

**REPORT NO. 306**

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON  
COLOUR COATED STEEL PRODUCTS ORIGINATING  
IN OR IMPORTED FROM AUSTRALIA: FINAL  
DETERMINATION**

The International Trade Administration Commission of South Africa herewith presents its **Report No. 306: SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON COLOUR COATED STEEL PRODUCTS ORIGINATING IN OR IMPORTED FROM AUSTRALIA: FINAL DETERMINATION**

  
**Siyabulela Tsengiwe**  
**CHIEF COMMISSIONER**

**PRETORIA**

**25 - 05 - 2009**

## **1. APPLICATION AND PROCEDURE**

- 1.1. This investigation is conducted in accordance with the International Trade Administration Act, 2002 (ITA Act), the World Trade Organization Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, 1994 (the Anti-Dumping Agreement) and the International Trade Administration Commission Anti-Dumping Regulations (ADR).
- 1.2. The application was lodged by ArcelorMittal South Africa Limited (the Applicant), being the major manufacturer of the subject product in the SACU. H. H. Robertson is the only other manufacturer in SACU.
- 1.3. On 25 January 2008 the International Trade Administration Commission of South Africa (the Commission) notified the interested parties through Notice No. 122 of 2008 in *Government Gazette* No. 30680, that unless a substantiated request is made indicating that the expiry of the anti-dumping duty against imports of colour coated steel products originating in or imported from Australia would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on colour coated steel products originating in or imported from Australia would expire on 10 October 2008.
- 1.4. A response to the review questionnaire was received from the Applicant on 10 April 2008 and an updated final application was received on 24 April 2008.
- 1.5. The Commission formally initiated a sunset review investigation of the anti-dumping duties on colour coated steel products originating in or imported from Australia pursuant to Notice No. 994 which was published in *Government Gazette* No. 31341 on 22 August 2008.
- 1.6. This submission contains information with regard to dumping for the period 1 January 2007 to 31 December 2007 and information with regard to material

injury for the period 1 January 2003 to 31 December 2007, with an estimate for 2008 should the anti-dumping duties expire.

1.7. The following exporter/manufacturer in Australia, represented by Webber Wentzel Bowens (WWB), responded and its information was verified:

- Blue Scope Steel Australia

1.8. The following SACU importers were identified as interested parties:

- Clotan Steel (Pty) Ltd
- Kabaka Investments (Pty) Ltd

Clotan Steel (Pty) Ltd responded, and stated that the product they imported was not the subject product, although it was imported under the same tariff sub-heading, but in fact were products which are excluded from the anti-dumping duty. Kabaka Investments did not respond to the importer questionnaires, and therefore no verification was done at this firm.

1.9. After considering all interested parties comments, the Commission issued an essential facts letter indicating that it was considering making a final determination that although the expiry of the anti-dumping duty on colour coated steel products originating in or imported from Australia would lead to the recurrence of dumping, it would not lead to the recurrence of material injury.

1.10. Comments were received on the Commission's essential facts letter.

1.11. After considering all the comments received during the investigation and in response to the Commission's essential facts letter, the Commission made a final determination that although the expiry of the anti-dumping duty on colour coated steel products originating in or imported from Australia would lead to the recurrence of dumping, it would not lead to the recurrence of material injury.

## **2. PRODUCTS, TARIFF CLASSIFICATION AND DUTIES**

### **2.1 SUBJECT PRODUCTS**

#### **2.1.1 Description**

Flat rolled products of iron or non-alloy steel of a width of 600mm or more, painted, varnished or coated with plastics (excluding Zinalume, not colour coated, but covered with resin) and flat-rolled products of iron or non-alloy steel, of a width of less than 600mm, painted, varnished or coated with plastics, commonly known as Colourbond XRW (exterior walling and roofing).

#### **2.1.2 Tariff classification**

The subject product is classifiable in Part 1 of Schedule No. 1 as follows:

<b>Tariff Sub-Heading</b>	<b>Description</b>	<b>Unit of Measurement</b>	<b>Rate of Customs Duty</b>
7210.70	Flat-rolled products of iron or non alloy steel, of a width of 600mm or more, painted, varnished or coated with plastics	Kg	0%
7212.40	Flat-rolled products of iron or non alloy steel, of a width of less than 600mm, painted, varnished or coated with plastics	Kg	0%

The subject product is subject to the following anti-dumping duty in Schedule No.2:

<b>Tariff Sub-Heading</b>	<b>Description</b>	<b>Imported from or originating in</b>	<b>Rate of Anti-dumping duty</b>
7210.70	Flat-rolled products of iron or non alloy steel, of a width of 600mm or more, painted, varnished or coated with plastics (excluding Zinalume not colour coated, but covered with resin)	Australia	79%
7212.40	Flat-rolled products of iron or non alloy steel, of a width of less than 600mm, painted, varnished or coated with plastics	Australia	79%

### **2.1.3 Production Process**

With regard to the product concerned there are at least seven stages in the production process, i.e:

#### **(i) Iron Manufacturing**

Liquid Iron is manufactured by the two Blast Furnaces that use iron ore, screened sinter and metallurgical coke as main inputs. Liquid iron is transferred to the Steel Melting Plant to be used as an input in the manufacturing of liquid steel.

