

OneSteel Australian Tube Mills Pty Ltd and Orrcon Operations Pty Ltd

Australian Steel industry (ASI)

1. ASI raised a concern with the interpretation of the test required for determining that a particular market exists. In particular, they were concerned with the circumstance identified at lines 77-79 which referred to “material reduction in the domestic selling prices”. ASI considered that this was “only one indication of a market situation”.

ASI extracted from this that Customs and Border Protection would only contemplate a finding of a particular market situation where domestic selling prices have been reduced. In their view, the assessment should focus on whether a factor has impacted on “domestic selling prices materially to suppress prices at levels materially below what they would otherwise be.”

2. ASI stated that it did not disagree with the principles contained in the sufficiency of evidence section of the discussion paper, however it considered that the evidence test was a “substantial hurdle for Australian industry to overcome – particularly more daunting for the small to medium enterprises”.

3. ASI submitted that in the event of non-cooperation from exporters, Customs and Border Protection should consider having regard to information made available from an other seller on the domestic market, and who is not an exporter of the goods to Australia.

4. The ASI submission welcomes the comments at lines 212-214 of the discussion paper and suggested that the dumping manual explicitly mention that Customs and Border Protection may independently find that a market situation exists in the country of export.

5. ASI submitted that in assessing particular market situation claims, Customs and Border Protection should have regard to benchmarking prices and costs in the country of export with information from a country of export nominated by the applicant industry as possessing characteristics which reflect a market situation. In their view, this information may assist in determining whether prices are artificially low or whether domestic prices are lower than they otherwise would be but for the government influence.

6. ASI agrees that the identification of a subsidy in a countervailing investigation can impact on the suitability of domestic sales for dumping purposes. It also considered that other government policies such as adjustments to the level of VAT on exports and government control of electricity and gas prices can result in prices in the country of export being lower than they otherwise would be.

7. ASI submitted that government cooperation should be encouraged in a time efficient manner where a market situation is claimed. It accepts that it is appropriate to provide reasonable extensions for the supply of information in such investigations, but the information must be provided in a timely and efficient manner to avoid prolonging the suffering of material injury by the Australian industry.