



**Australian Government**  
**Department of Industry,  
Innovation and Science**

**Anti-Dumping  
Commission**

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***CUSTOMS ACT 1901 - PART XVB***

**CONSIDERATION REPORT  
NO. 499**

**CONSIDERATION OF AN APPLICATION**

**FROM**

**ONESTEEL MANUFACTURING PTY LTD  
(TRADING AS LIBERTY STEEL)**

**FOR**

**A REVIEW OF ANTI-DUMPING MEASURES APPLYING TO  
CERTAIN HOT ROLLED STRUCTURAL STEEL SECTIONS**

**EXPORTED TO AUSTRALIA FROM**

**JAPAN, THE REPUBLIC OF KOREA,  
TAIWAN (EXCEPT FOR EXPORTS BY FENG HSIN STEEL CO LTD)  
AND THE KINGDOM OF THAILAND**

**DECEMBER 2018**

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## PUBLIC RECORD

### ABBREVIATIONS

Abbreviation	Full title
ABF	Australian Border Force
ADN	Anti-Dumping Notice
the Act	the <i>Customs Act 1901</i>
the applicant	OneSteel Manufacturing Pty Ltd trading as Liberty Steel
the Commission	the Anti-Dumping Commission
the Commissioner	the Commissioner of the Anti-Dumping Commission
Dragon Steel	Dragon Steel Corporation
EPR	Electronic Public Record
JFE Bars	JFE Bars and Shapes Corporation
the goods	the goods to which the anti-dumping measures apply
HRS	Hot rolled structural steel sections
Hyundai	Hyundai Steel Company
Korea	the Republic of Korea
KRW	Korean Won
OneSteel	OneSteel Manufacturing Pty Ltd
Liberty Steel	OneSteel Manufacturing Pty Ltd trading as Liberty Steel
MCC	model control code
NIP	Non-injurious price
REP 223	<i>Anti-Dumping Commission Report No. 223</i>
review period	1 January 2018 – 31 December 2018
SYS	Siam Yamato Steel Co Ltd
Thailand	the Kingdom of Thailand
the Assistant Minister	the Assistant Minister for Science, Jobs and Innovation
the then Parliamentary Secretary	the then Parliamentary Secretary to the Minister for Industry
the Minister	the Minister for Industry, Science and Technology
Tung Ho	Tung Ho Steel Enterprise Corporation
TWD	New Taiwan dollar
USD	United States dollars

## 1 SUMMARY AND RECOMMENDATION

### 1.1 Background

This report provides the results of the consideration by the Anti-Dumping Commission (the Commission) of an application lodged by OneSteel Manufacturing Pty Ltd trading as Liberty Steel (Liberty Steel) for a review in respect of the anti-dumping measures applying to exports of hot rolled structural steel sections (HRS or the 'goods') from Japan, the Republic of Korea (Korea), Taiwan (except for exports by Feng Hsin Steel Co Ltd) and the Kingdom of Thailand (Thailand) to Australia.

The application is based on an alleged change in the variable factors; being the normal value and export price (a variable factors review).

### 1.2 Legislative background

Division 5 of Part XVB of the *Customs Act 1901* (the Act)<sup>1</sup> sets out, among other things, the procedures to be followed by the Commissioner of the Anti-Dumping Commission (the Commissioner) in dealing with an application for a review of measures.

Division 5 empowers the Commissioner to reject or not reject an application for a review of anti-dumping measures. If the Commissioner does not reject an application, he is required to publish a notice indicating that he is proposing to review the anti-dumping measures covered by the application.

Subsection 269ZC(4) provides that the Commissioner, if he decides to not reject the application, may recommend to the Minister for Industry, Science and Technology (the Minister) that the review be extended to include any additional matters.<sup>2</sup>

### 1.3 Findings and conclusions

Based on the findings outlined in this report the Commission is satisfied that:

- the application complies with section 269ZB(1) and (2); and
- there appear to be reasonable grounds for asserting the variable factors relevant to the taking of anti-dumping measures, in respect of HRS exported from Japan, Korea, Taiwan (except for exports by Feng Hsin Steel Co Ltd) and Thailand to Australia, have changed.

### 1.4 Recommendation

The Commission recommends that the Commissioner not reject the application for the reasons outlined in chapter 5 of this report, and initiate a review into the anti-dumping measures applying to HRS exported from Japan, Korea, Taiwan (except for exports by Feng Hsin Steel Co Ltd) and Thailand to Australia.