#### **(ii) Steel Manufacturing**

At Steelmaking, two main routes exist, e.g.:

- a. The Basic Oxygen Steelmaking route
- b. The Electrical Steelmaking route.

Each of these routes produces its own slabs. Basic Oxygen Furnaces (BOF's) deliver liquid steel to Continuous Casting Machines. The Electric Arc Furnace (EAF) delivers liquid steel to Continuous Casting Machines. Different grades of steel are produced. The grades differ according to alloy additions during the secondary metallurgical processes. These continuous casting machines produce slabs for further processing at the Hot Strip Mill.

(iii) Hot Strip Mill Route

The output of the Hot Strip Mill is a hot-rolled coil that can either be sold directly or be processed further through the Cold Mill route as:

- Cold-rolled products
- Galvanised products
- Tin products
- Colour coated products

(iv) Pickling Line

The hot-rolled coil passes through a pickling line where hydrochloric acid removes surface scale arising in the hot-rolling process. After pickling, the steel is thoroughly rinsed, dried and oiled to prevent atmospheric oxidation before cold-rolling.

(v) Cold-Rolling

Here the hot-rolled coil is cold reduced to the specific thickness required. Cold-rolling elongates the grains of the steel in the direction of rolling, making the steel hard and brittle. The output of the Cold-Rolling mill is a cold-rolled coil, which can either be processed further or sold directly. Further processing can entail

Galvanising, Tempering, Colour Coating or Electrolytic Tinning. The Colour Coated product is produced with either a cold-rolled substrate or a galvanised substrate.

(vi) Galvanised Process

Galvanised substrate (steel strip) is produced from a cold-rolled steel coil on a continuous zinc coating line. The galvanising process yields an evenly coated zinc sheet with a bright smooth metal finish and is then painted at the Colour Coating Line.

(vii) Annealing (Cold Rolled substrate only)

After cold-rolling the coil is annealed. The cold-rolling elongates the grains of steel in the direction of rolling, making the steel hard and brittle. Annealing entails heating the steel in a reducing atmosphere to recrystallise the grains under conditions that promote uniform crystal growth. This treatment gives the steel the ductility needed for its intended use.

(viii) Temper Rolling (Cold Rolled substrate only)

Temper rolling imparts a light temper to cold-rolled coils and eliminates yield point elongation. It allows adjustment of surface roughness to suit user requirements and further ensures flatness.

(ix) Colour Coating Line (For Galvanised substrate and Cold-rolled substrate)

The Applicant's paint line products are coated on a sophisticated continuous coating line. The coating process permits good control of the important painting parameters and rigid quality controls on each finished coil ensures that every batch conforms to specification.



#### **2.1.4 Like product decision**

In the original investigation the Commission decided that the SACU product and the imported products were “like products” for purpose of comparison, in terms of the Anti-Dumping Regulations.

### **3. INDUSTRY STANDING**

#### **3.1 INDUSTRY STANDING**

The Applicant is the major manufacturer of the subject products in the SACU industry with more than 85 per cent of the SACU production.

The Commission decided that the application can be regarded as being made "by or on behalf of the domestic industry" under the provisions of the Anti-Dumping Regulations.

## **4. DUMPING**

### **4.1 METHODOLOGY USED IN THIS INVESTIGATION FOR BLUESCOPE STEEL IN AUSTRALIA**

#### **4.1.1 Normal Value**

##### **Type of economy**

The subject product was sold in the ordinary course of trade in Australia. Therefore the calculations in this investigation are done in terms of Section 32 (2)(b)(i) of the ITA Act.

##### **Calculation of normal value**

The subject product was sold on the domestic market in Australia during the period of investigation. Sales were found to be profitable. A weighted average normal value was calculated, using BlueScope's actual sales on the domestic market.

##### **Adjustments to the normal value**

The following adjustments to the normal value were claimed by the Exporter and allowed by the Commission as it was shown that there was a difference in costs, which was demonstrated to have affected price comparability at the time of setting the prices:

##### *(i) Cost of payment terms*

An adjustment for payment terms allowed by the Exporter and which was indicated on the invoices was made to the normal value. The internal interest rate of the Exporter was used to calculate the adjustment.

