

駐印尼代表處經濟組 函

受文者：經濟部國際貿易署

發文日期：中華民國113年1月22日

發文字號：印尼經字第1130000029號

速別：最速件

密等及解密條件或保密期限：

附件：如文（印尼經1130000029_Attach1.pdf、印尼經1130000029_Attach2.pdf、印尼經1130000029_Attach3.pdf）

主旨：有關印尼針對自我國、中國大陸、印度、俄羅斯、哈薩克、白俄羅斯及泰國進口之熱軋鋼捲(Hot Rolled Coil)反傾銷落日複查案，檢送印尼反傾銷委員會(KADI)提供該調查「最終事實揭露報告」如說明，敬請查照並惠轉知我相關業者及公協會。

說明：

- 一、依據印尼反傾銷委員會(KADI)本(113)年1月19日第AD.03/040/KADI/1/2024號函(如附件1)辦理，本組上(112)年10月3日印尼經字第1120000493號函諒察。
- 二、旨揭報告指出，在2019年7月1日至2022年6月30日期間，雖然部分被指控傾銷國家的進口額減少，但該等國家對全球其他國家出口仍在增加，爰有必要維持課徵反傾銷稅。印尼反傾銷委員會建議續課5年，維持原稅率，我商獲課稅率如下：

(一)中鴻鋼鐵：4.24%

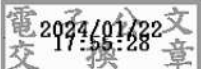
(二) 中國鋼鐵：0%

(三) 尚興鋼鐵：4.70%

(四) 其他：20%。

三、檢陳KADI「基礎事實揭露報告」印尼文及英譯版如附件2及3，倘內容有差異，請以印尼文版本為主，併請鑒參。

正本：經濟部國際貿易署

副本：

裝

訂

線



Jakarta, January 19 , 2024

Ref. Number: AD.03/CAK /KADI/1/2024

Head of Taipei Economic and Trade Office
Taipei Economic and Trade Office
Gedung Artha Graha, Lantai 17
Jl. Jend. Sudirman Kav. 52-53
Jakarta 12190
Ph: 021-515-3939
Fax: 021-515-2977/021-515-2977

Subject: Final Disclosure of Indonesian Sunset Review Investigation on Anti-dumping Imposition on Hot Rolled Coil (HRC) Originating from inter alia Taiwan.

Dear Sir,

We wish to refer to the sunset review investigation on the imposition of the Anti-dumping duty on HRC Originating from the People's Republic of China, India, Rusia, Kazakhstan, Belarusia, Taiwan and Thailand. With regard to the aforementioned investigation, kindly please find enclosed the non-confidential version of the Final Disclosure of the investigation. It would be appreciated if the Final Disclosure of the investigation can be transmitted to the interested parties.

The committee wishes to take this opportunity to extend the assurance of our highest consideration.

Sincerely yours,




Donna Gultom
Chairperson

LAPORAN AKHIR
HASIL PENYELIDIKAN *SUNSET REVIEW* (SR) ATAS
PENGENAAN BMAD TERHADAP PRODUK BAJA *HOT*
***ROLLED COIL* (HRC) YANG BERASAL DARI NEGARA**
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA,
KAZAKHSTAN, BELARUSIA, TAIWAN DAN THAILAND

VERSI TIDAK RAHASIA

KOMITE ANTI DUMPING INDONESIA

2024

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGGOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

DAFTAR ISI

A. LATAR BELAKANG	2
B. PROSEDUR	3
C. BARANG YANG DISELIDIKI DAN BARANG SEJENIS.....	8
D. INDUSTRI DALAM NEGERI DAN STANDING PETITIONER.....	12
E. PASAR DOMESTIK BARANG YANG DISELIDIKI ..	13
F. KINERJA INDUSTRI DALAM NEGERI ..	14
G. FAKTOR <i>RECURRENCE</i> DAN <i>LIKELIHOOD</i> MASIH TERJADINYA DUMPING DAN KERUGIAN.....	19
G.1 PENENTUAN MARGIN DUMPING ..	19
G.2 DAMPAK VOLUME IMPOR (ABSOLUT).....	25
G.3 DAMPAK VOLUME IMPOR (RELATIF TERHADAP KONSUMSI NASIONAL)	25
G.4 DAMPAK HARGA IMPOR	26
G.5 KELEBIHAN/EKSES PRODUKSI <u>VS</u> KONSUMSI HRC DI RRT, INDIA, RUSIA, BELARUSIA, DAN KAZAKHSTAN, TAIWAN DAN THAILAND..	28
G.6 PENGENAAN TRADE REMEDIES OLEH OTORITAS NEGARA LAIN TERHADAP EKSPOR NEGARA YANG DITUDUH.....	32
G.7 PERKEMBANGAN EKSPOR NEGARA DUMPING.....	33
H. FAKTOR LAIN.....	40
H.1 PERKEMBANGAN EKSPOR IDN.....	40
H.2 PERKEMBANGAN KONSUMSI NASIONAL	41
H.3 TEKNOLOGI YANG DIGUNAKAN	41
I. TANGGAPAN PIHAK YANG BERKEPENTINGAN ..	42
J. KESIMPULAN DAN REKOMENDASI.	60

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

A. LATAR BELAKANG

1. Pengenaan Bea Masuk Anti Dumping (BMAD) berdasarkan Peraturan Menteri Keuangan (PMK) No. 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022 terhadap impor *Hot Rolled Coil* (HRC) asal Republik Rakyat Tiongkok (RRT), India, Rusia, Kazakhstan, Belarusia, Taiwan dan Thailand. Sebagaimana ditetapkan, PMK tersebut berlaku selama 5 (lima) tahun terhadap seluruh eksportir/eksportir produsen dari negara-negara tersebut dengan besaran BMAD, yakni: 0 - 20% untuk RRT; 12,95% – 20% untuk India; 5,58% - 20% untuk Rusia, Kazakhstan, dan Belarusia; 0 - 20% untuk Taiwan; dan 7,52% – 20% untuk Taiwan, sejak tanggal 2 April 2019 dan akan berakhir pada tanggal 2 April 2024.
2. Berdasarkan Buku Tarif Kepabeanan Indonesia tahun 2022 (BTKI 2022), produk HRC impor dimaksud termasuk dalam pos tarif 7208.10.00, 7208.25.00, 7208.26.00, 7208.27.11, 7208.27.19, 7208.27.91, 7208.27.99, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.10, 7208.39.20, 7208.39.30, 7208.39.40, 7208.39.90, ex7208.90.10, ex7208.90.20, dan ex7208.90.90 dengan deskripsi Canai lantain dari besi atau baja bukan paduan dengan lebar 600 mm (enam ratus milimeter) atau lebih, dicanai panas, tidak dipalut, tidak disepuh atau tidak dilapisi, dalam gulungan.
3. Berkenaan dengan akan berakhirnya masa pengenaan BMAD atas produk HRC impor tersebut, PT Krakatau Steel (Persero), Tbk, selaku Industri Dalam Negeri (IDN) penghasil produk HRC dan bertindak sebagai Pemohon, mengajukan permohonan penyelidikan untuk perpanjangan pengenaan BMAD atau penyelidikan SR pada tanggal 4 Oktober 2022. Berdasarkan Pasal 34 dalam Peraturan Pemerintah No.: 34 tahun 2011 Tentang Tindakan Antidumping, Tindakan Imbalan, dan Tindakan Pengamanan Perdagangan (PP 34/2011), ketentuan terkait permohonan penyelidikan SR dapat diajukan paling lambat 15 (lima belas) bulan sebelum berakhirnya pengenaan BMAD.
4. Pemohon menyampaikan bahwa pengenaan BMAD terhadap impor dari negara RRT, India, Rusia, Kazakhstan, Belarusia, Taiwan dan Thailand telah membantu untuk memulihkan kinerja perusahaan, namun proses pemulihan kerugian perusahaan belum sepenuhnya terjadi sehingga apabila BMAD tidak dilanjutkan, dikhawatirkan kerugian Pemohon akan berulang kembali karena Pemohon menduga bahwa praktik dumping

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

yang dilakukan oleh eksportir dan eksportir produsen HRC di negara-negara tersebut masih terus berlanjut.

5. Menindaklanjuti permohonan penyelidikan SR yang disampaikan oleh Pemohon tersebut, KADI telah melakukan penyelidikan SR untuk membuktikan mengenai kemungkinan masih berlanjutnya dan/atau berulangnya kembali dumping dan kerugian, apabila pengenaan BMAD dihentikan.

B. PROSEDUR

6. Pada tanggal 2 April 2019, Pemerintah Indonesia menetapkan Pengenaan Bea Masuk Anti Dumping (BMAD) terhadap impor produk produk *Hot Rolled Coil* (HRC) yang diimpor dari negara Republik Rakyat Tiongkok (RRT), India, Rusia, Kazakhstan, Belarusia, Taiwan dan Thailand berdasarkan Peraturan Menteri Keuangan (PMK) Nomor 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022 tentang Perubahan Atas PMK 25/2019. Pengenaan BMAD berlaku selama 5 (lima) tahun terhitung sejak tanggal 2 April 2019 dan akan berakhir pada tanggal 2 April 2024 dengan besaran sebagaimana terdapat pada Tabel 1.

Tabel 1. Besaran Pengenaan BMAD

No.	Negara Asal Barang	Perusahaan	Besaran BMAD (%)
1.	Republik Rakyat Tiongkok	Wuhan Iron & Steel (Group) Co.	0
		Angang Steel Company Ltd.	20
		Baoshan Iron & Steel Co. Ltd.	20
		Perusahaan lainnya	20
2.	India	Essar Steel Ltd.	12,95
		JSW Steel Ltd.	20
		Perusahaan lainnya	20
3.	Rusia, Kazakhstan, dan Belarusia	Novolipetsk Steel	8,96
		Magnitogorsk Iron & Steel Works	20
		JSC Severstal	5,58
		Perusahaan lainnya	20
4.	Taiwan	Chung Hung Steel Corporation	4,24
		China Steel Corporation	0
		Shang Shing Steel Industrial	4,70
		Perusahaan lainnya	20
5.	Thailand	Sahaviriya Steel Industries Public Co. Ltd.	11,23
		Nakorntai Strip Mill Public Co.Ltd.	12,78
		G Steel Ltd.	7,52
		Perusahaan lainnya	20

Sumber: PMK 25/PMK.010/2019

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

7. PT Krakatau Steel (Persero), Tbk. (PTKS) sebagai produsen dalam negeri yang memproduksi HRC mengajukan permohonan penyelidikan SR atas pengenaan BMAD terhadap impor barang HRC yang berasal dari RRT, India, Rusia, Kazakhstan, Belarusia, Taiwan, dan Thailand, dengan alasan bahwa proses pemulihan kerugian perusahaan masih belum sepenuhnya terjadi yang diduga akibat masih berlanjutnya praktik dumping yang dilakukan oleh eksportir dan eksportir produsen HRC di negara-negara tersebut.
8. Menindaklanjuti permohonan Pemohon pada tanggal 4 Oktober 2022, sesuai Peraturan Pemerintah Nomor 34 tahun 2011 (PP 34/2011), KADI telah melakukan pre-notifikasi pada tanggal 30 Desember 2022, kepada perwakilan pemerintah RRT India, Rusia, Kazakhstan, Belarusia, Thailand, Kepala Perwakilan Dagang dan Ekonomi Taiwan di Indonesia, dan *Eurasian Economic Commission* (EEC) tentang diterimanya permohonan Penyelidikan *Sunset Review* atas pengenaan BMAD terhadap impor HRC yang berasal dari negara-negara tersebut.
9. Setelah melakukan analisa bukti awal atas permohonan tersebut dan sesuai dengan Pasal 35 ayat 1 PP 34/2011 dan Pasal 11.3 *Agreement on Implementation of Article VI of GATT 1994 Anti Dumping Agreement (ADA)*, pada tanggal 6 Februari 2023, KADI mengumumkan dimulainya penyelidikan SR atas pengenaan BMAD HRC yang berasal dari RRT, India, Rusia, Kazakhstan, Belarusia, Taiwan dan Thailand, melalui Harian Bisnis Indonesia. Pengumuman tersebut juga disampaikan secara resmi kepada seluruh pihak yang berkepentingan disertai dengan pengiriman kuesioner kepada IDN, industri dalam negeri lainnya, eksportir/eksportir produsen, importir yang diketahui, asosiasi produsen, dan negara anggota dari Eurasian Economic Union (EAEU). KADI juga memberikan kesempatan kepada pihak yang berkepentingan untuk menyampaikan tanggapan tertulis dan mengajukan dengar pendapat (*hearing*).
10. Pihak yang berkepentingan yang diketahui dalam permohonan adalah:
 - a. Eksportir/Eksportir Produsen RRT
 - 1) Wuhan Iron & Steel (Group) Co.;
 - 2) Angang Steel Company Ltd.; dan
 - 3) Baoshan Iron & Steel Co. Ltd.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

- b. Eksportir/Eksportir Produsen India
 - 1) Essar Steel Ltd.; dan
 - 2) JSW Steel Ltd.
 - c. Eksportir/Eksportir Produsen Rusia, Kazakhstan, dan Belarusia
 - 1) Novolipetsk Steel;
 - 2) Magnitogorsk Iron & Steel Works; dan
 - 3) JSC Severstal.
 - d. Eksportir/Eksportir Produsen Taiwan
 - 1) Chung Hung Steel Corporation;
 - 2) China Steel Corporation; dan
 - 3) Shang Shing Steel Industrial
 - e. Eksportir/Eksportir Produsen Thailand
 - 1) Sahaviriya Steel Industries Public Co. Ltd.;
 - 2) Nakornthai Strip Mill Public Co. Ltd.; dan
 - 3) G Steel Ltd.
 - f. Importir
 - 1) PT Steel Pipe Industry of Indonesia;
 - 2) PT Baja Marga Kharisma Utama;
 - 3) PT Papajaya Agung;
 - 4) PT Indomulti Jaya Steel;
 - 5) PT Aplus Pacific;
 - 6) PT Srirejeki Perdana Steel;
 - 7) PT Intisumber Bajasakti;
 - 8) PT Indometal Mitrabuana;
 - 9) PT Baosteel Indonesia Steel Service Center;
 - 10) PT Bakrie Pipe Industries;
 - 11) PT IndoJapan Steel Center;
 - 12) PT Hanwa Steel Service Indonesia;
 - 13) PT Roda Prima Lancar;
 - 14) PT MICS Steel Indonesia;
 - 15) PT Gemala Kempa Daya;
 - 16) PT Indosafety Sentosa Industry;
 - 17) PT Raja Besi;
 - 18) PT Honda Trading Indonesia;
 - 19) PT JFE Shoji Steel Indonesia; dan
 - 20) PT United Steel Center Indonesia.
11. Periode penyelidikan kerugian dalam penyelidikan SR ini adalah 3 tahun, mulai 1 Juli 2019 sampai dengan 30 Juni 2022, dan periode penyelidikan dumping adalah di tahun ke-3, dari 1 Juli 2021 sampai dengan 30 Juni 2022.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