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<sup>1</sup> All legislative references in this report are to the *Customs Act 1901*, unless otherwise specified.

<sup>2</sup> For example, if the change in variable factors affects all exporters, it may be recommended that the review is extended to include all exporters.

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As the Commission is satisfied that there are reasonable grounds to establish that there has been a change in the variable factors <sup>3</sup> referred to in subsection 269ZC(2), it recommends that the Commissioner not reject the application under subsection 269ZC(1), and inform the applicant, by notice in writing, accordingly.

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<sup>3</sup> As defined in subsection 269T(4E), in relation to a review of an anti-dumping duty notice, the variable factors are export price, normal value and non-injurious prices (NIP). Although Liberty Steel has not claimed a change in the NIP in the application, the Commission considers it necessary to review all relevant variable factors, including the NIP.

## 2 THE GOODS SUBJECT TO THE ANTI-DUMPING MEASURES

### 2.1 Description of the goods

The goods to which the current anti-dumping measures apply are:

*Hot rolled structural steel sections in the following shapes and sizes, whether or not containing alloys:*

- *universal beams (I sections), of a height greater than 130mm and less than 650mm;*
- *universal columns and universal bearing piles (H sections), of a height greater than 130mm and less than 650mm;*
- *channels (U sections and C sections) of a height greater than 130mm and less than 400mm; and*
- *equal and unequal angles (L sections), with a combined leg length of greater than 200mm.*

*Sections and/or shapes in the dimensions described above, that have minimal processing, such as cutting, drilling or painting do not exclude the goods from coverage of the investigation.*

#### 2.1.1 Excluded goods

The measures do not apply to the following goods:

- *hot rolled 'T' shaped sections, sheet pile sections and hot rolled merchant bar shaped sections, such as rounds, squares, flats, hexagons, sleepers and rails; and*
- *sections manufactured from welded plate (e.g. welded beams and welded columns).*

#### 2.1.2 Tariff classification

Goods identified as hot rolled non-alloy steel sections, as per the shapes and sizes described above, are classified to the following tariff subheadings in schedule 3 to the *Customs Tariff Act 1995*:

- 7216.31.00 statistical code 30 (channels — U and C sections);
- 7216.32.00 statistical code 31 (universal beams — I sections);
- 7216.33.00 statistical code 32 (universal column and universal bearing piles — H sections); and
- 7216.40.00 statistical code 33 (equal and unequal angles — L sections).

Goods identified as hot rolled alloy steel sections, as per the shapes and sizes described above, are classified to tariff subheading 7228.70.00 (statistical codes 11 and 12) in schedule 3 of the *Customs Tariff Act 1995*.

## **2.2 Proposed model control code structure**

On 9 August 2018, the Commission advised in Anti-Dumping Notice (ADN) No. 2018/128 that a model control code (MCC) structure would be implemented on new investigations, reviews of exporters generally or continuations for cases initiated after this date.<sup>4</sup>

The Commission will conduct model matching in order to identify key characteristics that will be used to match models of the goods exported to Australia and like goods sold domestically in the country of export. The MCC structure will be based on information received from the applicant and any other information the Commission considers relevant. The MCC structure shall be applied in responses to questionnaires provided by exporters.

The proposed MCC structure will be described in the ADN that announces the initiation of this review.

Proposals to modify the MCC structure should be raised as soon as is practicable, but no later than the time the responses to the questionnaires are due and placed on the public record prior to any verification, otherwise the response may be deemed deficient.

Interested parties are encouraged to make submissions<sup>5</sup> on whether proposed modifications to the MCC structure should be accepted by the Commission.<sup>6</sup> Any changes to the MCC structure will be considered by the Commission and reported in verification reports or in the statement of essential facts.

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<sup>4</sup> Full guidance regarding the Commission's application of an MCC structure is provided at ADN No. 2018/128 on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

<sup>5</sup> The process of making submissions is described in the Commission's web site.

<sup>6</sup> In review 465, the Commission did not consider it appropriate to apply the MCC structure because that case was initiated before 9 August 2018 and interested parties in that review had not been advised of a change in approach.