(ii) *Discounts*

An adjustment for discounts, as indicated on the domestic invoices, was made to the normal value.

(iii) *Rebates*

An adjustment was made to the normal value for rebates paid to domestic customers. These rebates, which are in line with company policy and negotiated with customers, are provided for in the customer contracts. There were three kinds of rebates allowed to qualifying customers based on specific criteria that should be met by those customers.

(iv) *Delivery charges*

An adjustment was made to the normal value for the delivery charges as most domestic sales are on a delivered basis.

(v) *Packaging costs*

The packaging for domestic sales and that for export sales differ. Therefore an adjustment was made to the normal value with regard to the packaging costs.

The Commission decided not to allow the following adjustment as the Commission was not convinced that it affected the price comparability at the time of setting the prices and that it was not demonstrated that this cost could not be attributed to other products and the export market:

(i) *Sales and marketing costs*

The Exporter indicated that sales and marketing costs for domestic products comprise marketing costs, advertising, service centers and

logistics. The exporter indicated that none of the costs are incurred for any export customer due to the way BlueScope Steel operates, the distance from the customer and its focus on the domestic customer base.

#### **4.1.2 Export price**

##### **Third country selection to calculate the export price**

The Exporter did not export the subject product to SACU during the investigation period. Prior to verification, information was requested from both the Applicant and Exporter to enable the Commission to decide on a third country to use for export price determination. Based on information provided by the Applicant and WWB, the Commission decided to use Germany as a third country for export price determination as it was considered to be the market most comparable to SACU. However, during the Exporter verification, the Exporter stated that the information they provided in this respect was incorrect and incomplete, in that the levels of trade were not submitted and the information was not only for the subject product, but included other products.

Based on the information submitted by the Applicant and the information submitted by the Exporter during the verification with regard to the level of trade on the domestic market and the export markets, and the correct export volumes per country for the subject product, the Commission decided that the export sales that are most comparable to the Australia domestic sales and that meet the requirements of the Commission's policy in this regard, are those made to Greece. The Commission found that the sales to Greece are at the same level of trade and although the volumes of exports to Greece differ substantially to those on the Australian domestic market, they are the closest for a comparison.

## **Export price calculation**

A verified weighted average export price was calculated using the actual export sales of the subject product of the Exporter from Australia to Greece.

## **Adjustments to the export price**

The following adjustments were made to the export price, as verified by the Commission, for purposes of calculating the ex-factory export price:

### **(i) *Cost of payment terms***

An adjustment for payment terms allowed by the Exporter and which was indicated on the invoices was made to the export price. The internal interest rate of the Exporter was used to calculate the adjustment.

### **(ii) *Commission***

An adjustment for commission paid on export sales to sales offices in the foreign countries was made to the export price.

### **(iii) *Container charges and freight***

Container handling charges and freight were included in the export selling price. An adjustment was made to the export price for these costs in order to calculate the ex-factory export price.

### **(iv) *Packaging costs***

As indicated under the normal value, the packaging for domestic sales and that for export sales differ. The Commission therefore made an adjustment to the export price for the packaging costs.

(v) *Insurance*

The Commission made an adjustment for the insurance charges included in the export selling price, in order to calculate the ex-factory export price.

In line with the adjustment for sales and marketing cost not allowed on the normal value, the Commission did not make an adjustment for sales and marketing cost to the export price.

#### **4.1.3 Margin of dumping**

Based on the above information, the margin of dumping was calculated to be 64.7 per cent.

### **4.2 METHODOLOGY USED IN THIS INVESTIGATION FOR ALL NON-COOPERATING EXPORTERS IN AUSTRALIA**

#### **4.2.1 Normal value**

##### **Type of economy**

The subject product was sold in the ordinary course of trade in Australia. Therefore the calculations in this investigation are done in terms of Section 32 (2)(b)(i) of the ITA Act.

##### **Calculation of normal value**

The normal value was calculated using BlueScope Steel's actual sales on the domestic market.

## **Adjustments to the normal value**

An adjustment for delivery charges was made to the normal value to calculate the ex-factory normal value.

### **4.2.2 Export price**

#### **Calculation of export price**

In accordance with the policy, the import statistics obtained from SARS should be used to calculate the export price. During the period of investigation there were no exports of the subject product to SACU.

The Commission, therefore, decided to use the lowest verified export price, i.e. that of BlueScope Steel to calculate the export price for non-cooperating exporters in Australia.

