and there cannot be any reasonable finding, that Galvanised HRC steel has characteristics closely resembling those of Galvanised CRC steel;

   (d) the Commissioner's failure, in recommending Ascertained Export Prices (AEPs) to the Attorney, to take account of significant price reductions after the end of the investigation period has resulted in the determination by the Attorney of inflated dumping margins and the preferable determination would be one that takes account of more recent price data.

   (e) the decision to express AEPs in US dollars rather than Australian dollars results in an increase in the floor price of GUC imports if the value of the Australian currency depreciates; the preferable decision would be to express AEPs in Australian dollars.

PRELIMINARY POINTS

8. It is well-accepted that "in some cases greater care in scrutinizing the evidence is proper than in others, and a greater clearness of proof may be properly looked for." [*Sodeman v The King* (1936) 55 CLR 192, 216 (Dixon J)]. It is also well-accepted that the gravity or impact of a decision is a good indicator of the type of case where the evidence should be more critically assessed and weighted [*Briginshaw v Briginshaw* (1938) 60 CLR 336]. The potential impacts of this case on ATM are grave yet there is no robust critical assessment of the self refuting proposition that imports of Galvanised Hot Rolled Coil have caused or threaten to cause material injury to an Australian industry which at all material times did

not produce the goods in question. In these circumstances we submit that it is critical that "greater care in scrutinizing the evidence is proper ... and a greater clearness of proof may be properly looked for." [*Sodeman v The King* (1936) 55 CLR 192, 216 (Dixon J)]. The evidence in this case is discussed in more detail below, but it is ATM's submission that the evidence in support of those findings of the Commission that threaten our client's future manufacturing operations in no way meets the prudent standard for assessment that is required by the circumstances and consequences of this case.

9. The Appellate Body of the WTO has ruled that[1]:

> ...the term 'positive evidence' [in Article 3.1 of the Anti-Dumping Agreement]relates in our view to the quality of the evidence that authorities may rely on in making a determination

and went on to explain that:

> [t]he word 'positive' means, to us, that the evidence must be of an affirmative, objective and verifiable character, and that it must be credible.

We submit that in the findings of the Commission's report that impact ATM and relate to actual and threatened material injury and the issue of like goods are not based on evidence that meets the standards set by the Appellate Body.

10. We specifically request that the Panel makes a recommendation on each of the elements of the Attorney's decision identified in this submission as incorrect or non-preferred. This is necessary to avoid the risk of the rights of review of an applicant being thwarted if the Review Panel, purporting to exercise the administrative equivalent of 'judicial economy', concludes that because of a proposed recommendation in relation to one or more findings it is unnecessary to address other findings challenged in the application. In the event that the Attorney rejects the recommendation of the Panel there is in effect no review of those other issues. In our submission this outcome would compromise the rights of review intended by the legislation and constitute a failure to meet the reporting requirements of s.269ZZK of the Act.

BACKGROUND

11. ATM is a major Australian manufacturer of structural steel tube and pipe products. The feedstock used in the manufacture of those products is Galvanised steel made from hot rolled coil (**HRC**) substrate and is one of the particular kinds of goods included in the

[1] DS 184: *US – Hot Rolled Steel*, para. 192

original goods under consideration (**GUC**) description set out in the dumping duty application of BlueScope Steel Limited (**BSL**) dated 30 August 2012. For many years our client was the sole Australian manufacturer of the feedstock before closing its production facility at Acacia Ridge in Queensland in July 2012, one month after the end of the dumping and injury investigation periods in this matter. After that closure ATM imported the HRC substrate as there was no Australian manufacture of a substitutable product. BSL did produce a Galvanised steel product made from cold rolled coil (**CRC**) but the acknowledgement of its unsuitability by both Customs and Border Protection (**CBP**) and BSL is evidenced by the granting of a Tariff Concession Order (**TCO**) in November 2012. That TCO remained in effect until revoked by the CEO of Customs by notice published on 28 August 2013 on the ground of a claim by BSL that it was now producing a substitutable product. An appeal against that claim and the revocation decision is currently being prepared by ATM.