## 3 BACKGROUND

### 3.1 History of the existing anti-dumping measures

#### 3.1.1 Original investigation

On 24 October 2013, a dumping investigation into HRS exported to Australia from Japan, Korea, Taiwan and Thailand was initiated following an application lodged by OneSteel Manufacturing Pty Ltd, a manufacturer of HRS in Australia. The investigation period was 1 October 2012 to 30 September 2013.

In that investigation, and as outlined in *Anti-Dumping Commission Report No. 223 (REP 223)*,<sup>7</sup> it was found that:

- the goods exported to Australia from Japan, Korea, Taiwan and Thailand were dumped, with margins ranging from 2.20 per cent to 19.48 per cent;
- the dumped exports caused material injury to the Australian industry producing like goods; and
- continued dumping may cause further material injury to the Australian industry.

The findings and recommendations in REP 223 were provided to the then Parliamentary Secretary to the Minister for Industry (the then Parliamentary Secretary), recommending the publication of a dumping duty notice in respect of the goods. Notice of the then Parliamentary Secretary's decision to accept the recommendations in REP 223 was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette*. Interested parties were also advised of this outcome in ADN No. 2014/127 on 20 November 2014.<sup>8</sup>

On 7 August 2015, following a review by the Anti-Dumping Review Panel of the decision to impose these dumping duties, the dumping duty notice was varied so that the effective rate of duty for HRS exported to Australia by Siam Yamato Steel Co Ltd (SYS) was varied from 18.28 per cent to 18.00 per cent with effect from 20 November 2014.

#### 3.1.2 Previous reviews of measures

##### 3.1.2.1 Review 345 - exports of the goods from Taiwan by Tung Ho Steel

On 21 March 2016, Tung Ho Steel Enterprise Corporation (Tung Ho) lodged an application for a review of the dumping duty notice applying to HRS exported to Australia from Taiwan, claiming that the variable factors relevant to the taking of the anti-dumping measures had changed. The review period was 1 January 2015 to 31 December 2015.

*Anti-Dumping Commission Report No. 345* recommended that the dumping duty notice have effect in relation to Tung Ho as if different variable factors had been ascertained relevant to the determination of duty.

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<sup>7</sup> See Electronic Public Record (EPR) 223 Item 096.

<sup>8</sup> See EPR 223, item 098.

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The then Parliamentary Secretary's decision to alter the notice as it applied to Tung Ho was published on the Commission's web site on 19 October 2016.

### **3.1.2.2 Review 346 - exports of the goods from Thailand by Siam Yamato Steel Co Ltd**

On 23 March 2016, SYS lodged an application for a review of the dumping duty notice applying to HRS exported to Australia from Thailand, insofar as it affected SYS. The review period was 1 January 2015 to 31 December 2015.

*Anti-Dumping Commission Report No. 346* recommended that the dumping duty notice have effect in relation to SYS as if different variable factors had been ascertained relevant to the determination of duty.

The then Parliamentary Secretary's decision to alter the notice as it applied to SYS was published on the Commission's web site on 19 October 2016.

### **3.1.2.3 Accelerated review 359 - exports of the goods from Taiwan by Dragon Steel Corporation**

On 9 June 2016, Dragon Steel Corporation (Dragon Steel) lodged an application for an accelerated review of the dumping duty notice applying to certain HRS exported to Australia from Taiwan, insofar as it affected Dragon Steel. The review period was 1 April 2015 to 31 March 2016.

*Anti-Dumping Commission Report No. 359* recommended that the dumping duty notice have effect in relation to Dragon Steel as if the then Parliamentary Secretary had fixed specific different variable factors relevant to the determination of duty.

The then Parliamentary Secretary's decision to alter the notice as it applied to Dragon Steel was published on the Commission's web site on 18 October 2016.

### **3.1.2.4 Review 465 - exports of the goods from Korea**

On 27 February 2018, Liberty Steel<sup>9</sup> lodged an application requesting a review of the anti-dumping measures as they apply to all exporters of HRS to Australia from Korea. The review period for Review 465 was 1 January 2017 to 31 December 2017.

The Minister's decision in relation to Review 465 was due to be published on the Commission's web site on 20 December 2018.

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<sup>9</sup> In that application, OneSteel Manufacturing Pty Ltd indicated that it was trading as *Liberty OneSteel*.