### **4.2.3 Margin of dumping**

Based on the information above, the dumping margin for the non-cooperating exporters in Australia was calculated to be 91.8%.

## **4.3 SUMMARY - DUMPING**

The Commission therefore made a final determination that the expiry of the duty is likely to lead to the recurrence of dumping of the subject products originating in or imported from Australia.



## 5. MATERIAL INJURY

### 5.1 DOMESTIC INDUSTRY – MAJOR PROPORTION OF PRODUCTION

The following injury analysis relates to ArcelorMittal South Africa being the largest producer of colour coated steel products in the SACU. As their production volume represents more than 85 per cent of the total SACU production, the Commission decided that this constitutes “a major proportion” of the total domestic production, in accordance with the Anti-Dumping Regulations.

### 5.2 IMPORT VOLUMES AND EFFECT ON PRICES

#### Import volumes:

Metric tons	2003	2004	2005	2006	2007	Estimate if duty expires
Imports from Australia	3 306	8 182	174	60	190	13 790
Australia imports as % of total imports	16.3%	29.5%	0.9%	0.2%	0.6%	31.4%

The Commission found that the products imported from Australia from 2005 to 2007 were those representing products excluded from the anti-dumping duties and therefore not the subject products.

#### Effect on prices:

	2003	2004	2005	2006	2007	Estimate if duty expires
Price depression - Applicant's selling prices in actual values	100	107	96	103	112	112
Price undercutting as a % of the Applicant's selling price	100	178	44	(142)	18	18
Cost as a % of the selling price	100	95	109	116	139	139

This table was indexed due to confidentiality using 2003 as the base year

As indicated above, the Commission found that the imports, as indicated in the import statistics obtained from SARS, were not those of the subject product, but that of the products excluded from the anti-dumping duties. The Commission therefore found that the price undercutting claimed by the Applicant for 2007 and the estimated price undercutting in the event of the expiry of the anti-dumping duties are unsubstantiated.

The Commission calculated the price undercutting, using the Applicant's ex-factory price for 2007 and the landed cost of the Australian product (based on exports from Australia to Greece), excluding the anti-dumping duties, and found that there would be no price undercutting in the event of the expiry of the anti-dumping duties.

### 5.3 CONSEQUENT IMPACT OF THE DUMPED IMPORTS ON THE INDUSTRY

	2003	2004	2005	2006	2007	Estimate if duty expires
Applicant's sales volume in SACU	100	128	132	208	222	188
Gross profit margin	100	139	115	106	65	43
Output	100	128	132	208	222	188
Market share – volume: Applicant (%)	100	101	104	108	114	96
Market share – volume: Australian imports (%)	100	194	4	2	2	212
Productivity	100	145	156	260	288	244
Return on total net assets	100	152	132	95	118	117
Capacity utilization	100	123	114	157	160	165
Inventories	100	72	125	127	122	124
Employment	100	88	85	80	77	77
Gross wages/employees	100	109	111	115	127	134
Magnitude of the margin of dumping	BlueScope Steel: 64.7% & All other Australian manufacturers: 91.8%					

This table was indexed due to confidentiality using 2003 as the base year

It should be noted that the market share of the imports from Australia for the period from 2005 to 2007 was not that of the subject product.

#### **5.4 DISCUSSION ON CONTINUATION OR RECURRENCE OF MATERIAL INJURY**

The Commission considered all the comments submitted by all the interested parties on the continuation or recurrence of material injury, including the comments submitted on the Commission's essential facts letter.

The Commission noted the Applicant's assumptions that BlueScope Steel would commence its exports to SACU once the anti-dumping duties are terminated and that it would be undercutting its selling prices. The Commission further noted the Applicant's contention that BlueScope Steel never ceased its exports to SACU, regardless of the anti-dumping duties, and that it believes that imports of the subject product would increase to levels prior to the imposition of the anti-dumping duties.

However, the Commission found that the imports, as indicated in the import statistics obtained from SARS, were not those of the subject product, but those of the products excluded from the anti-dumping duties. The Commission therefore found that the price undercutting claimed by the Applicant for 2007 and the estimated price undercutting in the event of the expiry of the anti-dumping duties are unsubstantiated.

The Commission found that BlueScope Steel switched its manufacturing of the subject product for exports to SACU from Australia to Malaysia once the anti-dumping duties were imposed in 2003 and now exports the subject product only from Malaysia to SACU.

In 2006 the Commission initiated a circumvention investigation of possible country hopping after the anti-dumping duties were imposed as it was evident that BlueScope Steel ceased its manufacturing of the subject product for export to SACU in Australia and started to manufacture the

subject product in Malaysia and then exported the product to SACU only from Malaysia.