12. KADI memberikan batas waktu penyampaian jawaban kuesioner kepada masing-masing pihak yang berkepentingan, sebagaimana tersebut dalam resital 10. Sampai dengan batas waktu yang ditentukan, pihak yang berkepentingan tidak seluruhnya kooperatif dengan menyampaikan jawaban kuesioner. Para pihak yang menyampaikan jawaban kuesioner adalah sebagai berikut:
- a. Industri Dalam Negeri (IDN): PT Krakatau Steel (Persero), Tbk. (PTKS)
 - b. Industri Dalam Negeri Pendukung
 - 1) PT Gunung Raja Paksi, Tbk; dan
 - 2) PT Java Pasific.
 - c. Eksportir/Eksportir produsen RRT:
Wuhan Iron & Steel (Group) Co (WISCO) tidak menyampaikan jawaban kuesioner secara lengkap.
 - d. Eksportir/Eksportir produsen Taiwan
 - 1) China Steel Corporation; dan
 - 2) Shang Shing Steel Industrial.
 - e. Tidak ada eksportir/eksportir produsen asal India, Rusia, Kazakhstan, Belarusia, dan Thailand yang menyampaikan jawaban kuesioner.
 - f. Importir:
 - 1) PT Baosteel Indonesia Steel Service Center;
 - 2) PT Aplus Pacific;
 - 3) PT Steel Pipe Industry of Indonesia;
 - 4) PT JFE Shoji Steel Indonesia;
 - 5) PT Honda Trading Indonesia;
 - 6) PT MICS Steel Indonesia;
 - 7) PT Indosafety Sentosa Industry.
13. KADI menyampaikan surat pemberitahuan ketidaklengkapan jawaban (*deficiency letter*) kepada pihak yang telah menjawab kuesioner namun tidak lengkap dan memberikan waktu yang cukup untuk menyampaikan kekurangan data tersebut hingga batas waktu yang ditetapkan.
14. KADI telah memberikan kesempatan yang cukup kepada eksportir/eksportir produsen dari India, Rusia, Kazakhstan, Belarusia, dan Thailand untuk menjawab kuesioner penyelidikan dan juga melalui pemerintah negara tersebut untuk menyampaikan

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

- kepada eksportir/eksportir produsen negaranya agar menjawab kuesioner sesuai dengan batas waktu yang telah ditetapkan KADI, namun tidak ada eksportir/eksportir produsen dari negara-negara tersebut yang merespon/menjawab kuesioner penyelidikan dari KADI.
15. Pada saat penyelidikan, Shang Chen Steel Co., Ltd asal Taiwan yang namanya tidak tercantum di dalam PMK (masuk kelompok “Perusahaan Lainnya”), namun menjawab kuesioner.
 16. KADI melakukan verifikasi lapangan ke IDN, dalam hal ini PT. Krakatau Steel, Tbk pada tanggal 29-31 Mei 2023
 17. Sehubungan dengan tidak dijawabnya kuesioner penyelidikan oleh eksportir/eksportir produsen atau menjawab kuesioner dengan tidak lengkap hingga batas waktu yang ditetapkan, KADI akan menggunakan data terbaik yang dimiliki (*best information available*) dalam melakukan perhitungan dumping.
 18. Sesuai dengan Article 6.9 *Agreement on Implementation of Article VI of GATT 1994 ADA*, pada tanggal 2 Oktober 2023, KADI menerbitkan laporan data utama (*essential facts*) hasil penyelidikan sunset review atas impor produk HRC dan telah disampaikan kepada pihak yang berkepentingan untuk diminta tanggapan atau masukan.
 19. Berdasarkan *Article 6.2 ADA*, KADI memberikan kesempatan kepada pihak yang berkepentingan untuk menyampaikan tanggapan secara lisan terhadap laporan data utama. Pada tanggal 25 Oktober 2023, KADI mengadakan dengar pendapat khusus (*specific hearing*) atas permintaan China Steel Corporation, Shang Shing Steel Industrial dan Shang Chen Steel Co., Ltd. Pada tanggal 31 Oktober 2023, KADI mengadakan dengar pendapat publik (*public hearing*) atas permintaan Kazakhstan.
 20. Sesuai dengan ketentuan pasal 10 ayat 1 PP 34/2011 dan *Article 12.2 ADA*, KADI menerbitkan laporan akhir hasil penyelidikan anti dumping atas impor HRC yang akan menjadi dasar dalam rekomendasi KADI terkait Bea Masuk Anti Dumping (BMAD) terhadap impor produk HRC yang berasal dari RRT, India, Rusia, Kazakhstan, Belarusia, Taiwan, dan Thailand.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

C. BARANG YANG DISELIDIKI DAN BARANG SEJENIS

21. Barang yang diselidiki adalah produk canai lantain dari besi atau baja bukan paduan, dengan lebar 600 mm (enam ratus millimeter) atau lebih, dicanai panas, tidak dipalut, tidak disepuh atau tidak dilapisi, dalam gulungan yang termasuk dalam pos-pos tarif: 7208.10.00, 7208.25.00, 7208.26.00, 7208.27.11, 7208.27.19, 7208.27.91, 7208.27.99, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.10, 7208.39.90, ex7208.90.10, ex7208.90.20, dan ex7208.90.90 (BTKI 2017).
22. Uraian barang yang diselidiki menurut BTKI 2017 berdasarkan PMK Nomor 6/PMK.010/2017 tentang Penetapan Sistem Klasifikasi Barang dan Pembebanan Tarif Bea Masuk Atas Barang Impor sebagaimana telah dirubah beberapa kali dimana yang terakhir dirubah dengan PMK Nomor 13/PMK.010/2022 tentang Perubahan Keempat Atas PMK Nomor 6/PMK.010/2017 tentang Penetapan Sistem Klasifikasi Barang dan Pembebanan Tarif Bea Masuk Atas Barang Impor mencakup sebanyak 15 pos tarif sebagaimana dirinci pada resital 21.
23. Dalam hal ini, keputusan mengenakan BMAD yang pertama sekali melalui PMK 25/2019, kemudian diubah melalui PMK 31/2022 dan BTKI 2017 dinyatakan tidak berlaku lagi dan diganti dengan BTKI 2022, berdasarkan PMK No. 26/PMK.010/2022 tentang Penetapan Sistem Klasifikasi Barang dan Pembebanan Tarif Bea Masuk Atas Barang Impor. Uraian barang yang diselidiki menurut BTKI 2022 mencakup sebanyak 18 pos tarif, dengan rincian sebagaimana ditunjukkan pada Tabel 2.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 2. Uraian Barang Sesuai BTKI 2022

No.	Pos Tarif	Uraian
	72.08	Produk canai lantainya dari besi atau baja bukan paduan, dengan lebar 600 mm atau lebih, dicanai panas, tidak dipalut, tidak disepuh atau tidak dilapisi.
1	7208.10.00	- Dalam gulungan, tidak dikerjakan lebih lanjut selain dicanai panas, dengan pola relief
		- Lain-lain, dalam gulungan, tidak dikerjakan lebih lanjut selain dicanai panas, telah dibersihkan dengan asam:
2	7208.25.00	-- Dengan ketebalan 4,75 mm atau lebih
3	7208.26.00	-- Dengan ketebalan 3 mm atau lebih tetapi kurang dari 4,75 mm
	7208.27	-- Dengan ketebalan kurang dari 3 mm:
		--- Dengan ketebalan kurang dari 2 mm:
4	7208.27.11	---- Mengandung karbon 0,6% atau lebih menurut beratnya
5	7208.27.19	---- Lain-lain
		--- Lain-lain:
6	7208.27.91	---- Mengandung karbon 0,6% atau lebih menurut beratnya
7	7208.27.99	---- Lain-lain
		- Lain-lain, dalam gulungan, tidak dikerjakan lebih lanjut selain dicanai panas:
8	7208.36.00	-- Dengan ketebalan melebihi 10 mm
9	7208.37.00	-- Dengan ketebalan 4,75 mm atau lebih tetapi tidak melebihi 10 mm
10	7208.38.00	-- Dengan ketebalan 3 mm atau lebih tetapi kurang dari 4,75 mm
	7208.39	-- Dengan ketebalan kurang dari 3 mm:
11	7208.39.10	--- Mengandung karbon kurang dari 0,6% menurut beratnya dan dengan ketebalan 0,17 mm atau kurang
12	7208.39.20	--- Mengandung karbon kurang dari 0,6% menurut beratnya dan dengan ketebalan lebih dari 0,17 mm tetapi tidak melebihi 1,5 mm
13	7208.39.30	--- Mengandung karbon 0,6% atau lebih menurut beratnya dan dengan ketebalan tidak melebihi 1,5 mm
14	7208.39.40	--- Dengan ketebalan lebih dari 2 mm, maksimum tensile strength 550 Mpa dan dengan lebar tidak melebihi 1.250 mm
15	7208.39.90	--- Lain-lain
	7208.90	- Lain-lain :
16	7208.90.10	-- Bergelombang
17	7208.90.20	-- Lain-lain, mengandung karbon kurang dari 0,6% menurut beratnya dan dengan ketebalan 0,17 mm atau kurang
18	7208.90.90	-- Lain-lain

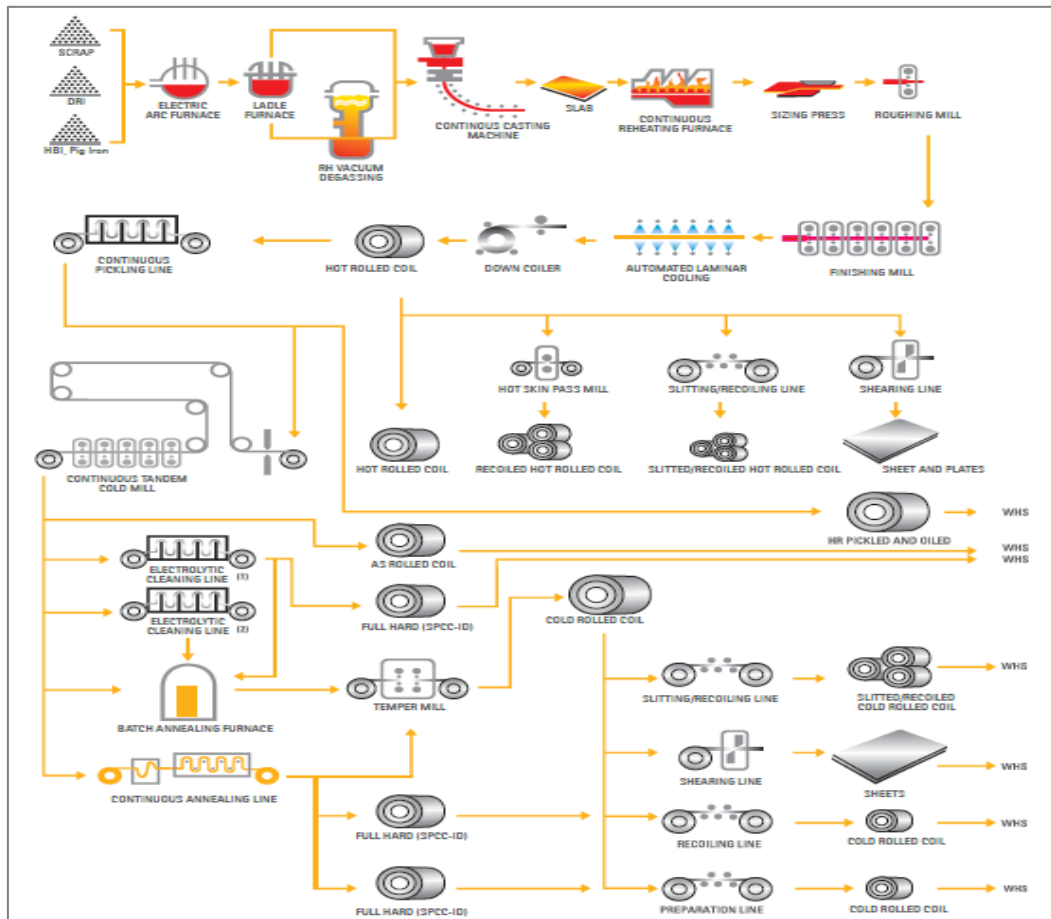
Sumber: BTKI 2022, PMK No. 26/PMK.010/2022.

24. HRC yang diproduksi oleh PT Krakatau Steel, Tbk adalah sejenis dengan barang yang diselidiki, antara lain dalam hal kesamaan bahan baku yang digunakan, proses produksi, karakteristik fisik, teknologi, serta kegunaan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

25. Bahan baku utama pada produksi HRC adalah *Steel Slab*, yang melalui proses produksi berikut, menghasilkan HRC:

Gambar 1. Proses Produksi HRC



Sumber: Pemohon

- Slab* (bahan baku) dipanaskan di dalam *Reheating Furnace* hingga temperatur $\pm 1200^{\circ}\text{C}$ selama 150-180 menit.
- Slab* ini memiliki tebal 200 mm (produksi Slab Steel Plant PTKS) dan 230 mm (produksi PT Krakatau Posco).
- Slab* kemudian dikeluarkan dari *Reheating Furnace* dan disemprotkan air bertekanan tinggi untuk memecah scale yang terbentuk selama proses pemanasan. Lalu *Slab* baja akan melewati *Sizing Press* untuk direduksi lebarnya sesuai order dari konsumen.
- Slab* kemudian diproses di *Roughing Mill* untuk direduksi ketebalannya dari 200-230 mm menjadi 30-45 mm dengan proses *Reversible* dalam 5-9 pass. Produk

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

- yang telah diproses di *Roughing Mill* dinamakan *Transfer Bar* dimana temperaturnya sekitar 1050° C.
- e. *Transfer bar* kemudian diproses lebih lanjut di *Finishing Line* yang terdiri dari 6 *Stand*. Pada *Finishing Line* ini proses reduksi dilakukan bertahap pada masing-masing *stand* hingga mencapai tebal akhir sesuai order dari konsumen. Produk yang telah diproses di *Finishing Line* yang dinamakan *Strip* dimana temperaturnya berada di sekitar 800-880° C.
 - f. *Strip* kemudian dilewatkan pada *Laminar Cooling System* yang berfungsi mendinginkan dengan laju pendinginan tertentu tergantung sifat mekanis dan struktur mikro yang ditargetkan.
 - g. *Strip* kemudian digulung di *Down Coiler* dimana temperatur berkisar 520-650° C. Pada tahap ini proses pembuatan HRC telah selesai.
 - h. HRC dapat langsung dijual ke konsumen, ataupun diproses lebih lanjut di lini produksi:
 - *Shearing Line*: memotong HRC menjadi Plate.
 - *Slitting Line*: membagi HRC secara lebar.
 - *Hot Skin Pass Mill*: memperbaiki *flatness* HRC.
 - *Continuous Pickling Line*: melapisi HRC dengan cairan khusus untuk dijadikan HRC-*Pickled & Oiled*.
26. Kegunaan HRC antara lain sebagai bahan baku untuk pembuatan *Oil and Gas Pipes, Boilers and Pressure Vessels, Gas Cylinders/LPG Bottles, General and Welded Structures, Ship Plates and Buildings, General Pipe and Tubes, Automotive Parts and Frames, Weathering Corrosion Resistant Steel, Containers, Heavy Duty Vehicle and Military Purposes*.
27. Dalam hal teknologi, secara umum IDN menggunakan teknologi yang sama dengan teknologi yang digunakan oleh eksportir produsen yang diselidiki. IDN mampu memproduksi barang yang sejenis dengan barang yang diselidiki sesuai dengan teknologi yang digunakan. Teknologi dan kualitas produksi IDN dapat memenuhi kebutuhan pasar dalam negeri maupun luar negeri.
28. Dalam upaya menurunkan biaya produksi dan meningkatkan kemampuan pasok, IDN melakukan pembangunan *blast furnace* dengan tujuan untuk penambahan kapasitas

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

produksi HRC dari xxx Juta Ton menjadi xxx Juta Ton pada tahun 2022 atau mengalami peningkatan sebesar 62%. Upaya ini dimaksudkan untuk memenuhi kebutuhan nasional, serta untuk keperluan proyek-proyek strategis lainnya yang tujuannya untuk meningkatkan efisiensi sehingga dapat lebih bersaing dengan barang impor.

