



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/30**

### **Hot Rolled Coil Steel**

### **Exported from Japan, Korea, Malaysia and Taiwan**

### **Reinvestigation of certain findings**

#### ***CUSTOMS ACT 1901 – PART XV B***

The Minister for Home Affairs (the Minister) has accepted recommendations made by the Trade Measures Review Officer (TMRO) and has requested the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) to reinvestigate certain findings relating to Customs and Border Protection's investigation into alleged dumping of Hot Rolled Coil Steel (HRC) exported to Australia from Japan, the Republic of Korea (Korea), Malaysia and Taiwan as detailed in International Trade Remedies Report No. 188.

The TMRO's recommendations arose from a review conducted by the TMRO of the Minister's decision to publish a notice in respect of HRC from Japan, Korea, Malaysia and Taiwan. Notice of the review was given on 2 February 2013. The applicants for review were Hyundai Steel Company (Hyundai Steel), OneSteel Australian Tube Mills (OneSteel), POSCO, GM Holden Limited (Holden) and BlueScope Steel Limited (BlueScope).

As a result of the TMRO's recommendations, the CEO has been directed to reinvestigate certain findings in relation to the decision to publish a dumping duty notice:

- 1) the calculation of the dumping margin for Hyundai Steel, in order to correct apparent errors in it;
- 2) whether there were in fact sufficient grounds to warrant setting the measures by reference to prices other than those in the investigation period and, if so, the preferable methodology for adjustment of those prices;
- 3) whether it would be preferable to structure the conditions attaching to the imposition of dumping duties on imports for the automotive industry in such a way that imports that are acknowledged by Customs and Border Protection not to be causing or likely to cause injury to BlueScope are not liable to duty under the dumping duty notice in the first instance (and only exempt if subsequently

exempted under section 8(7) of the *Customs Tariff (Anti-dumping) Act 1975*;  
and

- 4) why pickled and oiled HRC from countries Korea, Malaysia and Taiwan sold to and used in the automotive sector should not be treated in the same manner as Japanese imports of pickled and oiled HRC for the automotive sector.

The CEO must conduct an investigation in accordance with the Minister's requirements and give the Minister a report of the investigation concerning the finding or findings within the specified period.

The Minister has directed the CEO to report the result of the reinvestigation to him by 13 June 2013.

In the report the CEO must:

- (a) if the CEO is of the view that the finding or any of the findings the subject of reinvestigation should be affirmed – affirm the finding or findings; and
- (b) set out any new finding or findings that the CEO made as a result of the reinvestigation; and
- (c) set out the evidence or other material on which the new finding or findings are based; and
- (d) set out the reasons for the CEO's decision.

### **Procedures for the reinvestigation**

The officers conducting the reinvestigation will not be those who undertook the original investigation.

As noted above, the CEO is required to conduct the reinvestigation in accordance with the Minister's requirements and, as such, must only have regard to the information and conclusions to which the TMRO was permitted to have regard.

No new information or conclusions may be considered in a reinvestigation. All relevant information is available to interested parties through the public record of the original investigation maintained by Customs and Border Protection and the public record of the review maintained by the TMRO.

There is no legislative requirement to publish a statement of essential facts (SEF) in a reinvestigation. As such, Customs and Border Protection will not publish a SEF prior to reporting the results of the reinvestigation to the Minister.

Customs and Border Protection will maintain a public record for the purposes of this reinvestigation.

## **Customs and Border Protection contact**

Administrative enquiries about this notice may be directed to the reinvestigation team by telephone on +61 3 9244 8243. Interested parties wishing to provide submissions in relation to the reinvestigation must do so by 17 May 2013. Where a submission contains confidential information, interested parties must also provide a non-confidential version. Further information regarding the preparation of non-confidential submissions is in Australian Customs Dumping Notice 2012/42 - *Provision of Information for the Public Record* available on the Customs and Border Protection website at [www.customs.gov.au](http://www.customs.gov.au).

Submissions may be lodged by facsimile on +61 3 9244 8150, or by e-mail to [itrops3@customs.gov.au](mailto:itrops3@customs.gov.au)

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7 May 2013