12. While the primary purpose of a TCO is to reduce ordinary Customs duty to zero the existence of a TCO also provides grounds for the Minister to exercise his power under s.8(7)(b) of the Anti-Dumping Act to exempt goods from the application of the dumping duty notice. On the basis of a recommendation of the Commission in the Report, the Attorney exercised that power in relation to the imported feedstock required by ATM. The exemption lapses, however, with the revocation of the TCO. We stress, however, that it is not the second order issue of exemption from dumping duty that is the subject of this review application. The first order issue is whether the dumping duty notice should have applied to Galvanised HRC substrate in the first place? Our client submits that the inclusion in the notice of its imported Galvanised HRC substrate was incorrect on a number of grounds.

THREAT OF INJURY

13. The primary ground is that imports of Galvanised HRC substrate could not have caused injury to BSL during either the injury investigation period or the immediately subsequent period up to 30 April 2013 when the Report was submitted to the Attorney because there was no production of the goods in Australia during those periods. In section 7.3.2.1of the Report, the Commission does not dispute this proposition but in response to claims from

BSL that it would be capable[2] of manufacturing Galvanised HRC substrate *in the foreseeable future...* the Commission expressed its agreement with the further proposition by BSL that there is *a foreseeable and imminent threat of injury...* The Commission's expression of agreement is made without reference to any of the principles applicable to assessment of a threat of injury and relies on a comparison of export prices during the investigation period with quoted prices of a product in trial production at the date of the Report.

14. The absence of a comparison of contemporaneous pricing is merely the first error in the process. The second error is the substance given by the Commission to what at the time of finalising the report to the Attorney was no more than an aspirational contention by BSL. Part XVB is not designed to provide assistance by way of dumping duties to Australian companies who express an intention to manufacture certain goods in the future. Section 269T(2) of the Act makes it clear that PartXVB only applies in circumstances where goods *... have been produced in Australia.*

15. Even if, contrary to the Act, the absence of any past production is ignored the approach of the Commission and the Attorney is flawed. While agreement with BSL's claim that there was a foreseeable and imminent threat to their as yet unrealised production is expressed in the body of the Report[3], the Commissioner did not make any recommendation to the Attorney concerning an alleged threat of injury. The recommendations relating to the determination of material injury are limited to injury that has been or is being caused[4]. Although in the published dumping duty notice the Attorney claims to have accepted the Commission's recommendations on the issue of future injury he appears to have charted his own course without giving any reasons for doing so. In the notice one of the grounds cited in support of his determination under s.269TG(2) is that material injury *...maybe* (sic) *caused in the future.* That subsection requires that the Attorney must be satisfied that material injury **is** threatened. With respect, the Attorney's expression in the notice of a conjecture falls well short of the positive finding required by the Act.

16. Articles 3.7 of the Anti-Dumping Agreement provides that a *... determination of a threat of material injury shall be based on facts and not merely on allegation, conjecture or*

[2] As at the date of this submission BSL has reduced commercially available range of Galvanised HRC by about one quarter and acknowledged that capital works to extend their capacity will not be undertaken until at least December 2013.
[3] Report p.44
[4] ibid: p.134

remote possibility,, while Article 3.8 requires that in relation to *...cases where injury is threatened by dumped imports the application of anti-dumping measures shall be considered and decided with special care.* The duty imposed on decision makers by those provisions has not been discharged by the Commissioner or the Attorney.

17. We submit that there has been no valid determination in relation to future injury and consequently no ground on which a dumping duty notice under s.269TG(2) can apply to ATM's imports of Galvanised HRC Steel.

PAST & PRESENT INJURY

18. There is a clear inconsistency between sections 7.3.2.1 and 11 of the Report. As noted above the former section acknowledges that absent any production in Australia in the relevant period there are no grounds for a finding of past and present injury. However the Commission's later analysis of material injury and causation makes no mention of this and despite claiming to have undertaken assessments at the macro and micro level to take account of *...the range of products and different market sectors*[5] ... there is no evidence of a micro analysis by the Commission of the impact of our client's imports of Galvanised HRC steel on the Australian industry. Any such analysis would of course reveal the absence of any of the claimed injury indicators[6] such as volume and market share reductions, reduced sales revenues, price depression and reduced profit and profitability for the simple reason that there was no production and no sales by BSL and consequently absolutely no justification for a material injury recommendation to the Attorney that lumps our clients imports together with all other products included in the GUC.

19. We submit that, to the extent that they purport to apply to our client's imports of Galvanised HRC steel, the Attorney's determinations in relation to past and present material injury must be set aside.