### 3.2 Dumping margins

The dumping margins that were found in the original investigation and in subsequent reviews upon which anti-dumping measures are based are provided in Table 1.<sup>10</sup>

Country	Exporter	Dumping margin and effective rate of duty	Duty Method	Method to establish dumping margin
Japan	JFE Bars and Shapes Corporation	12.15%	<i>Ad valorem</i>	Weighted average export prices were compared with corresponding normal values over the investigation period in terms of s 269TACB(2)(a).
	Uncooperative Exporters	12.23%	<i>Ad valorem</i>	
Korea	Hyundai Steel Company	2.52%	<i>Ad valorem</i>	
	Uncooperative Exporters	3.24%	<i>Ad valorem</i>	
Taiwan	Dragon Steel Corporation	N/A	Floor price	
	TS Steel Co Ltd	4.68%	<i>Ad valorem</i>	
	Tung Ho Steel Enterprise Corporation	N/A	Floor price	
	Uncooperative Exporters	7.89%	<i>Ad valorem</i>	
Thailand	Siam Yamato Steel Co Ltd	N/A	Floor price	
	Uncooperative Exporters	19.48%	<i>Ad valorem</i>	

**Table 1 — HRS dumping margins**

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<sup>10</sup> Table 1 provides details that were current on 11 December 2018, the due day for the Commissioner to decide whether to reject the application.

#### 4 THE CURRENT REVIEW APPLICATION

On 21 November 2018, an application was lodged by Liberty Steel requesting a review of the anti-dumping measures applying to exports of HRS from Japan, Korea, Taiwan (except for exports by Feng Hsin Steel Co td Ltd) and Thailand to Australia.

The application is not precluded by subsection 269ZA(2), which provides that an application for review must not be lodged earlier than 12 months after the publication of a dumping duty notice, or a notice declaring the outcome of the last review of measures.<sup>11</sup>

Pursuant to subsection 269ZC(1), the Commissioner must, within 20 days after receiving the application, examine the application and decide whether to reject the application. If the Commissioner is not satisfied, having regard to the application and to any other information that the Commissioner considers relevant, of one or more matters referred to in subsection 269ZC(2), the Commissioner must reject the application. In this case, the decision whether to reject the application must be made no later than **11 December 2018**.

Liberty Steel claims that certain variable factors relevant to the anti-dumping measures have changed within the period 1 October 2017 to 30 September 2018 (the review period proposed by Liberty Steel).

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<sup>11</sup> The most recent notice was ADN No. 2016/98, published on 19 October 2016.

## 5 CONSIDERATION OF THE APPLICATION

### 5.1 Legislative background

Subsection 269ZB(1) requires that the application be in writing, be in a form approved by the Commissioner for the purposes of this section, contain such information as the form requires, be signed in the manner indicated by the form and be lodged in a manner approved under section 269SMS.

Without otherwise limiting the matters that can be required by the form, subsection 269ZB(2) provides that the application must include:

- a description of the kind of goods to which the anti-dumping measures the subject of the application relate; and
- a description of the anti-dumping measures the subject of the application; and
- if the application is based on a change in variable factors, a statement of the opinion of the applicant concerning:
  - the variable factors relevant to the taking of the anti-dumping measures that have changed; and
  - the amount by which each such factor has changed; and
  - the information that establishes that amount;
- if the application is based on circumstances that in the applicant's view indicate that anti-dumping measures are no longer warranted, evidence (in accordance with the form) of the circumstances.

Subsection 269ZC(2) specifies the matters which must be considered in making a decision whether to reject the application. These matters are:

- that the application complies with section 269ZB; and
- that there appear to be reasonable grounds for asserting either, or both, of the following:
  - that the variable factors relevant to the taking of anti-dumping measures have changed;
  - that the anti-dumping measures are no longer warranted.

### 5.2 Assessment of the application — compliance with section 269ZB

When considering the requirements of subsections 269ZB(1) and (2), the Commission notes that the application submitted on 21 November 2018:

- is in writing;
- is in the approved form (*Form B602 - Application for a Review of Measures*) and contains such information as the form requires (including evidence in support of the amounts by which the variable factors have changed since anti-dumping measures were last imposed and information

on the causes of the changes to normal values and whether these causes are likely to persist);

- is signed in the manner required by the form;
- was lodged in a manner approved under section 269SMS, being by email to the Commission's nominated email address (as nominated in the Commissioner's instrument made under section 269SMS);
- provides a description of the kind of goods to which the anti-dumping measures the subject of the application relates;
- provides a description of the anti-dumping measures the subject of the application; and
- includes statements of the opinion of the applicant concerning the variable factors relevant to the taking of the measures have changed; the amounts by which each such factor has changed; and the information that establishes those amounts.