D. INDUSTRI DALAM NEGERI DAN STANDING PETITIONER

Tabel 3. *Standing Petitioner*

No	Keterangan	Standing (%)
1	Pemohon	76
2	Pendukung	24
	Total Produksi Pemohon + Pendukung	100
3	Abstain	0
4	Menolak	0
	Total Produksi Nasional	100

Sumber: IDN Pemohon dan idn Pendukung, diolah

29. Sebagaimana telah disampaikan di awal laporan ini, IDN dalam penyelidikan ini adalah PT Krakatau Steel, dan didukung oleh 2 (dua) produsen HRC lainnya yaitu PT Gunung Raja Paksi, Tbk dan PT Java Pasific dan tidak ada produsen barang sejenis yang menolak penyelidikan (Tabel 3).
30. Berdasarkan hasil penyelidikan awal diperoleh data total produksi Pemohon sebesar 76% dari total produksi nasional dan didukung oleh produsen barang sejenis lainnya sebesar 24%, dan tidak ada produsen lainnya yang memproduksi barang sejenis menolak penyelidikan ini. Dengan demikian, sesuai dengan *Article 5.4 Agreement on Implementation of Article VI of GATT 1994*, Pasal 4 PP 34/2011 dan Pasal 6 PP 34/2011, PT Krakatau Steel telah memenuhi syarat untuk menjadi Pemohon dalam penyelidikan ini mewakili IDN barang sejenis.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

E. PASAR DOMESTIK BARANG YANG DISELIDIKI

Besaran Bea Masuk Produk HRC Impor

31. Sesuai dengan Peraturan Menteri Keuangan No. 26/PMK.010/2022 tentang penetapan sistem klasifikasi barang dan pembebanan tarif bea masuk atas barang impor, besarnya bea masuk untuk skema MFN untuk produk HRC adalah 15%, sedangkan yang berlaku dalam konteks FTA (tariff preferensi) adalah sebagai berikut:

- *ASEAN Trade in Goods Agreement* (ATIGA) berdasarkan PMK No. 43/PMK.010/2022, tarif preferensi untuk RRT, Thailand, dan India adalah 0%
- *ASEAN-China Free Trade Agreement* (ACFTA), berdasarkan PMK No. 46/PMK.010/2022, tarif preferensi untuk RRT adalah 0%.
- *ASEAN-India Free Trade Agreement* (AIFTA), berdasarkan PMK No. 47/PMK.010/2022, tarif preferensi untuk India adalah 0%.

Konsumsi Nasional HRC

32. Konsumsi nasional selama P1–P3, sebagaimana ditunjukkan pada Tabel 4, secara tren mengalami penurunan sebesar 1,2%. Pada saat konsumsi nasional mengalami penurunan, impor HRC asal dari negara yang dituduh dumping memang mengalami penurunan dengan tren sebesar 35,4% khususnya dari RRT dan Taiwan masing-masing 30,9% dan 47,1%, akan tetapi dari India dan Thailand mengalami peningkatan yang sangat signifikan yaitu masing-masing dengan tren sebesar 114,6% dan 472,2%. Penurunan impor yang cukup signifikan dari RRT ditengarai karena penerapan *lockdown* oleh pemerintah RRT selama masa Covid-19 pada tahun 2021-2022 serta adanya kebijakan pemerintah RRT menjalankan program penurunan polusi industri baja dengan penutupan pabrik *induction furnace* yang kemudian mengalami relokasi ke negara-negara ASEAN. Akibat menurunnya pasokan dari RRT pada periode penyelidikan tersebut, menjadi peluang bagi IDN dan industri dalam negeri lainnya dalam meningkatkan penjualannya masing-masing sebesar 6% dan 11,2%. Berdasarkan analisis tersebut, tampaknya pengenaan BMAD atas impor HRC berjalan cukup efektif, meskipun impor dari India dan Taiwan mengalami kenaikan namun secara absolut kuantitasnya sangat kecil.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 4. Konsumsi Nasional HRC

No	Uraian	MT			Tren (%)
		P1	P2	P3	
Penjualan Nasional					
1	Pemohon	37	41	41	6,0
2	Produsen Nasional Lainnya	8	8	10	11,2
Total		45	49	51	6,9
Impor Negara yang dikenakan BMAD					
1	RRT	4	2	2	(30,9)
2	Taiwan	2	1	0	(47,1)
3	India	0	0	0	114,6
4	Thailand	0	0	0	472,2
5	Rusia	-	-	-	-
6	Kazakhstan	-	-	-	-
7	Belarusia	-	-	-	-
Total		5	3	2	(35,4)
Impor Negara Lainnya		50	42	44	(5,8)
Total Impor		55	45	47	(8,2)
Konsumsi Nasional		100	94	98	(1,2)

Sumber: BPS, IDN, dan industri dalam negeri lainnya, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

F. KINERJA INDUSTRI DALAM NEGERI

33. Pada Tabel 5 ditunjukkan data indikator kinerja IDN selama periode penyelidikan (P1: 1 Juli 2019 – 30 Juni 2020; P2: 1 Juli 2020 – 30 Juni 2021; P3: 1 Juli 2021 – 30 Juni 2022) yang telah diverifikasi.
34. Data pada Tabel 5 berikut ini merupakan indikator kinerja ekonomi IDN yang digunakan KADI sebagai dasar dalam menganalisa kerugian yang akan disampaikan pada resital 35-41.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 5. Indikator Kinerja IDN

No.	Indikator	Satuan	P1	P2	P3	Tren
1	Penjualan Domestik	MT	100	112	112	6,0
2	Penjualan Domestik	USD	100	123	190	37,9
3	Harga Domestik	USD/MT	100	110	169	30,1
4	Laba/(Rugi)	USD	(100)	24	97	-
5	Produksi	MT	100	123	125	12,0
6	Kapasitas Terpasang	MT/Tahun	100	100	163	27,5
7	Utilisasi Kapasitas	%	100	123	77	(12,2)
8	Pangsa Pasar	%	100	131	128	13,0
9	Persediaan	MT	100	37	40	(37,0)
10	Tenaga Kerja	Orang	100	101	97	(1,5)
11	Produktifitas	MT/Orang	100	122	129	13,7
12	Upah	USD	100	115	122	10,5
13	Arus Kas	USD	(100)	(73)	511	-
14	ROI	%	100	208	218	47,8
15	Pertumbuhan Penjualan	%	100	(249)	(590)	-
16	Kemampuan Meningkatkan modal	%	100	96	108	4,1

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

35. Secara umum, kinerja ekonomi IDN telah mengalami perbaikan yang direfleksikan oleh beberapa indikator yang mengalami peningkatan, antara lain penjualan dalam negeri IDN mengalami peningkatan sebesar 6%. Peningkatan penjualan yang terjadi ini diduga dipengaruhi oleh efek pandemi Covid yang menyebabkan kurangnya pasokan HRC dan adanya kebijakan pemerintah RRT menjalankan program penurunan polusi industri baja dengan penutupan pabrik *induction furnace* yang kemudian merelokasikannya ke sejumlah negara anggota ASEAN. Meskipun perkiraan penyebabnya seperti yang diuraikan tersebut, pengenaan BMAD atas impor HRC berjalan cukup efektif, kecuali terhadap impor dari India dan Taiwan yang mengalami kenaikan signifikan secara persentase namun secara kuantitas sangat kecil.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

36. Perpanjangan pengenaan BMAD diharapkan dapat mempertahankan kinerja indikator ekonomi IDN yang mengalami perbaikan. Memperpanjang pengenaan BMAD dapat mendorong tercapainya kinerja ekonomi IDN yang semakin stabil untuk mencapai industri HRC Indonesia yang tumbuh menjadi industri yang kuat dan kokoh yang akan mendorong pertumbuhan industri manufaktur lainnya. Oleh karena itu, menghentikan pengenaan BMAD berarti membiarkan kemungkinan berulangnya kembali dumping yang menghambat pertumbuhan industri HRC dan industri manufaktur lainnya tersebut.

Tabel 6. Penjualan Domestik, Pertumbuhan Penjualan, dan Pangsa Pasar

No	Uraian	Satuan	P1	P2	P3	Tren
1	Penjualan Domestik	MT	100	112	112	6,0
2	Pangsa Pasar	%	100	131	128	13,0
3	Konsumsi Nasional	MT	100	94	98	(1,2)

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

37. Berdasarkan Tabel 6 di atas tampak bahwa penjualan domestik IDN selama P1-P3 mengalami peningkatan secara tren sebesar 6%, dimana peningkatan yang cukup signifikan (12%) terjadi dari P1 ke P2. Sementara itu, selama periode penyelidikan (P1-P3) konsumsi nasional mengalami sedikit penurunan (1,2%) namun penjualan domestik mengalami sedikit peningkatan sehingga pangsa pasar IDN juga mengalami peningkatan, khususnya dari P1 ke P2.

Tabel 7. Produksi, Utilisasi Kapasitas, Persediaan Akhir, dan Kapasitas Terpasang

No	Uraian	Satuan	P1	P2	P3	Tren
1	Produksi	MT	100	123	125	12,0
2	Utilisasi Kapasitas	%	100	123	77	(12,2)
3	Persediaan	MT	100	37	40	(37,0)
4	Kapasitas Terpasang	MT/Tahun	100	100	163	27,5

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

38. Kinerja produksi IDN selama periode P1-P3 juga mengalami peningkatan dengan tren sebesar 12% dimana peningkatan signifikan (23%) terjadi dari P1 ke P2 (Tabel 7). Peningkatan produksi dari P1 ke P2 tersebut terjadi karena didorong oleh permintaan domestik yang meningkat sebagaimana direfleksikan oleh penjualan yang meningkat pada periode yang sama. Pada masa tersebut, IDN juga memaksimalkan persediaan yang ada untuk dijual sehingga terjadi efisiensi. Peningkatan permintaan pada P2 tampaknya mendorong IDN merealisasikan penambahan kapasitas terpasangnya pada P3 agar dapat meningkatkan produksinya untuk merespon permintaan yang meningkat. Namun, yang terjadi pada P3, saat kapasitas terpasang ditambah 63%, permintaan yang diharapkan terus meningkat, justru menurun, sehingga IDN tidak mampu meningkatkan produksinya dan utilisasi kapasitas mengalami penurunan pada P1-P3 sebesar (12,2%).

Tabel 8. Produksi, Produktivitas, Tenaga Kerja, dan Upah

No	Uraian	Satuan	P1	P2	P3	Tren
1	Produksi	MT	100	123	125	12,0
2	Produktivitas	MT/Orang	100	122	129	13,7
3	Tenaga Kerja	Orang	786	792	762	(1,5)
4	Upah	USD	100	115	122	10,5

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

39. Pada Tabel 8 disajikan data kinerja IDN terkait produktivitas, tenaga kerja dan upah selama periode penyelidikan. Tampak bahwa produktivitas IDN menunjukkan peningkatan dari tahun ke tahun selama periode penyelidikan dimana tren peningkatannya mencapai angka 13,7%. Peningkatan produktivitas ini tampaknya berkorelasi positif dengan peningkatan produksi yang mencapai angka 12% dan juga dengan peningkatan penjualan. Namun, dampak dari menurunnya permintaan di P3 juga berdampak pada tenaga kerja yang menurun dengan tren sebesar 1,5%.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 9. Harga Domestik, Harga Pokok Penjualan, dan Laba/(Rugi)

No.	Uraian	Satuan	P1	P2	P3	Tren
1	Harga Domestik	USD/MT	100	110	169	30,1
2	Harga Pokok Penjualan (HPP)	USD/MT	100	98	136	16,4
3	Laba/(Rugi)	USD	(100)	24	97	-

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

40. Selama periode P1-P3, harga domestik IDN mengalami peningkatan dengan tren sebesar 30,1%, dimana peningkatan harga penjualan yang signifikan terjadi pada P3, mencapai 54,3% (Tabel 9). Peningkatan harga penjualan yang dilakukan oleh IDN pada P3 tersebut merupakan konsekuensi dari peningkatan harga pokok penjualan (biaya produksi) yang juga signifikan pada P3 yaitu sebesar 38%. Kondisi tersebut mengakibatkan tren peningkatan HPP atau biaya produksi mencapai angka 16,4%. Dalam kondisi seperti diuraikan di atas, IDN, khususnya di P3, tetap menjual dengan harga domestik yang peningkatannya lebih tinggi dari peningkatan harga pokok penjualan (54,3% vs 38%), membuat IDN mendapatkan laba yang terus meningkat dari minus (rugi) pada P1, dan konsisten meningkat pada P2 dan P3.
41. Kinerja ekonomi lainnya dari IDN terkait arus kas, ROI, kemampuan meningkatkan modal dan pertumbuhan penjualan sebagaimana ditunjukkan pada Tabel 10 selama Periode Penyelidikan semuanya mengalami perbaikan. Hal ini merupakan refleksi dari kinerja perusahaan secara keseluruhan selama Periode Penyelidikan. Dalam kondisi keuangan IDN yang terus membaik berdampak pada ROI dan kemampuan meningkatkan modal dan pertumbuhan IDN.

Tabel 10. Arus Kas, Return on Investment (ROI), dan Return on Equity (ROE)

No.	Uraian	Satuan	P1	P2	P3	Tren
1	Arus Kas	USD	(100)	(73)	511	-
2	Return on Investment (ROI)	%	100	208	218	47,8
3	Kemampuan Meningkatkan modal	%	100	96	108	4,1

Sumber: IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

**G. FAKTOR *CONTINUATION* DAN *RECURRENCE LIKELIHOOD* TERJADINYA
DUMPING DAN KERUGIAN**

G.1 PENENTUAN MARJIN DUMPING

42. Dalam melakukan perhitungan marjin dumping, KADI menggunakan data yang diperoleh dari jawaban produsen atau eksportir produsen yang dikenakan BMAD sebagaimana disampaikan dalam kuesioner. Marjin dumping secara umum ditetapkan berdasarkan selisih antara harga normal (harga penjualan di dalam negeri) dengan harga ekspor pada saat penyerahan dan tingkat perdagangan yang sama (harga eks pabrik).
43. Pada umumnya, KADI menerima pengalokasian biaya yang dilakukan oleh produsen atau eksportir produsen yang dikenakan BMAD dalam rangka pembebanan biaya dalam produk yang diselidiki, sepanjang pengalokasian tersebut mencerminkan biaya produksi, biaya penjualan dan administrasi umum yang didukung oleh data dalam laporan keuangan. Namun, apabila pengalokasian biaya tersebut dinilai tidak mencerminkan biaya yang sebenarnya, KADI melakukan penyesuaian yang dianggap wajar. Penyesuaian tersebut akan disampaikan kepada produsen atau eksportir produsen yang bersangkutan.
44. Perhitungan marjin dumping yang dilakukan oleh KADI terhadap produsen atau eksportir produsen akan disampaikan secara terpisah kepada masing-masing produsen atau eksportir produsen sebagai lampiran dari laporan data utama ini.

