



Australian Government
Anti-Dumping Review Panel

Customs Act 1901
Notice under section 269ZZI

**Zinc Coated (Galvanised) Steel exported from the Republic of Korea and Taiwan
and Aluminium Zinc Coated Steel exported from the Republic of Korea**

The Anti-Dumping Review Panel received applications from Posco Centre and OneSteel Australian Tube Mills Pty Ltd (ATM), under the *Customs Act 1901* for a review of a decision by the Attorney General to publish a dumping duty notice in respect of zinc coated (galvanised) steel imported from Republic of Korea and Taiwan.

The Anti-Dumping Review Panel also received an application from OneSteel Coil Coaters Pty Ltd, under the *Customs Act 1901* for a review of a decision by the Attorney General to publish a dumping duty notice in relation to Aluminium Zinc Coated Steel exported from the Republic of Korea.

The Attorney General's decisions were published in *Commonwealth of Australia Gazettes* No C2013G01190 and No C2013G01193 accessible at www.comlaw.gov.au.

The goods to which these applications relate are classified to tariff subheadings 7210.49.00 (statistical codes 55,56,57 and 58), 7212.30.00 (statistical code 61); and 7210.61.00 (statistical codes 60,61, and 62) in Schedule 3 of the *Customs Tariff Act 1995*.

The ground for review is that the decisions were not the correct or preferable decisions. The applications in relation to Zinc Coated (Galvanised Steel) sets out various reasons in support of this ground that include the following:

- POSCO's cold-rolled galvanised steel exported to Australia was a particular kind of product which, as well as being particular, was not dumped at actionable levels,
- POSCO's zero-spangle galvanised steel exported to Australia was a particular kind of product which, as well as being particular, was not a "like good" to the goods produced by the Australian industry and did not cause material injury to the Australian industry,
- like or directly competitive goods to POSCO's zero-spangle galvanised steel for any uses, or its zero-spangle steel for automotive industry uses, are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade, being considerations which should have led the Attorney-General to decide to exempt those POSCO goods under Section 8(7) of the Customs Tariff (Anti-Dumping) Act 1975;
- coated steel produced by BlueScope and internally transferred by BlueScope to its paint lines to be sold as painted coated steel was relevantly "like goods" produced by the Australian industry and the financial performance of the Australian industry were considerations which should have led the Attorney-General to decide that the Australian industry had not suffered material injury or that material injury was not caused by dumped goods;
- BlueScope's pricing policy, and the analysis and presentation of that price policy in Report 109, could not be taken to have been establish that dumped goods

caused price depression, suppression or price undercutting to the Australian industry producing like goods, being a consideration which should have led the Attorney-General to the conclusion that these propositions were not established.

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

The ground for review in relation to Aluminium Zinc Coated Steel is that the decisions were not the correct or preferable decisions. The application sets out various reasons in support of this ground that include the following:

- in circumstances where, during the relevant periods, the Australian Industry producing Unchromated Steel did not sell the product to unrelated parties and did not offer the product for sale to unrelated parties on commercial terms, there were no reasonable grounds for the Attorney's expression of satisfaction that the exported goods imported by Coil Coaters had caused or were causing material injury to the Australian industry;
- the Commissioner's failure, in recommending Ascertained Export Prices (AEPs) to the Attorney, to take account of significant raw material price reductions after the end of the investigation period, has resulted in the determination of inflated dumping margins and the preferable determination would be one that takes account of more recent price data;
- 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.

The Anti-Dumping Review Panel proposes to conduct a review of these decisions. Interested parties may make submissions to the Panel within 30 days after the date of publication of this notice.

Submissions may be emailed to ADRP_support@customs.gov.au, or sent by facsimile to (02) 6275 6784. Submissions may also be posted to the Anti-Dumping Review Panel, c/o Legal Services Branch, Australian Customs and Border Protection Service, 5 Constitution Avenue Canberra City ACT 2601. Persons wishing to make further inquiries about this review should telephone (02) 6275 5868. The documents on public file and a full list of detailed reasons are available from www.adreviewpanel.gov.au.

The reports of the original investigation are available on the Anti-Dumping Commission website at www.adcommission.gov.au

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Anti-Dumping Review Panel