### **5.3 Assessment of claimed changes in variable factors**

To comply with section 269ZB, the applicant must provide information to establish that, in the applicant's opinion, one or more of the variable factors have changed.<sup>12</sup> The applicant does not have to provide information to establish that all the variable factors have changed.

## **5.4 Japan**

### **5.4.1 JFE Bars and Shapes Corporation and all other exporters from Japan**

#### **5.4.1.1 The applicant's claims regarding normal value**

Liberty Steel has claimed that given that published sales information for domestic sellers of like goods in Japan indicates that HRS prices in Japan (expressed in JPY per tonne) have increased, the ascertained normal value for JFE Bars and all other exporters from Japan will have increased by close to 16 per cent since measures were imposed.

#### **5.4.1.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has increased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has increased since the variable factors were ascertained.

#### **5.4.1.3 The applicant's claims regarding export price**

Liberty Steel has claimed that given that information that it has obtained by subscription for exports of the goods from Japan to Australia indicates that HRS

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<sup>12</sup> Subsection 269ZB(2)(c)

export prices (expressed in USD per tonne) have decreased by over 4 per cent since measures were imposed.

#### **5.4.1.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has decreased since the variable factors were ascertained.

### **5.5 Korea**

#### **5.5.1 Hyundai Steel Company and all other exporters from Korea**

##### **5.5.1.1 The applicant's claim regarding change in normal value**

Liberty Steel has claimed that published sales information for domestic sellers of like goods in Korea indicates that HRS prices in Korea (expressed in KRW per tonne) have changed and that the ascertained normal value for Hyundai and all other exporters from Korea will have decreased by close to 6 per cent since anti-dumping measures were imposed.

##### **5.5.1.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has decreased since the variable factors were ascertained.

##### **5.5.1.3 The applicant's claim regarding change in export price**

Liberty Steel has claimed that information that it has obtained by subscription for exports of the goods from Korea to Australia indicates that HRS export prices (expressed in USD per tonne) have decreased by close to 12 per cent since measures were imposed.

##### **5.5.1.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has decreased since the variable factors were ascertained.

## **5.6 Taiwan**

### **5.6.1 Dragon Steel Corporation**

#### **5.6.1.1 The applicant's claims regarding normal value**

Liberty Steel has claimed that published sales information for domestic sellers of like goods in Taiwan indicates that HRS prices in Taiwan (expressed in TWD per tonne) have increased, the ascertained normal value for DSC will have increased by over 27 per cent since the review period of Accelerated Review 359.

#### **5.6.1.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has increased since the variable factors were last ascertained.

#### **5.6.1.3 The applicant's claims regarding export price**

Liberty Steel has claimed that information that it has obtained by subscription for exports of the goods from Taiwan to Australia indicates that HRS export prices (expressed in USD per tonne) have increased by over 12 per cent since measures were last imposed.

#### **5.6.1.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has increased since the variable factors were last ascertained.

### **5.6.2 TS Steel Co Ltd**

#### **5.6.2.1 The applicant's claims regarding normal value**

Liberty Steel has claimed that given that published sales information for domestic sellers of like goods in Taiwan indicates that HRS prices in Taiwan (expressed in TWD per tonne) have changed, the ascertained normal value for TS Steel will have decreased by over 3 per cent since measures were imposed.

#### **5.6.2.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has decreased since the variable factors were ascertained.

**5.6.2.3 The applicant's claims regarding export price**

Liberty Steel has claimed that information that it has obtained by subscription for exports of the goods from Taiwan to Australia indicates that HRS export prices (expressed in USD per tonne) have decreased by over 15 per cent since measures were imposed.

**5.6.2.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has decreased since the variable factors were ascertained.

**5.6.3 Tung Ho Steel Enterprise Corporation**

**5.6.3.1 The applicant's claims regarding normal value**

Liberty Steel has claimed that given that published sales information for domestic sellers of like goods in Taiwan indicates that HRS prices in Taiwan (expressed in TWD per tonne) have increased, the ascertained normal value for TS Steel will have increased by over 24 per cent since measures were last imposed.

**5.6.3.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has increased since the variable factors were last ascertained.