Nilai Normal

45. Nilai normal masing-masing produsen atau eksportir produsen, secara umum ditentukan berdasarkan rata-rata tertimbang dari transaksi penjualan domestik selama periode penyelidikan.
46. Nilai normal dihitung berdasarkan data yang disampaikan oleh perusahaan yang diselidiki, yaitu data penjualan dan data *allowances* yang diusulkan sebagaimana disampaikan dalam jawaban kuesioner. Penjualan dalam negeri produsen atau eksportir produsen dapat dipergunakan dalam perhitungan nilai normal apabila memenuhi persyaratan perdagangan yang wajar (*ordinary course of trade*). Nilai normal ditentukan pada saat penyerahan barang di pabrik (*ex-factory*).

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

47. *Allowances* yang diajukan oleh produsen atau eksportir produsen yang dapat diterima adalah yang terkait dengan biaya penjualan langsung (*direct selling expense*), dan dapat ditelusuri dalam data perusahaan terkait dengan penjualan barang yang diselidiki. Secara umum *allowances* dapat diterima jika merupakan bagian dari biaya penjualan dari barang yang diselidiki, yang umumnya diklasifikasikan dalam biaya penjualan, umum dan administrasi (*selling, general and administrative expenses*).
48. Dalam perhitungan nilai normal, data penjualan produsen atau eksportir produsen dapat digunakan apabila total volume penjualan domestik lebih dari 5% dari total volume penjualan ekspor ke Indonesia, dan apabila volume penjualan yang menguntungkan kurang dari 20% maka transaksi tersebut diabaikan dan digunakan metode konstruksi. Apabila volume penjualan yang menguntungkan lebih dari 20% sampai dengan 80%, maka hanya transaksi yang menguntungkan yang digunakan dalam perhitungan nilai normal, dan apabila lebih dari 80%, seluruh transaksi penjualan digunakan dalam perhitungan nilai normal.
49. Jika ada penjualan ekspor untuk kode kontrol barang (KKB) tertentu, namun tidak dijual di domestik, maka nilai normal dikonstruksi (*constructed normal value*) berdasarkan biaya produksi untuk KKB tertentu, biaya penjualan, biaya umum dan biaya administrasi domestik, serta keuntungan yang wajar.

Harga Ekspor

50. Harga ekspor bagi produsen atau eksportir produsen, ditentukan berdasarkan rata-rata tertimbang dari seluruh transaksi penjualan ekspor ke Indonesia selama Periode Penyelidikan yang telah dikurangi dengan *allowances* yang dapat diterima dan biaya yang terkait dengan penjualan langsung yang diajukan dan diyakini kebenarannya. Harga ekspor dilakukan pada tingkat eks-pabrik.

Marjin Dumping

a. RRT

51. Wuhan Iron & Steel (Group) Co. (WISCO):
- 1) WISCO tidak menjawab kuesioner secara lengkap hanya memberikan tanggapan dan jawaban terkait, antara lain penjualan, produksi, kapasitas, 5 (lima) negara

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

terbesar tujuan ekspor, dan jumlah tenaga kerja. Pada PMK 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022, WISCO mendapat BMAD sebesar 0%. Tampaknya WISCO beranggapan bukan sebagai subjek penyelidikan *Sunset Review* dan WISCO tidak berkewajiban untuk menjawab kuesioner, sehingga sampai batas waktu yang telah ditentukan WISCO tidak merespon kuesioner yang telah disampaikan.

- 2) Dengan demikian, sesuai dengan resital 12, tidak ada pihak yang berkepentingan dari RRT yang menjawab kuesioner secara lengkap dalam penyelidikan ini. Sehingga, dalam melakukan perhitungan margin dumping untuk mengetahui masih ada atau tidaknya dumping dari produk impor HRC asal seluruh perusahaan di RRT, KADI menggunakan data terbaik yang dimiliki, sebagaimana diatur dalam *Article 6.8 Annex II* dan informasi yang terdapat dalam dokumen di dalam permohonan.
- 3) Perhitungan nilai normal menggunakan harga domestik dikurangi dengan biaya transportasi darat dan *handling* selama periode penyelidikan yang diperoleh dari *Steel Business Briefing (SBB) steel prices*.
- 4) Perhitungan harga ekspor menggunakan harga rata-rata CIF selama periode *penyelidikan* yang diperoleh dari data BPS dikurangi biaya transportasi dan asuransi yang diperoleh dari *SBB steel prices* dan *world freight rates*.
- 5) Berdasarkan perhitungan nilai normal dan harga ekspor di atas, masih ditemukan margin *dumping* untuk perusahaan eksportir RRT.

b. India

- 1) Sesuai dengan resital 12, tidak ada pihak yang berkepentingan dari India yang kooperatif dalam penyelidikan ini. Dengan demikian, penentuan margin dumping untuk seluruh perusahaan di India menggunakan data terbaik yang dimiliki KADI, sebagaimana diatur dalam *Article 6.8 Annex II* dan informasi yang terdapat dalam dokumen di dalam permohonan.
- 2) Perhitungan nilai normal menggunakan harga domestik dikurangi dengan biaya transportasi darat dan *handling* selama periode penyelidikan yang diperoleh dari *SBB steel prices* dan *truck bhada*.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

- 3) Perhitungan harga ekspor menggunakan harga rata-rata CIF selama periode penyelidikan yang diperoleh dari data BPS dikurangi biaya transportasi dan asuransi yang diperoleh dari *world freight rates* dan *truck bhada*.
- 4) Berdasarkan perhitungan nilai normal dan harga ekspor di atas, masih ditemukan margin dumping untuk perusahaan eksportir India.

c. Rusia, Kazakhstan, Belarusia

- 1) Sesuai dengan resital 12, tidak ada pihak yang berkepentingan dari Rusia, Kazakhstan dan Belarusia yang kooperatif dalam penyelidikan ini. Dengan demikian, penentuan margin dumping untuk seluruh perusahaan di Rusia, Kazakhstan dan Belarusia menggunakan data terbaik yang dimiliki KADI, sebagaimana diatur dalam *Article 6.8 Annex II* dan informasi yang terdapat dalam dokumen di dalam permohonan.
- 2) Perhitungan nilai normal menggunakan harga domestik rata-rata HRC di Rusia selama periode penyelidikan yang diperoleh dari diperoleh dari *SBB Steel Prices*, dikurangi biaya transportasi dalam negeri yang diperoleh dari *della.eu*.
- 3) Karena tidak ada impor asal Rusia ke Indonesia, perhitungan harga ekspor menggunakan harga ekspor BPS HRC Ukraina ke Indonesia selama periode penyelidikan yang dikurangi biaya transportasi laut dan darat, *handling* dan asuransi yang diperoleh dari BPS, *world freight rates*, *forwarder university*, dan *della.eu*.
- 4) Berdasarkan perhitungan nilai normal dan harga ekspor di atas, masih ditemukan margin dumping untuk perusahaan eksportir Rusia, Kazakhstan dan Belarusia.

d. Taiwan

52. China Steel Corporation (CSC)

- 1) Perhitungan nilai normal dilakukan dengan menggunakan data yang diperoleh dari jawaban kuesioner. Penjualan domestik dilakukan secara langsung oleh CSC maupun melalui *trader*, baik yang terafiliasi maupun independent. Terdapat 3 (tiga) kode kontrol barang (KKB) yang identik antara penjualan domestik dan penjualan ke Indonesia. Atas ketiga KKB ini dilakukan *profitabilitas test* dan ditemukan *profit* di atas 80%. Sehingga, seluruh transaksi dari ketiga KKB ini digunakan dalam

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

perhitungan nilai normal. CSC mengklaim *direct selling expense* dan *inland freight* sebagai *allowance* dalam transaksi penjualan domestik dan dapat diterima, setelah mengurangi harga domestik dengan *allowance* maka diperoleh harga domestik eks pabrik.

- 2) Penjualan ekspor ke Indonesia, dilakukan secara langsung oleh CSC maupun melalui traders, baik yang terafiliasi maupun independent. Dengan demikian perhitungan harga ekspor dilakukan dengan menggunakan data penjualan ekspor CSC ke Indonesia. CSC mengklaim *ocean* dan *inland freight*, *commission*, *loading fee*, THC, biaya survei, biaya servis pelabuhan, promosi, *broke rage*, asuransi dan biaya bank sebagai *allowance* yang semuanya dapat diterima. Karena penjualan ke Indonesia juga dilakukan melalui trader terafiliasi, maka atas transaksi penjualan yang dilakukan melalui trader tersebut ditambahkan keuntungan yang wajar diperoleh dari selisih harga jual *trader* dengan biaya yang dikeluarkan ((Harga Pokok Penjualan (HPP)).
- 3) Berdasarkan hasil perhitungan dengan membandingkan rata-rata tertimbang nilai normal dengan harga ekspor pada tingkat perdagangan yang sama (eks pabrik), masih ditemukan margin dumping untuk CSC.

53. Shang Shing Steel (SSS) Industrial

- 1) Berdasarkan respon kuesioner diketahui bahwa Shang Chen Steel Co., Ltd. ("SCS") pada periode penyelidikan tidak memproduksi barang yang diselidiki dan tidak melakukan ekspor barang yang diselidiki ke Indonesia.
- 2) Perhitungan nilai normal dilakukan dengan menggunakan data yang diperoleh dari jawaban kuesioner. SSS hanya menjual dalam 2 (dua) kode kontrol barang (KKB) pada penjualan domestik sehingga *profitabilitas test* dilakukan hanya terhadap kedua KKB. Mempertimbangkan hasil *profitabilitas test* dimana ditemukan kurang dari 20% yang *profit*, KADI melakukan konstruksi atas perhitungan nilai normal dengan melakukan rata-rata tertimbang atas cara *Domestic Cost Of Goods Sold and Operating Expenses* (DMCOGSOE) dan ditambahkan dengan keuntungan yang wajar.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

- 3) Berdasarkan respon kuesioner diketahui bahwa bahwa SSS tidak melakukan ekspor HRC ke Indonesia pada periode penyelidikan, KADI menggunakan data terbaik yang dimiliki oleh KADI dengan menggunakan metode konstruksi untuk memperoleh harga ekspor ke Indonesia.
- 4) Berdasarkan hasil perhitungan dengan membandingkan rata-rata tertimbang nilai normal dan harga ekspor pada tingkat perdagangan yang sama (eks pabrik), masih ditemukan margin dumping untuk SSS.

e. Thailand

- 1) Sesuai dengan resital 12, tidak ada pihak yang berkepentingan dari Thailand yang menjawab kuesioner. Dengan demikian, perhitungan margin dumping untuk seluruh perusahaan di Thailand dilakukan dengan menggunakan data terbaik yang dimiliki KADI, sebagaimana diatur dalam *Article 6.8 Annex II* dan informasi yang terdapat dalam dokumen di dalam permohonan.
 - 2) Perhitungan nilai normal menggunakan harga domestik rata-rata HRC di Thailand selama periode penyelidikan yang diperoleh dari *asianmetal*, dikurangi dengan biaya transportasi dan *handling* yang dianggap sama dengan biaya transportasi dan *handling* di RRT.
 - 3) Karena harga impor HRC asal Thailand pada periode penyelidikan dianggap anomali, sehingga harga tersebut tidak dapat digunakan dalam perhitungan harga ekspor. Dengan demikian perhitungan harga ekspor menggunakan harga rata-rata BPS HRC asal Vietnam yang dikurangi dengan *sea freight*, *Inland freight* dan *handling*, asuransi yang diperoleh dari BPS, *world freight rates*, dan *forwarder university*. *Inland freight* dan *handling* diasumsikan sama dengan *inland freight* dan *handling* di RRT.
 - 4) Berdasarkan perhitungan nilai normal dan harga ekspor di atas, masih ditemukan margin dumping untuk perusahaan eksportir Thailand.
54. Berdasarkan hasil perhitungan margin yang dilakukan terhadap impor HRC asal negara yang dituduh dumping sebagaimana diuraikan di atas, dapat disimpulkan bahwa impor HRC yang berasal dari ketujuh negara yang dituduh dan dikenakan dumping itu, masih mengandung dumping meskipun BMAD masih dikenakan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

G.2 DAMPAK VOLUME IMPOR (ABSOLUT)

55. Dari Tabel 11 di bawah terlihat bahwa total impor produk yang diselidiki dari negara yang dituduh dumping selama periode penyelidikan mengalami penurunan dengan tren sebesar (35,4%). Penurunan tersebut menunjukkan efektivitas dari pengenaan BMAD terhadap produk tersebut. Memang terjadi peningkatan impor dari Thailand dan India masing-masing 472,2% dan 114,6%, namun karena volumenya termasuk kecil, pengenaan BMAD ini dinilai cukup efektif. Tampaknya Covid-19 mempengaruhi masuknya impor HRC ke Indonesia. Hal ini terefleksi dari menurunnya total impor dari negara lainnya.

Tabel 11. Perkembangan Volume Impor HRC

No	NEGARA	P1		P2		P3		Tren
		MT	%	MT	%	MT	%	%
1	RRT	80.662	7	34.815	3,6	38.527	4	(30,9)
2	Taiwan	35.728	3	23.371	2,4	10.012	1	(47,1)
3	India	6	0	61	0,0	28	0	114,6
4	Thailand	0	0	425	0,0	2	0	472,2
5	Rusia	-	-	-	-	-	-	-
6	Kazakhstan	-	-	-	-	-	-	-
7	Belarusia	-	-	-	-	-	-	-
Impor negara dituduh		116.397	10	58.672	6,0	48.569	5	(35,4)
Total Negara Lainnya		1.096.051	90	916.227	94,0	972.948	95	(5,8)
Impor Total		1.212.447	100	974.898	100,0	1.021.517	100	(8,2)

Sumber: BPS, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

G.3 DAMPAK VOLUME IMPOR (RELATIF TERHADAP KONSUMSI NASIONAL)

56. Sebagaimana disajikan pada Tabel 12 berikut, bahwa pangsa pasar total impor mengalami penurunan dengan tren sebesar 8,2% sejalan dengan penurunan konsumsi nasional selama Periode Penyelidikan dengan tren sebesar 1,2%. Penurunan pangsa pasar impor dari RRT dan Taiwan cukup tajam, masing-masing turun dengan tren sebesar 30,9% dan 47,1%, sementara pangsa pasar impor dari India dan Thailand mengalami peningkatan yang sangat signifikan, namun secara absolut kuantitasnya

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGGOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

sangat kecil, kurang dari 1% bila dibandingkan dengan total impor. Sementara itu, pangsa pasar penjualan dalam negeri IDN maupun industri dalam negeri lainnya mengalami peningkatan dengan tren masing masing sebesar 6% dan 11,2 %. Sebagaimana diuraikan sebelumnya bahwa penurunan impor terjadi karena pengenaan BMAD yang cukup efektif, namun kebijakan lockdown yang dilakukan oleh beberapa negara di masa Covid-19 khususnya oleh pemerintah RRT selama periode penyelidikan turut menyebabkan penurunan impor akibat menurunnya aktivitas ekspor di negara tersebut.