[5] Report: p.109
[6] ibid, p.122

LIKE GOODS

20. Section 269T of the Act contains the following definition:

> ***like goods***, in relation to goods under consideration, means goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration

21. In making detailed submissions to the Commission during the course of the investigation ATM categorised their analysis by reference to four criteria promoted by the Commission[7] and adopted by BSL in its application for dumping duties. The four criteria are physical, commercial, functional and production likeness.

Physical likeness

22. Galvanised HRC and Galvanised CRC products are not physically alike due to the temperatures at which they are rolled creating a difference in their grain structures, strain hardening and residual stress. To ignore this difference would be akin to arguing that water and ice are physically the same as they have the same chemical composition. These physical differences of the grain structure between Galvanised HRC and Galvanised CRC result in different mechanical properties and this affects the way the steel performs.

23. BlueScope's glossary on its website states that Cold Rolling:

> *distorts the grain structure of the steel significantly and therefore a loss of ductility results.*[8]

24. This loss of ductility and /or subsequent heat treatment makes cold rolled coil and cold rolled annealed coil, unsuitable for the majority of structural tube applications. The Australian Structural Tube Standard AS/NZS 1163:20094 stipulates that only Hot Rolled strip is suitable - *steel shall be fine grained and made from fully killed, continuously cast steels. The coil shall be produced on a hot strip mill.* This is required to meet the structural ductility requirements of Australian Design Standards and maintain public safety.

25. A comparison of the mechanical properties of the BlueScope manufactured Galvanised annealed CRC product and grades used for the production of the higher grade

[7] CBP Instructions and Guidelines – Dumping and Subsidy Manual August 2012 p 9&10

[8] http://www.bluescopedistribution.com.au/steel-guide/glossary

AS/NZS1163:2009 C450L0 tube shows a substantial difference in the mechanical properties and that the goods are materially different.

26. Other physical differences between Galvanised HRC and Galvanised CRC include:

- The coil radius of Galvanised HRC is generally larger than Galvanised CRC.
- The inner coil diameter of Galvanised HRC is larger than Galvanised CRC.
- Cold rolled Galvanised coil thicknesses are generally thinner than Galvanised hot rolled coils.

Commercial likeness

27. Galvanised HRC and CRC are not commercially alike, a fact not disputed by BlueScope. This is largely due to the fact that Galvanised CRC has additional production steps that add to the cost and the fact that it has different end market applications. In addition international benchmark price reports such as SBB and CRU show separate prices for Galvanised CRC and HRC because the goods are not alike. The difference in the benchmark prices is approximately US$80-$100/t or about 12%.

Functional likeness

28. The different physical properties of Galvanised HRC and CRC result in them having different functional uses. The thinner gauges, higher tensile and lower ductility of Galvanised CRC means that it is ideally suited for roofing and wall cladding, guttering, signs, the manufacture of home appliances, car parts, equipment to store and transport materials, and packing implements.

29. Galvanised HRC is used in Australia for the manufacture of structural tube applications where the combination of strength and ductility is required. Most significantly, in relation to considering functional likeness, by granting and not opposing the making of a TCO both the Commission and BSL respectively have conceded that Galvanised HRC steel and Galvanised CRC steel are not substitutable.

Production Likeness

30. Whilst HRC is a feed material for Galvanised CRC the subsequent production steps that cold rolled coil undergoes means that their production is fundamentally different. For Galvanised HRC, the rolling occurs at temperatures above the recrystallization temperature

of the steel, whereas cold roll coils are rolled at temperatures below the recrystallization temperature.

31. Despite this detailed and cogent analysis of the like goods issue by ATM the Commission's response is limited to one sentence:

> Customs and Border Protection is satisfied that the imported and locally produced coated steel are broadly comparable like goods regardless of the hot rolled or cold rolled nature of the substrate used in production[9]. [emphasis added]

32. In addition to the complete failure to provide any reasoning or persuasive explanation for the assertion, the Commission's finding, in our submission, must be overturned as a matter of construction. In the absence of identical goods, the secondary statutory standard of 'characteristics closely resembling' is clearly a more demanding requirement than the vague and unelaborated 'broadly comparable' observation of the Commission and consequently on its own terms the finding fails to address the statutory criteria and must be set aside, especially in view of the contradiction between findings that the goods are not substitutable but that they are broadly comparable.