**5.6.3.3 The applicant's claims regarding export price**

Liberty Steel has claimed that given that information that it has obtained by subscription for exports of the goods from Taiwan to Australia indicates that HRS export prices (expressed in USD per tonne) have increased by over 2 per cent since measures were last imposed.

**5.6.3.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission does not clearly support Liberty Steel's claim that the export price has increased since the variable factors were last ascertained.

#### **5.6.4 All other exporters from Taiwan**

##### **5.6.4.1 The applicant's claims regarding normal value**

Liberty Steel has claimed that given that published sales information for domestic sellers of like goods in Taiwan indicates that HRS prices in Taiwan (expressed in TWD per tonne) have decreased by over 3 per cent since measures were imposed.

##### **5.6.4.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has decreased since the variable factors were ascertained.

##### **5.6.4.3 The applicant's claims regarding export price**

Liberty Steel has claimed that given that information that it has obtained by subscription for exports of the goods from Taiwan to Australia indicates that HRS export prices (expressed in USD per tonne) have decreased by over 15 per cent since measures were imposed.

##### **5.6.4.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has decreased since the variable factors were ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has decreased since the variable factors were ascertained.

## **5.7 Thailand**

### **5.7.1 Siam Yamato Steel Co. Ltd and other exporters from Thailand**

#### **5.7.1.1 The applicant's claim regarding normal value**

Liberty Steel has stated that given that it does not have access to sales information for domestic sellers of like goods in Thailand. Liberty Steel claims that the prices of the major cost item in the production of HRS, scrap steel, have increased since the review period for Review 346 and, as such, the normal value for SYS and all other exporters from Thailand is likely to have changed. Liberty Steel claims that the ascertained normal value for SYS and all other exporters from Thailand will have increased by over 46 per cent since the review period in Review 346.

Liberty Steel further indicated in its application that the imposition of a safeguard tariff of over 31 per cent on certain like goods (hot rolled structural H-beams with alloy) for

2017 and 2018 in Thailand will have likely resulted in a substantial increase in the normal value of structural H-beams.

**5.7.1.2 The Commission's assessment of claim regarding change in normal value**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the normal value has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the normal value has increased since the variable factors were last ascertained.

**5.7.1.3 The applicant's claims regarding export price**

Liberty Steel has claimed that information that it has obtained by subscription for exports of the goods from Thailand to Australia indicates that HRS export prices (expressed in USD per tonne) have increased by over 2 per cent since measures were last imposed.

**5.7.1.4 The Commission's assessment of claim regarding change in the export price**

The Commission has reviewed the data provided by Liberty Steel and has found that it supports its statement that the export price has increased since the variable factors were last ascertained.

Other data sourced from alternative steel information subscription services by the Commission also suggests the export price has increased since the variable factors were last ascertained.

**5.8 Assessment of application — compliance with sections 269ZB and 269ZC**

Based on the Commission's analysis in section 3.3, the Commission is satisfied that the application complies with subsections 269ZB(1) and (2). In addition, there appear to be reasonable grounds for the applicant to assert under subsection 269ZC(2)(b)(i) that at least one of the variable factors relevant to the taking of anti-dumping measures have changed.

Based on this assessment, the Commission considers that the Commissioner must not reject the application pursuant to subsection 269ZC(1) as it is satisfied of the matters referred to in subsection 269ZC(2).

## 6 CONCLUSIONS AND RECOMMENDATIONS

The Commission has considered the application in accordance with sections 269ZB and 269ZC.

The Commission considers that Liberty Steel has provided:

- statements that the variable factors relevant to the taking of anti-dumping measures have changed;
- statements of its opinions concerning the amounts by which the variable factors relevant to the taking of anti-dumping measures have changed; and
- information that establishes those amounts.

The Commission is satisfied, on the basis of the information provided in the application and other relevant information, that:

- the application complies with section 269ZB; and
- there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures have changed.

The Commission recommends that the Commissioner:

- not reject the application and initiate a review into the current anti-dumping measures applying to exports of the goods to Australia from Japan, Korea, Taiwan and Thailand; and
- the review period be set as 1 January 2018 to 31 December 2018.

**PUBLIC RECORD**

**APPENDICES**

<b>Confidential Appendix 1</b>	Confidential Attachments A, B, C, D and Normal Value and Export Price attachments to the application.
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