Tabel 12. Perkembangan Pangsa Pasar HRC

No	Uraian	MT			Tren (%)
		P1	P2	P3	
Penjualan Nasional					
1	Pemohon	37	41	41	6,0
2	Produsen Nasional Lainnya	8	8	10	11,2
Total		45	49	51	6,9
Impor Negara yang dikenakan BMAD					
1	RRT	4	2	2	(30,9)
2	Taiwan	2	1	0	(47,1)
3	India	0	0	0	114,6
4	Thailand	0	0	0	472,2
5	Rusia	-	-	-	-
6	Kazakhstan	-	-	-	-
7	Belarusia	-	-	-	-
Total		5	3	2	(35,4)
Impor Negara Lainnya		50	42	44	(5,8)
Total Impor		55	45	47	(8,2)
Konsumsi Nasional		100	94	98	(1,2)

Sumber: BPS, IDN, dan industri dalam negeri lainnya, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

G.4 DAMPAK HARGA IMPOR

Depression, Suppression, dan Undercutting

57. Pada Tabel 13 disajikan data kondisi harga impor dibandingkan dengan harga jual IDN. Tampak dari tabel tersebut bahwa terjadi *price suppression* pada P1 dimana IDN menjual dengan harga di bawah HPP atau jual rugi (*price suppression*), selanjutnya terjadi perbaikan pada P2 dan P3. Terkait dengan *price undercutting* dapat dilihat

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

bahwa harga jual IDN masih dibawah harga impor negara yang dituduh. Namun, berdasarkan data BPS, untuk India dan Thailand kecenderungan memiliki data anomali sehingga analisa *price undercutting* yang dilakukan tidak dapat mencerminkan kondisi yang semestinya untuk dilakukan perbandingan dengan harga domestik IDN. Selanjutnya, sesuai dengan tabel 12 diatas dapat terlihat bahwa tidak terdapat impor asal Rusia, Kazakhstan, dan Belarusia. Maka, untuk menganalisa apakah impor berasal dari ketiga negara tersebut masih memiliki kemungkinan adanya dampak harga (*price undercutting*). Oleh karena itu, KADI menggunakan data impor yang berasal dari Ukraina disebabkan secara geografis Ukraina berada dekat dengan Rusia, Kazakhstan, dan Belarusia serta komponen biaya produksi dinilai kurang lebih sama dengan di Ukraina. Selain itu, Ukraina masih tergabung di dalam wilayah CIS (*Commonwealth of Independent States*) seperti Rusia, Kazakhstan, dan Belarusia.

Tabel 13. *Depression, Suppression, dan Undercutting*

No	Uraian	Tanpa BMAD ¹				Dengan BMAD ²			
		P1	P2	P3	%	P1	P2	P3	%
1	Harga Pokok Penjualan	117	106	155	15	117	106	155	15
2	Harga IDN**	100	110	169	30	100	110	169	30
3	Price Supression	(17)	4	14	-	(17)	4	14	-
	Harga Impor Negara Dituduh								
	RRT	106	130	170	27	126	156	203	27
	India	526	193	951	34	629	231	1.136	34
	Rusia, Kazakhstan, Belarusia	131	139	222	30	154	162	260	30
	Taiwan	129	128	232	6	150	150	272	6
	Thailand ³	9.777	280	220	(15)	11.685	334	263	(15)
4	Price Undercutting								
	RRT	(6)	(21)	(1)	-	(26)	(46)	(34)	-
	India	(426)	(83)	(782)	-	(529)	(121)	(967)	-
	Rusia, Kazakhstan, Belarusia	(31)	(29)	(53)	-	(54)	(53)	(91)	-
	Taiwan	(29)	(18)	(63)	-	(50)	(40)	(102)	-
	Thailand	(9.677)	(170)	(51)	-	(11.585)	(224)	(94)	-

Sumber: BPS, dan IDN, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

1. Harga impor BPS + *terminal handling charge* + Bea Masuk impor
2. Harga impor BPS + *terminal handling charge* + Bea Masuk impor + BMAD
3. Terdapat anomali terhadap data impor dari Thailand

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

G.5 KELEBIHAN/EKSES PRODUKSI VS KONSUMSI HRC DI RRT, INDIA, RUSIA, BELARUSIA, DAN KAZAKHSTAN, TAIWAN DAN THAILAND

58. Berdasarkan data yang dimiliki oleh KADI ditemukan bahwa negara yang dituduh dumping memiliki kemampuan untuk meningkatkan eksportnya kembali karena *excess capacity* yang masih cukup tinggi. Berdasarkan data dan informasi yang diperoleh dari IDN dan *World Steel Dynamics*, *excess capacity* negara yang dituduh dumping masih cukup tinggi (Tabel 14). Selama periode penyelidikan, *excess capacity* RRT berada pada kisaran 11-16%, India pada kisaran 24-31%, Russia, Belarusia, Kazahstan pada kisaran 23-30%, Taiwan pada kisaran 11-29%, dan Thailand pada kisaran 34-43% dari total kapasitas nasional masing-masing negara tersebut.

Tabel 14. *Excess Capacity* dari Negara yang Dituduh

Negara	Keterangan	Satuan	P1	P2	P3
RRT	<i>Excess Capacity</i>	MT	39.000.000	45.000.000	57.000.000
		%	11,8	12,7	15,9
India	<i>Excess Capacity</i>	MT	9.495.290	10.573.468	7.352.694
		%	30,9	34,4	24,0
Russia, Belarusia, dan Kazakhstan	<i>Excess Capacity</i>	MT	8.284.525	7.946.525	6.414.525
		%	29,9	28,7	23,1
Taiwan	<i>Excess Capacity</i>	MT	4.463.245	3.051.772	1.704.825
		%	28,9	19,7	11,0
Thailand	<i>Excess Capacity</i>	MT	3.365.083	3.275.481	2.655.180
		%	42,6	41,5	33,6

Sumber: IDN dan *World Steel Dynamics*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

***Excess Capacity* HRC di RRT**

59. Berdasarkan Tabel 15 terlihat bahwa *excess capacity* RRT terus mengalami peningkatan dari P1 sebesar 39 Juta ton menjadi 57 Juta ton pada P3 atau dengan tren peningkatan sebesar 21% dari P1-P3. Peningkatan *excess capacity* merupakan dampak dari penambahan kapasitas terpasang industri HRC di RRT yang memperkuat potensi RRT untuk meningkatkan ekspor HRC dumping ke Indonesia apabila BMAD tidak diberlakukan lagi. Apabila dilakukan perbandingan antara kapasitas produksi IDN dengan *excess capacity* RRT ditemukan bahwa *excess capacity* RRT 15 - 19 kali lebih besar dari kapasitas produksi IDN selama periode penyelidikan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 15. Kapasitas Terpasang, Produksi, utilisasi, Permintaan Domestik, *Excess Capacity*, dan *Excess* Produksi HRC RRT

No	Uraian	Unit	P1	P2	P3	Tren
1	Kapasitas Terpasang	MT	331.000.000	355.000.000	359.000.000	4
2	Produksi Nasional	MT	304.520.000	309.560.000	330.280.000	4
3	Utilisasi	%	92	87	92	-
4	Permintaan Domestik	MT	292.000.000	310.000.000	302.000.000	2
5	Permintaan Domestik	%	96	100	91	(2)
6	<i>Excess Capacity</i> (1 – 4)	MT	39.000.000	45.000.000	57.000.000	21
7	<i>Excess Produksi</i> (4 – 2)	MT	12.520.000	(440.000)	28.280.000	-

Sumber: IDN dan *World Steel Dynamics*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

***Excess Capacity* HRC di India**

60. Berdasarkan Tabel 16 terlihat bahwa *excess* produksi India terus mengalami peningkatan dengan tren peningkatan sebesar 5% dari P1-P3. Hal ini didukung oleh peningkatan produksi yang dilakukan oleh India juga dengan tren sebesar 5%. Meskipun *excess capacity* India menurun dengan tren sebesar 12%, namun dengan *excess capacity* sebesar 7,3-10,5 juta ton selama periode penyelidikan, kemampuan perusahaan di India untuk semakin meningkatkan ekspor HRC dumping masih cukup tinggi karena *excess capacity* India lebih dari 2 kali kapasitas produksi IDN selama periode penyelidikan.

Tabel 16. Kapasitas Terpasang, Produksi, utilisasi, Permintaan Domestik, *Excess Capacity*, dan *Excess* Produksi HRC India

No	Uraian	Unit	P1	P2	P3	Tren
1	Kapasitas Terpasang	MT	30.700.000	30.700.000	30.700.000	-
2	Produksi Nasional	MT	22.320.747	21.185.823	24.576.112	5
3	Utilisasi	%	73	69	80	5
4	Permintaan Domestik	MT	21.204.710	20.126.532	23.347.306	5
5	Permintaan Domestik	%	95	95	95	(0)
6	<i>Excess Capacity</i> (1 – 4)	MT	9.495.290	10.573.468	7.352.694	(12)
7	<i>Excess Produksi</i> (4 – 2)	MT	1.116.037	1.059.291	1.228.806	5

Sumber: IDN dan *Trade Map*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

***Excess Capacity* HRC di Rusia, Belarusia dan Kazakhstan**

61. Berdasarkan Tabel 17 terlihat bahwa *excess* produksi Rusia, Belarusia, dan Kazakhstan mengalami penurunan dari P1 sebesar 2,9 Juta ton menjadi 2,4 Juta ton pada P3 sebagai konsekuensi peningkatan produksi maupun utilisasi industri. Meskipun *excess capacity* ketiga negara EURASIA ini menurun dengan tren sebesar 12%, namun dengan *excess capacity* sebesar 6,4-8,3 juta ton selama periode penyelidikan, kemampuan perusahaan di ketiga negara ini masih cukup tinggi untuk meningkatkan ekspor HRC dumping apabila pengenaan BMAD dihentikan. Seperti halnya India, *excess capacity* Rusia, Belarusia, dan Kazakhstan berada 2 kali besar dari kapasitas produksi IDN selama periode penyelidikan.

Tabel 17. Kapasitas Terpasang, Produksi, utilisasi, Permintaan Domestik, *Excess Capacity* dan, *Excess* Produksi HRC Rusia, Belarusia, dan Kazakhstan

No	Uraian	Unit	P1	P2	P3	Tren
1	Kapasitas Terpasang	MT	27.714.525	27.714.525	27.714.525	-
2	Produksi	MT	22.332.137	23.002.256	23.782.980	3
3	Utilisasi	%	81	83	86	3
4	Permintaan Domestik	MT	19.430.000	19.768.000	21.300.000	5
5	Permintaan Domestik	%	87	86	90	1
6	<i>Excess Capacity</i> (1 – 4)	MT	8.284.525	7.946.525	6.414.525	(12)
7	<i>Excess Produksi</i> (4 – 2)	MT	2.902.137	3.234.256	2.482.980	(8)

Sumber: IDN dan *Metal Bulletin Research*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

***Excess Capacity* HRC di Taiwan**

62. Berdasarkan Tabel 18 terlihat bahwa *excess* produksi Taiwan mengalami penurunan dari P1 sebesar 4,4 Juta ton menjadi 1,7 Juta ton pada P3. Hal ini menunjukkan bahwa utilisasi industri HRC Taiwan menunjukkan peningkatan dari tahun ke tahun selama periode penyelidikan dalam merespon permintaan domestik yang terus meningkat dengan tren sebesar 10%. Hal ini juga berimplikasi pada menurunnya kemampuan Taiwan untuk semakin meningkatkan ekspor HRC dumping-nya ke Indonesia apabila pengenaan BMAD dihentikan. Apabila dilakukan perbandingan antara kapasitas produksi IDN dengan *excess capacity* Taiwan ditemukan bahwa *excess capacity* Taiwan hampir 1 kali lebih besar dibandingkan kapasitas produksi IDN pada P3.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 18. Kapasitas Terpasang, Produksi, utilisasi, Permintaan Domestik, *Excess Capacity* dan, *Excess* Produksi HRC Taiwan

No	Uraian	Unit	P1	P2	P3	Tren
1	Kapasitas Terpasang	MT	15.460.000	15.460.000	15.460.000	-
2	Produksi	MT	14.870.080	14.969.785	15.311.086	1
3	Utilisasi	%	96	97	99	1
4	Permintaan Domestik	MT	10.996.755	12.408.228	13.755.175	12
5	Permintaan Domestik	%	74	83	90	10
6	<i>Excess Capacity</i> (1 – 4)	MT	4.463.245	3.051.773	1.704.825	(38)
7	<i>Excess Produksi</i> (4 – 2)	MT	3.873.325	2.561.557	1.555.911	(37)

Sumber: IDN dan *Metal Bulletin Research*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

***Excess Capacity* HRC di Thailand**

63. Berdasarkan Tabel 19 terlihat bahwa *excess capacity* Thailand mengalami penurunan dari P1 sebesar 3,3 Juta Ton menjadi 2,6 Juta ton pada P3. Dengan kapasitas terpasang HRC Thailand yang 2 kali lebih besar dari kapasitas terpasang HRC Indonesia dan utilisasi Thailand masih dalam kisaran 32-36% selama periode penyelidikan, terdapat *excess capacity* yang masih lebih dari 50% dan secara kuantitatif hampir sama dengan total produksi HRC Indonesia, dipastikan Thailand sangat mampu memanfaatkan pasar HRC Indonesia dengan HRC dumping apabila pengenaan BMAD dihentikan.

Tabel 19. Kapasitas Terpasang, Produksi, utilisasi, Permintaan Domestik, *Excess Capacity* dan, *Excess* Produksi HRC Thailand

No	Uraian	Unit	P1	P2	P3	Tren
1	Kapasitas Terpasang	MT	7.900.000	7.900.000	7.900.000	-
2	Produksi	MT	2.524.609	2.624.795	2.829.487	6
3	Utilisasi	%	32	33	36	6
4	Permintaan Domestik	MT	4.534.917	4.624.519	5.244.820	8
5	Permintaan Domestik	%	180	176	185	2
6	<i>Excess Capacity</i>	MT	3.365.083	3.275.482	2.655.180	(11)
7	<i>Excess Produksi</i>	MT	(2.010.308)	(1.999.724)	(2.415.333)	-

Sumber: IDN dan *Metal Bulletin Research*, Diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

**G.6 PENGENAAN *TRADE REMEDIES* OLEH OTORITAS NEGARA LAIN TERHADAP
 EKSPOR NEGARA YANG DITUDUH**

64. Pada Tabel 20 ditunjukkan daftar negara yang mengenakan BMAD ke negara-negara yang dituduh dumping. Seluruh negara yang dituduh dumping oleh Indonesia yaitu RRT, India, Russia, Kazakhstan, Taiwan dan Thailand mendapat hambatan perdagangan berupa pengenaan BMAD oleh negara lain seperti UK, EU, US, Canada, Mexico dan beberapa negara lainnya. Hal ini menunjukkan bahwa praktek perdagangan yang curang (*unfair trade*) berupa praktek dumping, memang dilakukan oleh negara-negara yang dituduh tersebut yang mengakibatkan kerugian industri dalam negeri dari negara lain tersebut.