33. A revised finding that within the total population of the GUC identified in BSL's original application there are at least two categories of goods that are not 'like' to each other is neither unprecedented nor inimical to the continuation of a dumping investigation into all products covered by the GUC[10]. What it does entail is a recognition that the overall purpose of the Act and a number of its specific provisions require an adjustment to the examination, analysis and investigation processes. The adjustments are necessary to ensure that variable factors are properly ascertained and that assessments of injury, materiality, causation and cumulation are conducted on a robust basis. We note that the Commission has partially modified its position by assessing separate variable factors for Galvanised HRC steel but has failed to analyse and assess other key factors separately in relation to each product category.

34. The only relevant observation by the Commission in the Report is:

> *Customs & Border Protection advises that it is not possible to amend the wording of the goods description after an investigation is initiated ...*[11]

[9] Report: p.36

[10] The existence of more than one category of goods is tacitly acknowledged by the Commission in section 11.2.2 of the Report – p.109

[11] Report: p.37

While no authority has been advanced for this observation and it contrasts with past practice[12] it does not address the actual point raised by our client. No amendment to the goods description has been requested. The request is that because the GUC includes more than one product category, a practice regarded as unexceptional by the Appellate Body of the WTO[13], separate assessments and recommendations in relation to such matters as material injury and causation must be made for each product category by the Commission.

35. The decision not to respond to requests for separate assessments is unsupported by Customs' own practice in previous inquiries or PartXVB of the Act. As recently as 1 August 2013 the Commission published a Statement of Essential Facts (SEF)[14] in relation to the alleged dumping of Hot Rolled Steel Plate in which it excluded from the preliminary assessment of material injury imports of a particular product category that did not compete with other products falling within the GUC. Similarly in a report to the Minister of 19 November 2012 in relation to the alleged dumping of Hot Rolled Coil Steel[15] the Commission conducted separate injury assessments in relation to three product categories falling within the scope of the GUC and concluded that while material injury to the Australian industry had been demonstrated in two of those categories there was no evidence of any injury in the third.

36. Most relevant of all to the present case is the Minister's final decision in Certain Silicon from the People's Republic of China. That matter involved an application for dumping duties to be imposed on exportations of both primary use and secondary use silicon. The report to the Minister by the CEO recommended that dumping duties be imposed on both types of silicon even though there was no production in Australia of secondary use silicon. The Minister accepted the recommendation and subsequently applications were made to the TMRO for a review of the decision. The TMRO found that:

> ... this conclusion [that the two types of silicon were like goods] by Customs is a serious mistake in Customs' analysis and the ramifications of this error infect the rest of Customs' report in the subsequent consideration of export prices, normal values, dumping margins, the Australian market, the economic condition of the Australian industry, assessment of material injury, causal link and threat of material injury[16].

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[12] Rep 41

[13] DS 337: *EC – Salmon (Norway)*: paragraph 7.118; DS 397: *EC – Fasteners (China)*: paragraph. 7.265

[14] SEF 198: p.46 et seq

[15] Rep 188

[16] Review of a Ministerial Decision to take Antidumping Action Against Exports Of Certain Silicon From The People's Republic Of China – 15 June 2005, paragraph 45.

37. Accordingly the TMRO recommended to the Minister that the matter be reinvestigated. The Minister accepted the recommendation and the Reinvestigation Officer endorsed the views of the TMRO on the ground that the two types of silicon were not substitutable and therefore must be excluded from the dumping duty notice[17]. The Minister accepted this view and secondary use silicon was excluded from the final substituted dumping duty notice.

38. Frequently the scope of a dumping duty notice excludes a range of goods that were included in the original application for dumping duties by an Australian industry and accepted by the administering authority as forming part of the GUC. This can occur, for example, as a result of the Commissioner exercising one or more of his extensive powers to terminate aspects of an investigation. It can also arise, as Nicholas J very recently pointed out[18], as a result of the application of s.269TL of the Act under which it is open to the Minister on the recommendation of the Commission to decide not to impose dumping duty on 'particular goods or goods of a like kind to particular goods'.

39. In the present matter it is clearly established, in our submission, that the Galvanised HRC Steel imported by our client is a particular good for the purpose of s.269TG(1) and is a good of a like kind to those particular goods for the purpose of s.269TG(2). We also contend that it is equally clear that goods of a like kind were not produced by BSL during the period to which a notice under s.269TG(1) can apply. As there was no production capability during that period any imports of the particular goods by our client could not have caused any injury and therefore, pursuant to s.269TL, must be excluded from any dumping duty notice applying to other goods included in the GUC. An additional circumstance that supports a finding of no material injury is the fact that during the investigation period ATM did not import Galvanised HRC Steel in commercial quantities. Its only imports from Taiwan were trial quantities towards the end the investigation period and immediately prior to the cessation of production.

