



ANTI-DUMPING NOTICE NO. 2013/49

Hot Rolled Coil Steel

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

Reinvestigation Findings: Variation of Decision to Impose Measures

Customs Act 1901 – Part XVB

In June 2013, the Australian Customs and Border Protection Service (ACBPS) completed its reinvestigation into certain findings made in International Trade Remedies Report No.188 in respect of hot rolled coil steel (HRC) exported to Australia from Japan, the Republic of Korea (Korea), Malaysia and Taiwan.

International Trade Remedies Report No. 209 (REP 209) sets out the findings revised by ACBPS as a result of the reinvestigation.

On 1 July 2013, the Anti-Dumping Commission (Commission) commenced operations and it administers Australia's anti-dumping system. The Commission is a separate and new Division within the ACBPS. REP 209 was completed prior to the establishment of the Commission.

REP 209

Following the reinvestigation the ACBPS found that:

- the dumping margin for Hyundai included errors that were identified within the evidence gathered by ACBPS during the investigation, which the Chief Executive Officer of the ACBPS had regard to in making his decision and that there are sufficient grounds to revise the dumping margin for Hyundai to correct those errors;
- there were sufficient grounds to warrant setting the anti-dumping measures by reference to prices other than those within the investigation period however, the methodology for calculating the relevant variable factors should be revised;
- it is not appropriate to structure the conditions attached to the imposition of dumping duties such that imports of the goods to the automotive industry that were not found to be causing injury during the investigation period are not liable for duty under the dumping duty notice; and

- a lesser duty should only apply to Japanese exports of pickled and oiled HRC and not to exports of pickled and oiled HRC from other countries.

Ministerial Decision

The Minister for Home Affairs (the Minister) considered, and accepted, ACBPS's recommendations, the reasons for these recommendations, and the material findings of fact or law on which the recommendations are based as detailed in REP 209.

To give effect to this decision the Minister has varied the original notice in accordance with s.269ZZM of the *Customs Act 1901* (the Act). This notice varies the original notice in respect of HRC exported to Australia from Japan, Korea, Malaysia and Taiwan which was notified on 20 December 2012 in *The Australian* and the *Gazette*. The Minister's decision takes effect from the date that the new notice was published.

Notice of the Minister's decision was published in *The Australian* on 17 July 2013.

Given the Minister accepted the recommendations contained in REP 209 prior to the establishment of the Commission, the public notice of the Minister's decision includes references to ACBPS's report and recommendations (and does not refer to the Commission). The Commission will implement the Minister's decision in respect of REP 209.

Effective Rates of Fixed Duty

The effective fixed duty rates for HRC exported from Japan, Korea, Malaysia and Taiwan, are detailed below.

Country	Exporter	Fixed Duty Rate	Method to establish dumping margin
Japan	All exporters	0.0% P&O HRC	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of ss 269TACB(2)(a) of the Act
		7.5% All other HRC	
Korea	POSCO	6.0%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of ss 269TACB(2)(a) of the Act
	Hyundai Co., Ltd	2.6%	
	All other exporters	11.8%	
Malaysia	Megasteel Sdn. Bhd.	15.4%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of ss 269TACB(2)(a) of the Act
	All other exporters	15.4%	

Taiwan	China Steel Corporation	2.6%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of ss 269TACB(2)(a) of the Act
	Chung Hung Steel Corporation	6.5%	
	Shang Chen Steel Co, Ltd	4.1%	
	All other exporters	8.2%	

Interested parties should note that the actual duty liability may be higher than the effective fixed rate of duty due to the variable component of dumping duty that may be payable. Where goods are in transit at the time of the imposition of the revised effective duties, the original effective rate of duties may still apply to those goods.

Affected parties should contact the Commission by telephone on 1300 884 159 (+61 2 6275 6066 if outside Australia) or by email at clientsupport@adcommission.gov.au for further information regarding the actual duty liability calculation in their particular circumstance.

Right of Review

Interested parties may seek a review of this decision by lodging an application with the Federal Court of Australia, in accordance with the requirements in the *Administrative Decisions (Judicial Review) Act 1977*, within 28 days of the publication of the notice i.e. by 14 August 2013.

Commission contact

REP 209 and other documents included in the electronic public record are available at <http://www.adcommission.gov.au>. Alternatively, the public record may be examined at the Commission by contacting the case manager on the details provided below.

Enquiries about this notice may be directed to the case manager on telephone number (03) 9244 8243, facsimile number (03) 9244 8902 or email at operations3@adcommission.gov.au

SCOTT WILSON
A/g National Manager
Anti-Dumping Commission

17 July 2013