Tabel 20. Pengenaan BMAD Produk HRC asal RRT, India, Rusia, Belarusia, Kazakhstan, Taiwan dan Thailand

No	Negara Penuduh	Negara Tertuduh	Duty	Keterangan
1	United Kingdom	China	13.2% - 35.9%	Diperpanjang sejak 01/01/2021
2	United Kingdom	China	65.1% - 73.7%	Diperpanjang sejak 01/01/2021
3	European Union	China	13.2% - 35.9%	Sunset Review
4	European Union	China	65.1% - 73.7%	Sunset Review
5	United States	China	68.27%	Sunset Review
6	United States	China	90.83%	Diperpanjang sejak 27/08/2019
7	Chinese Taipei	China	41.47% - 59.57%	Diperpanjang sejak 14/09/2022
8	Mexico	China	\$ 335,60 - 354,92 /ton	Diperpanjang sejak 19/04/2022
9	Canada	China	Not available	Diperpanjang sejak 13/05/2022
10	United States	India	Not available	Diperpanjang sejak 12/03/2018
11	United States	India	Not available	Diperpanjang sejak 27/08/2019
12	Thailand	India	20.02%-31.92%	Diperpanjang sejak 08/06/2021
13	United Kingdom	Rusia	17.6 - €96.5 per tonne, 17.6 - €96.5 per tonne	Sunset Review
14	European Union	Rusia	17.6 - €96.5 per tonne	Sunset Review
15	Mexico	Rusia	36,80%	Diperpanjang sejak 08/03/2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

No	Negara Penuduh	Negara Tertuduh	Duty	Keterangan
16	Mexico	Rusia	29,30%	Diperpanjang sejak 02/05/2017
17	United States	Rusia	Not available	Diperpanjang sejak 20/10/2016
18	United States	Rusia	Not available	Diperpanjang sejak 01/07/2021
19	Thailand	Kazakhstan	68.11%-109.25%	Diperpanjang sejak 08/06/2021
20	Canada	Taiwan	7%	Diperpanjang sejak 08/06/2021
21	United States	Taiwan	2.59%	Sunset Review
22	United States	Taiwan	Not available	Diperpanjang sejak 27/08/2019
23	Australia	Taiwan	-8.9% - -3.2%	Sunset Review
24	Thailand	Taiwan	3.45%-25.15%	Diperpanjang sejak 08/06/2021
25	United States	Thailand	Not available	Diperpanjang sejak 27/08/2019

Sumber: *Semi Annual Report, World Trade Organization (WTO)*, Diolah.

G.7 PERKEMBANGAN EKSPOR NEGARA DUMPING

G.7.1 RRT

Tabel 21. Perkembangan Ekspor RRT (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	83.205	40.948	93.507	6,0	0,9
2	Ekspor ke Negara Lain	243.441	553.956	10.101.710	544,2	99,1
3	Total Ekspor HRC Karbon	326.646	594.904	10.195.217	458,7	100,0
HRC Paduan						
4	Ekspor ke Indonesia	378.669	209.452	45.623	(65,3)	2,9
5	Ekspor Negara Lain	6.360.894	8.748.365	1.539.786	(50,8)	97,1
6	Total Ekspor HRC Paduan	6.739.563	8.957.817	1.585.409	(51,5)	100,0
Total Ekspor HRC (Karbon + Paduan)						
7	Ekspor ke Indonesia	461.874	250.400	139.130	(45,1)	1,2
8	Ekspor ke Negara Lain	6.604.335	9.302.321	11.641.496	32,8	98,8
9	Total Ekspor HRC	7.066.209	9.552.721	11.780.626	29,1	100,0

Sumber: *Trade Map*, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

65. Berdasarkan Tabel 21 di atas, terlihat bahwa ekspor HRC Karbon RRT ke Indonesia hanya 0,9% pada P3 namun kinerja ekspor RRT masih mengalami peningkatan secara tren 6% meskipun BMAD masih berlaku (pengenaan BMAD cukup efektif). Kinerja ekspor RRT ke negara lainnya meningkat sangat signifikan dengan tren 544% selama periode penyelidikan. Seperti terlihat dalam Tabel 21 tersebut bahwa ekspor HRC Paduan dari RRT ke Indonesia mengalami penurunan dengan tren sebesar 65% dan ke negara lain turun dengan tren sebesar 51%. Penurunan ekspor HRC Paduan RRT ke Indonesia diperkirakan karena pengenaan BMAD ke HRC Paduan RRT yang berlaku sejak Maret tahun 2022, sehingga total ekspor HRC (Karbon + Paduan) RRT ke Indonesia mengalami penurunan dengan tren sebesar 45,1% selama periode penyelidikan (PI-P3), namun ekspor RRT ke negara lain mengalami peningkatan dengan tren sebesar 32,8%. Hal tersebut menunjukkan bahwa RRT memiliki kemampuan yang besar untuk membanjiri pasar domestik HRC di Indonesia apabila pengenaan BMAD dihentikan dengan mengalihkan sebagian ekspornya dari negara lainnya (khususnya yang mengenakan BMAD ke RRT) ke Indonesia. Dengan kemampuan ekspor HRC Karbon RRT ke Dunia yang besar (10,2 juta ton pada P3) sehingga apabila pengenaan BMAD tidak diperpanjang, ekspor RRT ke Indonesia akan meningkat kembali dan dapat menyebabkan deindustrialisasi industri HRC di Indonesia.
66. Tambahan pertimbangan terkait potensi terjadinya peningkatan impor dumping HRC Karbon adalah berkaitan dengan pengenaan BMAD terhadap produk impor HRC Alloy (Paduan) yang berasal dari RRT pada bulan Maret 2022. Penetapan BMAD dimaksud dilakukan berdasarkan hasil penyelidikan terhadap adanya praktek dumping atas impor HRC Alloy, yang saat itu juga didukung oleh adanya kecurigaan akan kemungkinan terjadinya pengalihan pola perdagangan dari HRC Karbon yang saat itu dan hingga saat ini sedang dikenai BMAD, ke HRC Alloy. Mempertimbangkan situasi tersebut, apabila pengenaan BMAD atas produk HRC Karbon (penyelidikan SR saat ini) tidak dilanjutkan, maka terdapat potensi kemungkinan peralihan pola perdagangan produk impor dari HRC Alloy kembali ke HRC Karbon. Selain itu, penghentian pengenaan BMAD berpotensi mengakibatkan adanya potensi pengenaan BMAD HRC Alloy tidak efektif sehingga berdampak pada kerugian industri dalam negeri produk HRC di Indonesia serta mengakibatkan deindustrialisasi industri produk HRC.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

G.7.2 India

Tabel 22. Perkembangan Ekspor India (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	164	59	4	(84,4)	0,0
2	Ekspor ke Negara Lain	6.963.091	4.692.320	6.782.000	(1,3)	100,0
3	Total Ekspor Karbon HRC	6.963.255	4.692.379	6.782.004	(1,3)	100,0
HRC Baja Paduan						
4	Ekspor ke Indonesia	14.818	-	-	-	-
5	Ekspor Negara Lain	17.906	26.335	28.900	27,0	100,0
6	Total Ekspor HRC Baja Paduan	32.724	26.335	28.900	(6,0)	100,0
Total Ekspor HRC						
7	Ekspor ke Indonesia	14.982	59	4	(98,4)	0,0
8	Ekspor ke Negara Lain	6.980.997	4.718.655	6.810.900	(1,2)	100,0
9	Total Ekspor HRC	6.995.979	4.718.714	6.810.904	(1,3)	100,0

Sumber: *Trade Map*, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

67. Berdasarkan Tabel 22 di atas, terlihat bahwa meskipun secara pangsa ekspor India ke Indonesia relatif rendah, namun India memiliki kemampuan ekspor yang cukup besar sehingga terdapat kemungkinan adanya peningkatan ekspor dari India ke Indonesia. Oleh karena itu, masih diperlukan perpanjangan BMAD agar industri HRC di Indonesia dapat tumbuh dan semakin berdayasaing dalam menopang pertumbuhan industri manufaktur Indonesia (baja sebagai *mother industry*).

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

G.7.3 Rusia

Tabel 23. Perkembangan Ekspor Rusia (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	-	-	-	-	-
2	Ekspor ke Negara Lain	5.384.592	6.269.238	5.400.677	0,1	100,0
3	Total Ekspor HRC	5.384.592	6.269.238	5.400.677	0,1	100,0
HRC Baja Paduan						
4	Ekspor ke Indonesia	-	-	-	-	-
5	Ekspor Negara Lain	41.958	51.340	38.611	(4,1)	100,0
6	Total Ekspor HRC Baja Paduan	41.958	51.340	38.611	(4,1)	100,0
Total Ekspor HRC						
7	Ekspor ke Indonesia	-	-	-	-	-
8	Ekspor ke Negara Lain	5.426.550	6.320.578	5.439.288	0,1	100,0
9	Total Ekspor HRC	5.426.550	6.320.578	5.439.288	0,1	100,0

Sumber: *Trade Map*, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

68. Berdasarkan Tabel 23 di atas, terlihat bahwa meskipun tidak terdapat ekspor Rusia ke Indonesia setelah pengenaan BMAD, namun Rusia memiliki kemampuan ekspor yang cukup besar sehingga terdapat kemungkinan adanya peningkatan ekspor dari Rusia ke Indonesia apabila pengenaan BMAD dihentikan. Oleh karena itu, masih diperlukan perpanjangan BMAD agar industri HRC di Indonesia dapat tumbuh dan semakin berdayasaing dalam menopang pertumbuhan industri manufaktur Indonesia (baja sebagai *mother industry*).

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

G.7.4 Kazakhstan

Tabel 24. Perkembangan Ekspor Kazakhstan (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	-	-	-	-	-
2	Ekspor ke Negara Lain	829.633	1.128.946	1.273.751	23,9	100,0
3	Total Ekspor HRC	829.633	1.128.946	1.273.751	23,9	100,0
HRC Baja Paduan						
4	Ekspor ke Indonesia	-	-	-	-	-
5	Ekspor Negara Lain	572	524	229	(36,7)	100,0
6	Total Ekspor HRC Baja Paduan	572	524	229	(36,7)	100,0
Total Ekspor HRC						
7	Ekspor ke Indonesia	-	-	-	-	-
8	Ekspor ke Negara Lain	830.205	1.129.470	1.273.980	23,9	100,0
9	Total Ekspor HRC	830.205	1.129.470	1.273.980	23,9	100,0

Sumber: *Trade Map*, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

69. Berdasarkan Tabel 24 di atas, terlihat bahwa meskipun tidak terdapat ekspor Kazakhstan ke Indonesia, namun Kazakhstan memiliki kemampuan ekspor yang cukup besar sehingga terdapat kemungkinan adanya peningkatan ekspor dari Kazakhstan ke Indonesia. Oleh karena itu, masih diperlukan perpanjangan BMAD agar industri HRC di Indonesia dapat tumbuh dan semakin berdayasaing dalam menopang pertumbuhan industri manufaktur Indonesia (baja sebagai *mother industry*).

G.7.5 Belarusia

70. Berdasarkan Tabel 25 di bawah ini, terlihat bahwa tidak terdapat ekspor Belarusia ke Indonesia, namun Belarusia memiliki perjanjian kepabeanan bersama dengan Rusia dan Kazakhstan, maka tetap ada kemungkinan Rusia dan Kazakhstan melakukan ekspor melalui Belarusia jika pengenaan BMAD terhadap Belarusia dihentikan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 25. Perkembangan Ekspor Belarusia (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
	HRC Karbon					
1	Ekspor ke Indonesia	-	-	-	-	-
2	Ekspor ke Negara Lain	972	2.261	279	(46,4)	100,0
3	Total Ekspor HRC	972	2.261	279	(46,4)	100,0
	HRC Baja Paduan					
4	Ekspor ke Indonesia	-	-	-	-	-
5	Ekspor Negara Lain	-	-	-	-	-
6	Total Ekspor HRC Baja Paduan	-	-	-	-	-
	Total Ekspor HRC					
7	Ekspor ke Indonesia	-	-	-	-	-
8	Ekspor ke Negara Lain	972	2.261	279	(46,4)	100,0
9	Total Ekspor HRC	972	2.261	279	(46,4)	100,0

Sumber: Trade Map, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

G.7.6 Taiwan

71. Berdasarkan Tabel 26 di bawah, terlihat bahwa meskipun ekspor Taiwan ke Indonesia relatif rendah dan mengalami tren penurunan sebesar 47%, namun Taiwan memiliki kemampuan ekspor yang cukup besar (4-5 juta ton). Dengan demikian terdapat kemungkinan adanya peningkatan ekspor dari Taiwan ke Indonesia apabila pengenaan BMAD dihentikan. Oleh karena itu, masih diperlukan perpanjangan BMAD agar industri HRC di Indonesia dapat tumbuh dan semakin berdayasaing dalam menopang pertumbuhan industri manufaktur Indonesia (baja sebagai *mother industry*).