40. As noted in paragraph 13 above the Commission conceded that there was no past or present injury being caused by our client's imports and relied on the notion of future injury for the inclusion of our client's 'goods of a like kind' in the notice published pursuant to s.269TG(2). However, absent any finding of a threat of a material injury by the Attorney and/or absent the existence of any Australian industry producing goods of a like kind in the

[17] Rep 103: p.12

[18] *Panasia Aluminium (China) Limited v Attorney-General of the Commonwealth* [2013] FCA 870

relevant period, we submit that the Attorney must publish a substitute dumping duty notice under s.269TG(2) that excludes our client's imports of goods of a like kind.

ASCERTAINED EXPORT PRICE

41. In the current matter the total amount of dumping duty payable on a consignment of the GUC is the sum of a fixed and variable amount. The fixed duty is expressed as a percentage of the actual export price of a consignment while the variable duty is the amount by which that actual export price is less than the AEP. Thus the AEP is essentially a floor price.

42. The AEP for each exporter is usually determined by the Minister by reference to the Commission's assessment of that exporter's average export price over the investigation period and was so determined in the present case. A recent exception to the application of that methodology was the decision of the Commission in Hot Rolled Coil Steel to use prices applying after the investigation period in calculating the AEP. The approach reflected a concern that because of substantial pricing volatility the application of a floor price based on out-dated data would not reflect commercial realities.

43. ATM supports the approach adopted in the Hot Rolled Coil case and submitted to the Commission, unsuccessfully, that a comparable situation in the present matter where the peak of the price cycle occurred in the investigation period should be addressed by calculating the AEP by reference to average prices applying in the subsequent 12 month period during which benchmark prices have fallen by more than USD100/t. The current anomalous floor price magnifies the impact of the measures to a level beyond that necessary to counter the alleged material injury to the Australian industry and unfairly impacts downstream businesses needing access to manufacturing inputs at contemporaneously competitive prices.

44. ATM submits that the preferable decision would be to revise the dumping measures by recalculating the AEP to reflect more recent price trends.

AEP CURRENCY

45. Without any explanation the Attorney has departed from more common practice in the present matter and expressed the AEP in US dollars rather than Australian dollars. As a result, following a significant decline in the value of the Australian dollar, the floor price has increased by almost 15% in the past twelve months. While this unfairly penalises

importers and users of products subject to dumping duties, the reverse can occur in the case of an appreciating Australian dollar causing an erosion of the value of dumping measures to Australian manufacturers.

46. We consider that the only equitable policy approach is to always denominate an AEP in Australian dollars. Such an approach would also reflect one of the key objectives of anti-dumping regulation – to raise prices to a level that removes all or some of the material injury caused by dumped exports. The statutory measure of that level is the non-injurious price (**NIP**) which is defined in s.269TACA of the Act. The calculation of an NIP is based on an assessment of what price level could be achieved in the Australian market by an Australian industry in the absence of dumped exports. The basis of that calculation is, therefore, an amount in Australian dollars and equity demands that the applicable floor price should be expressed in the same currency.

47. We submit that the preferable decision would be to determine the amount of the AEP in Australian dollars.

MINTER ELLISON

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Partner responsible: Russell Miller Direct phone: +61 2 6225 3244
Our reference: 26-7715595

Attachment to Application by OneSteel Australian Tube Mills Pty Ltd – 4 September 2013

Name, Street, Postal Address and Form of Business

OneSteel Australian Tube Mills Pty Ltd
Level 40, 259 George St, Sydney NSW 2000
GPO Box 536, Sydney< NSW 2000

Company

Name, title/position, telephone and facsimile numbers and email address of a contact within the organisation

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Name of consultant/adviser representing the applicant and a copy of the authorisation for the consultant/adviser

John Cosgrave
Director Trade Measures
Minter Ellison Lawyers

[illegible]

onesteel
australian tube mills

29 August 2013

Anti-Dumping Review Panel
c/o Legal Services Branch
Australian Customs and Border Protection Service
5 Constitution Avenue
Canberra City ACT 2601
AUSTRALIA

To the Anti-Dumping Review Panel.