In this case, the Commission found that the Applicant did not experience any price disadvantage, although there was country hopping and dumping. Based on this, the Commission recommended to the Minister of Trade and Industry that the circumvention investigation be terminated. The Commission reiterated that it should be noted that, although a country hopping investigation was initiated, the information did not warrant the imposition of circumvention duties. The Commission noted that even if the subject product is exported at dumped prices, this should cause material injury to the SACU industry before anti-dumping duties can be imposed. However, should circumstances change in future and the Applicant is able to demonstrate the presence of material injury, a new application can be brought by the Applicant for the possible imposition of anti-dumping duties.

The Commission noted that BlueScope Steel Malaysia is not a fully owned subsidiary of BlueScope Steel Australia and that BlueScope Steel made a substantial investment in Malaysia to manufacture the product exported to SACU with its partners in Malaysia. BlueScope Steel Malaysia further established itself in the SACU market with the clean colourbond products that it exports to SACU.

The product exported to SACU from Malaysia is a product requiring an additional manufacturing process and therefore differs from the product currently manufactured in Australia and exported from Australia.

The Commission further found that, during the period 2003 to 2007, while the BlueScope Steel imports from Malaysia were entering the market, the Applicant suffered no material injury. The Commission noted the Applicant's comments in this regard to the essential facts letter, but indicated that it was not clear what information the Applicant could have submitted to indicate that it did suffer material injury, with regard to the subject product, for the period 2003 to 2007, as this historic information

was verified by the Commission as the correct information for the subject product.

Based on this, the Commission indicated that it is of the opinion that, even if the manufacturing and exports were to be switched back from Malaysia to Australia, the Applicant would not suffer material injury from BlueScope Steel Australia.

Therefore, the Commission decided that, if BlueScope Steel exports the subject product to SACU once the anti-dumping duties are terminated, it is not likely that these imports will be causing material injury to the SACU industry.

The Commission indicated that it should be noted that the period under investigation to determine the recurrence of material injury spanned the period 2003 to 2007 with an estimate for 2008 if the anti-dumping duties expire. The Commission noted the Applicant's comments on the downturn in the economy and indicated that if it did take this into consideration it should be evaluating whether the downturn would be causing the material injury or the dumped imports. The Commission indicated that the downturn in the economy could therefore be a factor strongly detracting from the causal link between the dumping and the injury.

The Commission calculated the landed cost, without taking the anti-dumping duties into account, of the product exported by BlueScope Steel Australia to Greece and compared it to the selling price of the Applicant. The Commission found that there was no price undercutting based on this information for the period 1 July 2007 to 30 June 2008.

The Commission further found that the Applicant did not suffer any price depression over the period 2003 to 2007 and that the estimate also shows that there would be no price depression.

The Commission noted that the Anti-Dumping Agreement does not prescribe what information should be analysed when determining the likelihood of continuation or recurrence of material injury. The Commission, however, considered all information submitted by interested parties with regard to likelihood of continuation or recurrence of dumping and material injury.

#### **5.4 CONCLUSION – RECURRENCE OF MATERIAL INJURY**

The Commission analysed the material injury factors and made a final determination that the expiry of the anti-dumping duties on colour coated steel products originating in or imported from Australia is unlikely to lead to the recurrence of material injury to the SACU industry.

## **6. SUMMARY OF FINDINGS**

### **6.1 Continuation or Recurrence of Dumping**

The Commission made a final determination that the expiry of the anti-dumping duties is likely to lead to the recurrence of dumping of the subject products originating in or imported from Australia.

### **6.2 Recurrence of Material Injury**

However, the Commission made a final determination that the expiry of the anti-dumping duties on colour coated steel products originating in or imported from Australia is unlikely to lead to the recurrence of material injury to the SACU industry.

## **7. FINAL DETERMINATION**

The Commission made a final determination that

- the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of dumping of colour coated steel products originating in or imported from Australia, but
- that the expiry of the anti-dumping duties is unlikely to lead to the recurrence of material injury.

The Commission therefore decided to recommend to the Minister of Trade and Industry that the following anti-dumping duties on colour coated steel products originating in or imported from Australia be terminated:

<b>Tariff Sub-Heading</b>	<b>Description</b>	<b>Imported from or originating in</b>	<b>Rate of Anti-dumping duty</b>
7210.70	Flat-rolled products of iron or non alloy steel, of a width of 600mm or more, painted, varnished or coated with plastics (excluding Zinalume not colour coated, but covered with resin)	Australia	79%
7212.40	Flat-rolled products of iron or non alloy steel, of a width of less than 600mm, painted, varnished or coated with plastics	Australia	79%