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 26. Perkembangan Ekspor Taiwan (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	33.804	17.854	9.543	(46,9)	0,2
2	Ekspor ke Negara Lain	4.826.513	4.476.949	4.012.864	(8,8)	99,8
3	Total Ekspor HRC	4.860.317	4.494.803	4.022.407	(9,0)	100,0
HRC Baja Paduan						
4	Ekspor ke Indonesia	18.532	16.580	41.708	50,0	96,8
5	Ekspor Negara Lain	2.561	2.089	1.380	(26,6)	3,2
6	Total Ekspor HRC Baja Paduan	21.093	18.669	43.088	42,9	100,0
Total Ekspor HRC						
7	Ekspor ke Indonesia	52.336	34.434	51.251	(1,0)	1,3
8	Ekspor ke Negara Lain	4.829.074	4.479.038	4.014.244	(8,8)	98,7
9	Total Ekspor HRC	4.881.410	4.513.472	4.065.495	(8,7)	100,0

Sumber: Trade Map, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

G.7.7 Thailand

72. Dari ketujuh negara yang tertuduh dalam kasus ini, Thailand merupakan negara yang terdekat secara geografis dengan Indonesia. Hal ini yang membuat Thailand menjadi ancaman bagi Indonesia, karena Thailand memiliki struktur industri baja yang serupa dengan Indonesia, sehingga banyak terdapat kesamaan dalam hal pengadaan bahan baku, biaya angkut, harga jual dan lain sebagainya. Dengan kapasitas yang masih jauh lebih tinggi dibandingkan dengan volume produksinya (utilisasi industri yang masih dibawah 40%) dan kinerja ekspor Thailand ke Indonesia maupun dunia meskipun dalam volume yang masih kecil namun peningkatannya selama periode penyelidikan cukup tinggi yaitu sebesar 66,4% (Tabel 27), Thailand dapat sewaktu-waktu melakukan ekspor ke Indonesia jika pengenaan BMAD dihentikan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tabel 27. Perkembangan Ekspor Thailand (Ton)

No.	Uraian	P1	P2	P3	Tren P1-P3 (%)	Pangsa Ekspor P3 (%)
HRC Karbon						
1	Ekspor ke Indonesia	20	476	23	7,2	0,1
2	Ekspor ke Negara Lain	14.335	25.941	39.740	66,5	99,9
3	Total Ekspor HRC	14.355	26.417	39.763	66,4	100,0
HRC Baja Paduan						
4	Ekspor ke Indonesia	-	-	-	-	-
5	Ekspor Negara Lain	279	167	7	(84,2)	100,0
6	Total Ekspor HRC Baja Paduan	279	167	7	(84,2)	100,0
Total Ekspor HRC						
7	Ekspor ke Indonesia	20	476	23	7,2	0,1
8	Ekspor ke Negara Lain	14.614	26.108	39.747	64,9	99,9
9	Total Ekspor HRC	14.634	26.584	39.770	64,9	100,0

Sumber: Trade Map, Pemohon, diolah

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

H. FAKTOR LAIN

H.1 PERKEMBANGAN EKSPOR IDN

Tabel 28. Perkembangan Ekspor IDN

Keterangan	P1	P2	P3	Tren (%)
Penjualan Ekspor (Ton)	100	195	275	66
Penjualan Domestik	100	112	112	6
Produksi	100	123	125	12

Sumber: Pemohon, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

73. Pasar terbesar IDN adalah pasar domestik, dimana 70%-80% dari produksi IDN ditujukan untuk memenuhi kebutuhan pasar domestik dan hanya sekitar 15% - 30% dialokasikan untuk ekspor. Volume ekspor IDN naik dengan tren sebesar 66%, sehingga ekspor bukan menjadi penyebab IDN mengalami kerugian.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGGOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

H.2 PERKEMBANGAN KONSUMSI NASIONAL

Tabel 29. Perkembangan Konsumsi Nasional

No	Indikator	P1	P2	P3	Tren (%)
1	Konsumsi Nasional (Ton)	100	94	98	(1,2)
2	Pangsa Pasar Pemohon (%)	100	131	128	13
3	Pangsa Pasar Negara Dumping (%)	100	60	40	(34,6)

Sumber: Pemohon, diolah.

Catatan: P1 = 1 Juli 2019 – 30 Juni 2020; P2 = 1 Juli 2020 – 30 Juni 2021; P3 = 1 Juli 2021 – 30 Juni 2022

74. Berdasarkan Tabel 29 di atas, terlihat bahwa pangsa pasar pemohon mengalami peningkatan yang disebabkan oleh menurunnya pasokan impor selama periode penyelidikan yang pada saat bersamaan terjadi pandemi COVID-19 sehingga IDN dapat meningkatkan penjualannya akibat meningkatnya permintaan domestik.

H.3 TEKNOLOGI YANG DIGUNAKAN

75. Teknologi yang digunakan IDN sama dengan teknologi yang digunakan oleh eksportir produsen dari negara-negara yang dituduh.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

I. TANGGAPAN PIHAK YANG BERKEPENTINGAN DAN RESPON KADI

KADI menerima sejumlah tanggapan yang disampaikan oleh pihak-pihak yang berkepentingan yaitu:

- (1) Ministry of Trade and Integration of the Republic of Kazakhstan;
- (2) Ministry of Economic Development of the Russian Federation and the Ministry of Industry and Trade of the Russian Federation dan Trade Representation of the Russian Federation in the Republic of Indonesia

(1) Ministry of Trade and Integration of the Republic of Kazakhstan

1. The following comments are without prejudice to the position of the Government of the Republic of Kazakhstan that the measure on imports of hot rolled coil from Kazakhstan is unlawful and cannot be regarded as an anti-dumping measure, as it was imposed without conducting the investigation and in the absence of affirmative original determinations of dumping, injury and causal link.

Given the lack of justification of imposition and continuation of the antidumping measure against Kazakhstan, the Ministry of Trade and Integration of the Republic of Kazakhstan (“Ministry”) respectfully requests to revoke the measure at issue.

The essential facts report on the results of the sunset review of the antidumping measure on imports of hot-rolled coil originating in the People’s Republic of China, India, Chinese Taipei, Thailand, Russia, Kazakhstan and Belarus (“Essential facts report”) fails to demonstrate that the requirements for continued imposition of the measure exist. The KADI failed to adequately respond to the comments made by the Ministry in its previous submissions.

Tanggapan KADI

Penyelidikan SR saat ini adalah perpanjangan dari pengenaan BMAD dari penyelidikan SR sebelumnya (2018 dan 2023). Pada penyelidikan SR tersebut, KADI telah mengirimkan dokumen penyelidikan termasuk kuesioner kepada seluruh pihak yang berkepentingan termasuk pihak Kazakhstan untuk mendapatkan data dan informasi dari para pihak tersebut yang dapat digunakan dalam penyelidikan yang nantinya digunakan sebagai bahan pertimbangan dalam pengambilan keputusan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

Namun, sampai dengan waktu yang telah diberikan, pihak Kazakhstan memilih untuk tidak kooperatif dengan tidak memberikan respons atas kuesioner sama sekali. Sehingga diputuskan untuk tetap melanjutkan pengenaan BMAD terhadap Kazakhstan.

2. Extension of the measure to Kazakhstan is unlawful

The KADI itself confirmed that the extension of the anti-dumping measure against imports from Russia to Kazakhstan was not based on the results of the investigation. Instead, KADI decided to extend the measure to Kazakhstan in the course of the sunset review due to the enactment of the customs union

Tanggapan KADI

Setelah pengenaan BMAD terhadap impor HRC asal Rusia, impor asal Kazakhstan meningkat signifikan setelah *Eurasian Economic Union* (EAEU), yang pada saat itu hanya beranggotakan 3 (tiga) negara yaitu Rusia, Belarus dan Kazakhstan, menerapkan EAEU *Custom Union* pada tahun 2010, dimana Belarus dan Kazakhstan belum menjadi negara anggota WTO (observer) dan baru menjadi anggota pada tahun 2014. Penerapan *custom union* oleh negara anggota EAEU berarti peniadaan bea masuk terhadap barang yang diperdagangkan diantara negara-negara dimaksud. Berkenaan dengan hal tersebut, terdapat dugaan bahwa praktik *circumvention* telah terjadi berkenaan dengan penerapan *custom union* ini. Oleh karena itu, dalam upaya mengefektifkan pengenaan BMAD terhadap impor HRC asal Rusia, KADI memutuskan untuk meng-*extend* pengenaan BMAD terhadap produk impor asal Kazakhstan.

Penyelidikan SR saat ini dimaksudkan untuk memperpanjang pengenaan BMAD dari penyelidikan SR sebelumnya (2018 dan 2023). Pada penyelidikan SR tersebut, KADI telah mengirimkan dokumen penyelidikan termasuk kuesioner kepada seluruh pihak yang berkepentingan termasuk pihak Kazakhstan, untuk memperoleh data dan informasi dari para pihak tersebut yang dapat digunakan dalam penyelidikan dan sebagai bahan pertimbangan dalam pengambilan keputusan. Salah satu informasi yang dibutuhkan adalah terkait *custom union* dan sistem perdagangan antar anggota *custom union* dan negara di luar *union*. Namun, sampai dengan batas waktu yang diberikan, pihak Kazakhstan tidak memberi respon terhadap kuesioner yang berarti

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

tidak kooperatif sehingga diputuskan untuk tetap melanjutkan pengenaan BMAD terhadap Kazakhstan.

3. KADI's assertion concerning circumvention is unsubstantiated

The only data regarding imports from the Republic of Kazakhstan is that imports of hot-rolled coil in 2012 increased three times compared to imports in 2011.

First, the KADI didn't demonstrate any connection between the creation of the customs union and the increase of imports from Kazakhstan in 2013 and still hasn't shown it. This is due to the absence of any causal link.

Second, the KADI didn't demonstrate that the product imported from Kazakhstan in 2012 was originating in Russia. The increase of imports, on its own, cannot justify the allegation concerning circumvention, especially when the country has its own production of the product concerned

Third, the sunset review resulting in the extension of the anti-dumping measure was concluded in 2013. Thus, the KADI could have access to import statistics of 2012. However, the final report on the results of the sunset review in 2013 does not contain any analysis of imports from Kazakhstan. The only explanation provided referred to the creation of the customs union. This is another indication that the allegation of circumvention is unfounded.

Therefore, there was no circumvention involving Kazakhstan in the period from the creation of the customs union to the extension of the measure at issue, i.e. 2010-2013

Tanggapan KADI

Setelah pengenaan BMAD terhadap produk impor HRC asal Rusia diberlakukan pada tahun 2011, impor asal Rusia menurun secara signifikan sementara impor HRC asal Kazakhstan meningkat tiga kali lipat. Kondisi ini menunjukkan bahwa telah terjadi perubahan pola perdagangan yang diindikasikan oleh pengalihan perdagangan dari Rusia ke negara Kazakhstan. Sehingga, agar pengenaan BMAD berjalan efektif, Kazakhstan diputuskan untuk dikenakan BMAD.

Berkenaan dengan keputusan tersebut, pada penyelidikan SR ke-2 dan SR ke-3 ini, KADI mengirimkan kuesioner kepada Kazakhstan dan meminta melalui perwakilan

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

pemerintah agar para pihak yang berkepentingan di Kazakhstan bersedia menjawab kuesioner dan memberikan data dan informasi yang dibutuhkan KADI dalam melakukan penyelidikan lebih lanjut terkait antara lain pola perdagangan di dalam *custom union* dan negara ketiga, dan informasi lainnya.

Namun, sampai dengan waktu yang telah diberikan pihak Kazakhstan memilih untuk tidak kooperatif. Sehingga diputuskan untuk tetap melanjutkan pengenaan BMAD terhadap Kazakhstan

4. KADI's understanding of the customs union is wrong

The KADI's assumption that evasion will be easy for the EAEU Member States is unsubstantiated. The KADI refers to a theoretical possibility. However, in fact, the explanation provided above demonstrates the absence of circumvention.

In the KADI's view, the elimination of import duties makes circumvention easy in the customs union. The KADI's approach would mean that any free trade area (which is by definition aimed at elimination of trade barriers) is automatically evading trade remedies. This erroneous approach is not reasonable.

The KADI continues to ignore that the existence of the customs union does not affect the origin of goods. The Ministry repeatedly provided the KADI with information concerning the functioning of the customs union and the system of national certificates of origin. This information proves wrong the allegations made by the petitioner and the KADI in the sunset reviews. Despite the clarifications, the KADI continues to ignore the information provided by the Government of the Republic of Kazakhstan, including in submissions dated March 16, 2023 № 02- 18/1222-И.

Tanggapan KADI

KADI ingin menegaskan kembali pemahaman kami tentang definisi *Custom Union* berdasarkan sumber-sumber berikut:

Berdasarkan definisi umum "Customs Union" yang didefinisikan oleh *General Agreement on Tariffs and Trade* (GATT), sebagai bagian dari kerangka WTO, adalah sebagai berikut:

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

Custom union berarti substitusi satu wilayah pabean untuk dua atau lebih wilayah pabean, sehingga:

- i. bea masuk dan peraturan perdagangan yang membatasi lainnya (kecuali, jika diperlukan, yang diperbolehkan berdasarkan Pasal XI, XI, XIII, XIV, XV dan XX) dihapuskan sehubungan dengan secara substansial semua perdagangan antara wilayah konstituen serikat pekerja atau setidaknya sehubungan dengan untuk secara substansial semua perdagangan produk yang berasal dari wilayah tersebut, dan,
- ii. tunduk pada ketentuan-ketentuan paragraf 9, pada dasarnya tugas yang sama dan peraturan perdagangan lainnya diterapkan oleh masing-masing anggota union pada perdagangan di wilayah yang tidak termasuk dalam serikat.

Selanjutnya, berdasarkan *Treaty on the Eurasian Economic Union*, *Custom Union* didefinisikan sebagai bentuk integrasi perdagangan dan ekonomi dari Negara-negara anggota yang menyediakan wilayah pabean terpadu yang bebas dari bea masuk (bea, pajak, dan biaya lain yang memiliki efek setara), tindakan non-tarif, perlindungan khusus antidumping dan countervailing measures, tetapi dengan tariff bea cukai umum dan metode penilaian umum yang mengatur perdagangan luar negeri dengan negara ketiga.

Sebagai kesatuan wilayah pabean dimana tidak ada bea masuk (bea, pajak, dan biaya lain yang memiliki efek setara) yang diterapkan, arus barang di dalam member states mengalir bebas tanpa hambatan apapun. Dalam kondisi seperti ini, tindakan penghindaran akan mudah dilakukan oleh negara anggota EAEU. Untuk memastikan efektivitas pengenaan Tindakan Anti-dumping (BMAD) terhadap HRC dari negara-negara yang berada dalam satu *custom union* dengan Rusia, tindakan tersebut kemudian diperluas ke negara-negara Anggota EAEU.

Lebih lanjut KADI perlu menegaskan bahwa *free trade agreement* (FTA) dan *custom union* adalah dua kesepakatan berbeda pendekatan dan komitmennya, dalam FTA, perdagangan bebas yang dimaksud adalah bebas dengan persyaratan COO sesuai komitmen, tidak semua tarif bea masuk 0%, tetapi pasti lebih rendah dari Tarif MFN,

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

dan hanya berlaku diantara sesama anggota, terhadap mitra di luar anggota FTA, komitmen FTA tidak berlaku. Berbeda halnya dengan *custom union*, dalam *custom union*, arus barang mengalir tanpa ada border, tanpa COO dan tanpa tarif bea masuk dan dalam menghadapi mitra eksternal, negara anggota *custom union* memiliki komitmen yang sama, yang ditandai dengan adanya komitmen *external tariff*.

Meskipun demikian, sehubungan dengan argument Kazakhstan yang mengatakan bahwa *evasion* tidak mungkin terjadi diantara negara anggota EAEU, KADI telah memberikan kesempatan yang cukup kepada pihak Kazakhstan (Pemerintah) untuk dapat memberikan data dan informasi pendukung yang dapat digunakan sebagai bahan pertimbangan KADI di dalam penyelidikan untuk membuktikan argument Kazakhstan tersebut. Namun, hingga saat ini, KADI tidak memperoleh data yang dimaksud, dalam hal ini kami menilai pihak Kazakhstan tidak kooperatif. Sehingga berdasarkan hal tersebut, KADI tetap melanjutkan pengenaan BMAD sesuai PMK No. 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022 serta penyelidikan SR ke-3 terhadap Kazakhstan

5. KADI's likelihood of continuation or recurrence of dumping and injury assessment is flawed

The KADI has not established dumping, injury and causal link and has not conducted an original investigation of imports from Kazakhstan. In these circumstances, any likelihood of continuation or recurrence of dumping and injury assessment is flawed.

In addition, and without prejudice, the KADI's essential facts report does not contain evidence of the likelihood of continuation or recurrence of dumping and injury in order to continue the imposition of the measure at issue. The determinations in the sunset review must be based on positive evidence.