This letter is to advise that Minter Ellison is authorised to act on our behalf in relation to the consideration by the Panel of the decision by the Attorney General to publish dumping notices applying to exports from the People's Republic of China and the Republic of Korea and Taiwan of Zinc Coated Steel.

Kind Regards

Richard Clement
General Manager – OneSteel Australian Tube Mills

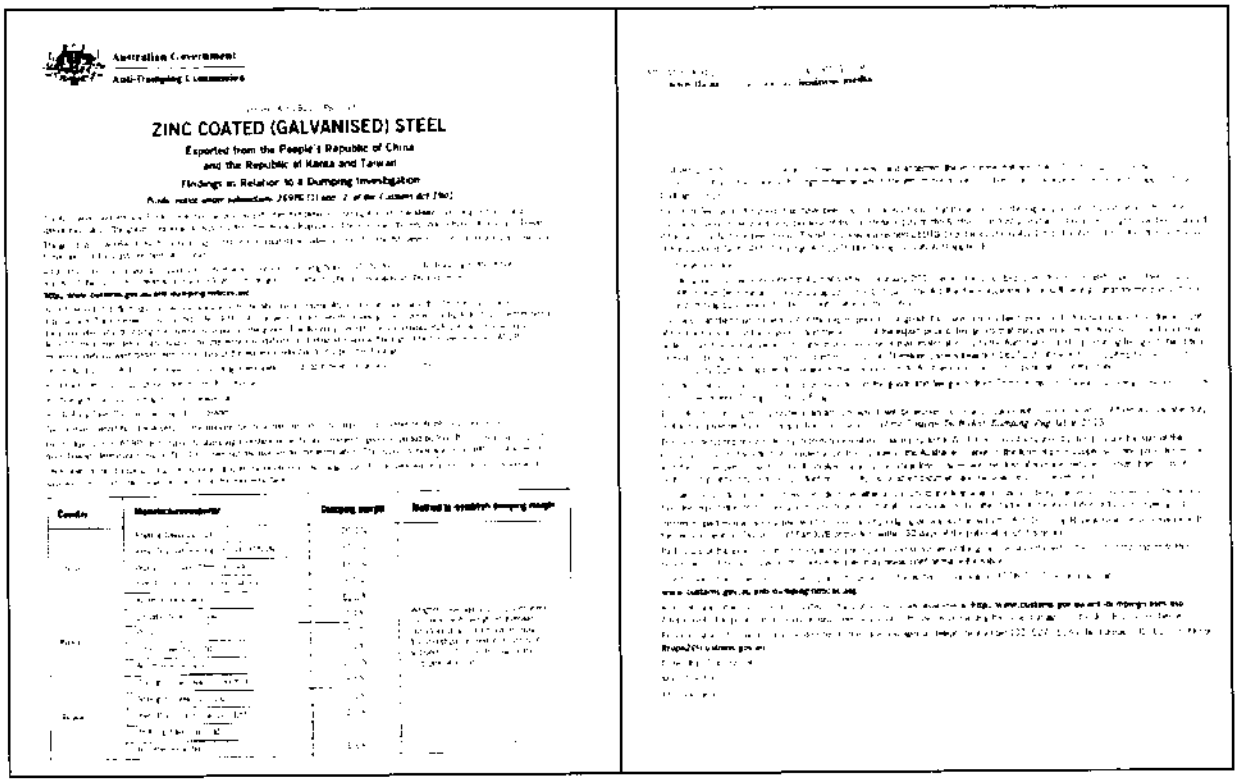
Full description of the imported goods to which the application relates

Zinc Coated (Galvanised) Steel being 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

The tariff classification/statistical code of the imported goods

Tariff subheadings 7210.49.00 (statistical codes 55,56,57,and 58) and 7212.30.00 (statistical code 61)

A copy of the reviewable decision



ZINC COATED (GALVANISED) STEEL

Exported from the People's Republic of China and the Republic of Korea and Taiwan

Findings in Relation to a Dumping Investigation

Date of notification of the reviewable decision and the method of notification

5 August 2013 in the Australian Newspaper

A detailed statement setting out the applicant's reasons for believing that the reviewable decision is not the correct or preferable decision

The Applicant's reasons are set out in Appendix A to this application