



## **ANTI-DUMPING NOTICE NO. 2013/94**

### **Hot Rolled Coil Steel**

### **Exported from Japan, the Republic of Korea, Malaysia and Taiwan**

### **Findings of exemption inquiries**

#### ***Customs Tariff (Anti-Dumping) Act 1975***

The Anti-Dumping Commission (the Commission) has completed its exemption inquiries in relation to two applications for certain goods which are the subject of anti-dumping measures applying to hot rolled coil steel exported to Australia from Japan, the Republic of Korea (Korea), Malaysia and Taiwan.

The exemptions were sought pursuant to paragraphs 8(7)(a) and (b) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under paragraph 8(7)(a) the Minister may exempt goods from interim dumping duties and dumping duties where satisfied 'that like or directly competitive goods 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'. Under paragraph 8(7)(b) the Minister may exempt goods from interim dumping duties and dumping duties where satisfied 'that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.'

The Commission conducted inquiries into both applications and made a recommendation to the Minister for Industry (the Minister) that the goods the subject of exemption application 6 (EX6) and certain goods the subject of exemption application 7 (EX7) satisfied the conditions of paragraph 8(7)(b) of the Dumping Duty Act and that those goods should be exempted from dumping duties. The Commission was not satisfied that the ground for exemption under paragraph 8(7)(a) were met for certain goods in EX7 to which a Tariff Concession Order (TCO) did not apply.

The Minister has accepted the Commission's recommendation and exempted the goods the subject of the applications for which TCOs were in place from interim dumping duties and dumping duties.

#### **The Anti-Dumping Measures**

Anti-dumping measures, in the form of a dumping duty notice were initially imposed on hot rolled coil steel exported from Japan, Korea, Malaysia and Taiwan by public notice on 20 December 2012 by the then Minister for Home Affairs following consideration of the *International Trade Remedies Branch Report to the Minister No. 188* (REP 188).

## **The Goods**

The goods exempt from the dumping duties are goods that are covered, and described, by the following TCOs (and have the following tariff classifications):

- TC 1309208 (7208.27.00),
- TC 1309209 (7208.27.00),
- TC 1309210 (7211.19.00),
- TC 1309212 (7208.27.00),
- TC 1309213 (7211.19.00),
- TC 1349331 (7208.27.00),
- TC 1349332 (7208.27.00); and
- TC 1349335 (7208.28.00).

## **The Inquiry**

Exemption applications were lodged by Ford Motor Company of Australia (Ford) (EX6) and Nippon Steel & Sumitomo Metal Corporation (Nippon Steel) (EX7).

The exemption inquiry in relation to Ford's application examined whether the goods the subject of their application would satisfy the conditions of paragraph 8(7)(b) of the Dumping Duty Act. The exemption inquiry in relation to Nippon Steel's application examined whether the goods the subject of their application would satisfy the conditions of paragraph 8(7)(a) or (b) of the Dumping Duty Act.

As noted above the Commission conducted exemption inquiries and made a recommendation to the Minister that the goods the subject of Ford's application and certain goods the subject of Nippon Steel's applications satisfied the conditions of paragraph 8(7)(b) of the Dumping Duty Act. The Commission did not recommend that the remaining goods the subject of Nippon Steel's application satisfied the conditions of paragraph 8(7)(a) of the Dumping Duty Act.

The Minister has accepted the Commission's recommendation and exempted the goods the subject of the application for which TCOs are in place through two exemption instruments:

Ministerial Exemption Instrument No. 3 of 2013 exempts goods that are covered by TC 1309208, TC 1309209, TC 1309210, TC 1309212, TC1309213. This instrument commences on 14 March 2013. This exemption relates to the application made by Ford.

Ministerial Exemption Instrument No. 4 of 2013 exempts goods that are covered by TC 1349331, TC 1349332 and TC 1349335. This instrument commences on 28 December 2012. This exemption relates to the application made by Nippon Steel.

Copies of these exemption instruments are available on the Anti-Dumping Commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

## **Further Information**

If importers believe that goods they are importing are exempted from dumping duty in accordance with these exemption instruments, when they or their broker enter these goods for home consumption via the Integrated Cargo System, the exemption category 'GOODS' should be selected and no dumping duties will be applied to the shipment.

Parties seeking a refund of dumping duties already paid should contact the Australian Customs and Border Protection Service National Refund Centre on [nationalrefunds@customs.gov.au](mailto:nationalrefunds@customs.gov.au) or 08 8447 9310.

The decision to grant the exemptions does not prevent further applications for exemptions from dumping duties being considered. Parties can apply for an exemption where they believe their goods satisfy any of the conditions for exemption detailed in subsection 8(7) of the Dumping Duty Act. Further information on the application process can be found at the Commission website at:

<http://www.adcommission.gov.au/system/csi/exemption/how-to-apply.asp>

## **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to Anti-Dumping Commission on 1300 884 159 for further information or by email [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Lisa Hind  
National Manager Operations  
Anti-Dumping Commission

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