Importantly, the likelihood analysis cannot be based on possible assumptions. The Appellate Body in US – Corrosion-Resistant Steel Sunset Review has found that “a firm evidentiary foundation is required in each case for a proper determination under Article 11.3 of the likelihood of continuation or recurrence of dumping” and that “[s]uch a determination cannot be based solely on the mechanistic application of presumptions

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

The Appellate Body has found that the use of the word “likely” indicates that the likelihood determination “may be made only if the evidence demonstrates that dumping would be probable if the duty were terminated – and not simply if the evidence suggests that such a result might be possible or plausible”.

The Appellate Body has also found that the meaning of the words “determine” and “review” suggests that an investigating authority “must act with an appropriate degree of diligence and arrive at a reasoned conclusion on the basis of information gathered as part of a process of reconsideration and examination”.

The existence of the production capacity alone is not sufficient to conclude that exports is likely to resume, let alone that there is likelihood of dumping and injury. In the KADI’s logic any country that produces and exports the product concerned is likely to start exporting to Indonesia. There are other countries that also produce the product concerned but the KADI doesn’t extend the measure to those countries.

Moreover, the performance of the petitioner is supported by the government through its participation in the infrastructure projects, including in the development of the National Capital City, and government policies of increasing the use of domestic steel products. Government procurement of imported goods in Indonesia can be carried out if the goods are not yet produced in Indonesia or the volume of domestic production is insufficient. In these conditions, the outlook for the petitioner is positive.

The Ministry does not consider that it is logical that Kazakhstan should be faced with a measure, while Kazakhstan has never exported the dumped product concerned to Indonesia and the domestic industry of Indonesia has never suffered injury from imports from Kazakhstan

Tanggapan KADI

Di dalam Laporan *Essential Facts*, KADI telah memuat analisa terkait faktor *recurrence* dan *likelihood* terjadinya dumping dan kerugian yang memuat bahwa kemungkinan berlanjut atau berulangnya dumping dan kerugian akibat impor HRC asal Kazakhstan masih dapat terjadi apabila pengenaan BMAD dihentikan, karena dari data dan informasi yang kami miliki ditemukan bahwa masih terdapat kemampuan untuk meningkatkan produksi karena *excess capacity* yang cukup besar dari Kazakhstan untuk meningkatkan eksportnya apabila pasar eksportnya ke

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

Indonesia terbuka kembali akibat penghentian BMAD. Sebagai informasi disampaikan bahwa ekspor dari seluruh negara yang dituduh dumping ke negara lain, masih mengalami peningkatan, kecuali RRT, eksportnya ke Indonesia masih menunjukkan peningkatan meskipun produk impor HRC dikenakan BMAD. Selain masih ditemukannya dumping meskipun Indonesia sedang menerapkan BMAD, terdapatnya *excess capacity* yang cukup besar serta adanya hambatan ekspor Kazakhstan di negara lain menguatkan perkiraan akan terjadinya *dumping and injury likelihood* apabila pengenaan BMAD dihentikan.

6. KADI's procedural violations prevent Kazakhstan from defending its interests

In accordance with Article 11.4 of the WTO Anti-Dumping Agreement the provisions of Article 6 regarding evidence and procedure shall apply to any review carried out under Article 11.

First, the KADI did not provide the requested non-confidential summaries of confidential information. The KADI simply responded that the application submitted is sufficient and understandable, while in fact it does not conform to the requirements of Article 6.5.1 of the Anti-Dumping Agreement

Second, the KADI failed to explain its basis for:

- 1) resorting to facts available and
- 2) its particular choice of data as facts available.

In circumstances where KADI has never established dumping in the first place, the determination of the likelihood of continuation or recurrence of dumping based on facts available cannot be rationally explained.

In addition, there is absolutely no connection between the data used as facts available and Kazakhstan. According to the Appellate Body, "when relying on facts available, an investigating authority must use those facts available that reasonably replace the necessary information that an interested party failed to provide with a view to arriving at an accurate determination".

Third, the KADI failed to disclose the essential facts in the meaning of Article 6.8 of the Anti-Dumping Agreement. In particular, the specific data that was used as facts available for calculation of the alleged margins of dumping was not disclosed. The

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

Panel in China – Broiler Products specifically indicated that the investigating authority is expected to disclose the facts which it used to replace the missing information.

The KADI withholds the data and makes erroneous determinations based on data that is completely unrelated to Kazakhstan, which prevents the Ministry from defending its interests in this proceeding

7. Conclusion

Given the lack of justification of imposition and continuation of the antidumping measure against Kazakhstan, the Ministry respectfully requests to revoke the measure at issue.

Tanggapan KADI

Terkait argument ini, penjelasan KADI sudah jelas pada tanggapan KADI di butir-butir pertanyaan lainnya. Kami jelaskan sekali lagi, dalam rangka merespon keberatan dan argument pihak Kazakhstan, KADI telah meminta data dan informasi yang diperlukan kepada pihak Kazakhstan, tetapi hingga batas waktu yang telah ditentukan, pihak Kazakhstan tidak menyampaikan tanggapan atau data dan informasi yang diperlukan. Sehingga dalam proses penyelidikan SR ke-3 ini, KADI menggunakan data terbaik yang dimiliki.

Laporan data utama (essential facts) tidak rahasia yang disampaikan oleh KADI telah memuat ringkasan dari data rahasia berupa penjelasan dalam narasi dan angka indeks sesuai dengan article 6.5.1 ADA, dan KADI menganggap bahwa data versi tidak rahasia yang disampaikan dalam laporan data utama sudah cukup dan dapat dimengerti.

8. First, the rules of application of the measure were clearly violated from the outset, in 2013. The Indonesian Anti-Dumping Committee has not conducted an original investigation of imports from Kazakhstan and has not established the substantive requirements for imposition of the anti-dumping measure: dumping, injury and causal link

It is obvious that in the absence of the original investigation and affirmative determination with regard to Kazakhstan the rules for continued application of the

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

antidumping measure cannot be met. Therefore, in this proceeding, any analysis of the likelihood of dumping and injury is inherently flawed

9. Second, the essential facts report contains the explanation to our concern that refers to alleged circumvention. In this regard, the Ministry would like to stress that there was no circumvention involving Kazakhstan and the Indonesian Anti-Dumping Committee has never established circumvention

Tanggapan KADI

Respon KADI terhadap pertanyaan-pertanyaan di butir 8-9, telah diuraikan dalam penjelasan-penjelasan atas pertanyaan-pertanyaan pihak Kazakhstan di butir-butir sebelumnya. KADI memutuskan untuk mengenakan BMAD terhadap impor HRC dari Kazakhstan karena setelah Rusia dikenakan BMAD, impor asal Kazakhstan meningkat secara signifikan. Sebagaimana diketahui bahwa pada tanggal 1 Januari 2010, Kazakhstan bersama dengan Rusia dan Belarus mengumumkan diberlakukannya *common external tariff* (CET) sebagai *the Customs Union of the Eurasian Economic Community* atau *Customs Union of Russia, Belarus, and Kazakhstan*. Sehingga dalam rangka menjamin efektivitas pengenaan BMAD, KADI memutuskan untuk mengenakan BMAD terhadap produk impor HRC asal Kazakhstan.

Sesuai permohonan IDN, penyelidikan SR ke-3 ini dimaksudkan untuk memperpanjang pengenaan BMAD dari penyelidikan SR sebelumnya (2018 dan 2023). Pada penyelidikan SR tersebut, KADI telah mengirimkan dokumen penyelidikan termasuk kuesioner kepada seluruh pihak yang berkepentingan termasuk pihak Kazakhstan, agar KADI dapat memperoleh data dan informasi dari para pihak tersebut yang dapat digunakan dalam penyelidikan dan digunakan sebagai bahan pertimbangan dalam pengambilan Keputusan, khususnya terkait argumentasi Kazakhstan. Salah satu informasi yang dibutuhkan adalah terkait praktek *custom union* yang diyakini oleh pihak Kazakhstan menjamin tidak terjadinya *evation*, serta sistem perdagangan antar anggota custom union dan negara di luar union. Namun, hingga dengan batas waktu yang telah diberikan, pihak Kazakhstan memilih untuk tidak kooperatif. Sehingga diputuskan untuk tetap melanjutkan

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

pengenaan BMAD terhadap Kazakhstan. Selanjutnya, pada penyelidikan SR saat ini, KADI juga telah memberikan kesempatan untuk Pihak Kazakshtan untuk menjawab kuesioer, namun hingga saat ini, tidak ada respon dari Pihak Kazakshtan.

10. Third, we noticed that the Indonesian Anti-Dumping Committee misunderstands the concept of the customs union. Once again, we would like to clarify that the customs union does not affect the origin of goods. This is very important. The goods exported from the territory of the Republic of Kazakhstan retain their national origin, which is certified by the respective national authorized body, i.e. the National Chamber of Entrepreneurs of the Republic of Kazakhstan. The authorized body certifies that the good originates in Kazakhstan only if origin requirements are fulfilled in accordance with the applicable laws of the Republic of Kazakhstan

Tanggapan KADI:

KADI telah beberapa kali merespon terkait dengan pertanyaan Kazakshtan ini, KADI kembali menegaskan pemahaman KADI tentang definisi *Custom Union* berdasarkan sumber-sumber berikut:

Berdasarkan definisi umum “Customs Union” yang didefinisikan oleh *General Agreement on Tariffs and Trade* (GATT), sebagai bagian dari kerangka WTO, adalah sebagai berikut:

Custom union berarti substitusi satu wilayah pabean untuk dua atau lebih wilayah pabean, sehingga:

- (i) bea masuk dan peraturan perdagangan yang membatasi lainnya (kecuali, jika perlukan, yang diperbolehkan berdasarkan Pasal XI, XI, XIII, XIV, XV dan XX) dihapuskan sehubungan dengan secara substansial semua perdagangan antara wilayah konstituen serikat pekerja atau setidaknya sehubungan dengan untuk secara substansial semua perdagangan produk yang berasal dari wilayah tersebut, dan,
- (ii) tunduk pada ketentuan-ketentuan paragraf 9, pada dasarnya tugas yang sama dan peraturan perdagangan lainnya diterapkan oleh masing-masing

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

anggota *union* pada perdagangan di wilayah yang tidak termasuk dalam serikat.

Selanjutnya, berdasarkan *Treaty on the Eurasian Economic Union, Custom Union* didefinisikan sebagai bentuk integrasi perdagangan dan ekonomi dari Negara-negara anggota yang menyediakan wilayah pabean terpadu yang bebas dari bea masuk (bea, pajak, dan biaya lain yang memiliki efek setara), tindakan non-tarif, perlindungan khusus antidumping dan *countervailing measures*, tetapi dengan tariff bea cukai umum dan metode penilaian umum yang mengatur perdagangan luar negeri dengan negara ketiga.

Sebagai kesatuan wilayah pabean dimana tidak ada bea masuk (bea, pajak, dan biaya lain yang memiliki efek setara) yang diterapkan, arus barang di dalam *member states* mengalir bebas tanpa hambatan apapun. Dalam kondisi seperti ini, tindakan penghindaran akan mudah dilakukan oleh negara anggota EAEU. Untuk memastikan efektivitas penerapan Tindakan Anti-dumping (BMAD) terhadap HRC dari negara-negara yang berada dalam satu *custom union* dengan Rusia, tindakan tersebut kemudian diperluas ke negara-negara Anggota EAEU

Oleh karena itu, KADI telah memberikan kesempatan yang cukup kepada pihak Kazakhstan (Pemerintah) untuk dapat memberikan data dan informasi pendukung yang dapat digunakan sebagai bahan pertimbangan KADI di dalam penyelidikan. Namun, hingga saat ini, KADI tidak memperoleh data yang dimaksud (tidak kooperatif). Sehingga berdasarkan hal tersebut, KADI tetap melanjutkan penerapan BMAD sesuai PMK No. 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022 serta penyelidikan SR ketiga terhadap Kazakhstan.

(2) Ministry of Economic Development of the Russian Federation and the Ministry of Industry and Trade of the Russian Federation dan Trade Representation of the Russian Federation in the Republic of Indonesia

11. No sufficient evidence of recurrence dumping by Russian exporters
12. Incorrect calculation of export price and dumping margin

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

According to the Report, in the absence of Russian HRC export to Indonesia the Investigating Authority calculated the export price for Russian HRC using export prices Obtained from Ukrainian statistics agency. The Russian side submits that this data does not constitute a reliable basis for determination of export price of Russian products

The Russian side takes note of the explanation that none of the interested parties cooperated with the Investigating Authority in this proceeding...the Russian side submits that Article 6.8 of the ADA does not enable to use anything an authority may wish. In this case, the task before the Investigating Authority was to establish the export price of the product originating in Russia, not in Ukraine

... Thus, the dumping margin was calculated on the basis of inconsistent data

Tanggapan KADI

Perlu kami tegaskan kembali, penyelidikan ini adalah penyelidikan SR dimana hanya melanjutkan pengenaan BMAD.

KADI **sudah** meminta data dan informasi yang diperlukan kepada pihak Russia, tetapi hingga batas waktu yang telah ditentukan, pihak Rusia tidak menyampaikan tanggapan atau data dan informasi yang diperlukan. Sehingga dalam melakukan perhitungan dumping dalam penyelidikan SR ke-3 ini, KADI menggunakan data terbaik yang dimiliki.

13. the Report states that during the POI there was price suppression and undercutting by Russian exporters of HRC. In this regard, the Russian side is concerned about how could such suppression and undercutting have been assessed bearing in mind absence of export from Russia to Indonesia for more than 10 years

Tanggapan KADI

Karena tidak terdapat impor dari Russia, maka untuk menganalisa apakah masih ada undercutting atau tidak, maka kami menggunakan data impor asal Ukraina sebagai acuan. Alasan menggunakan data impor dari Ukraina untuk menghitung harga impor dari Rusia karena secara geografis Ukraina berada dekat dengan Rusia dan

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

komponen serta biaya produksi kami nilai kurang lebih sama dengan di Rusia. Selain itu, Rusia dan Ukraina masih tergabung di dalam wilayah CIS (*Commonwealth of Independent States*).

14. No evidence of increasing Russian export to Indonesia

The Russian side would like to note that Russian producers of HRC have reoriented their export flows several years ago. On the basis of information available to the Russian side, the main export markets for Russian HRC are Türkiye, Uzbekistan, Egypt and Azerbaijan.... Indonesian market is not attractive for the reason of remote location and disrupted logistic chains for more than 10 years of non-use

As a result, significant demand for Russian products exists in the domestic market and in markets other than Indonesia.

Tanggapan KADI

Pernyataan ini tidak benar, karena di dalam laporan data utama yang telah disampaikan oleh KADI tidak disebutkan adanya peningkatan ekspor Rusia ke Indonesia selama periode penyelidikan. Dalam laporan tersebut kami menyampaikan sebagai berikut:

“...meskipun tidak terdapat ekspor Rusia ke Indonesia setelah pengenaan BMAD, namun Rusia memiliki kemampuan ekspor yang cukup besar sehingga terdapat kemungkinan adanya peningkatan ekspor dari Rusia ke Indonesia apabila pengenaan BMAD dihentikan.”

15. No sufficient evidence of recurrence of injury by Russian exporters

16. The favorable state of the domestic industry

In accordance with the Report the Investigating Authority confirms the improvement of almost all production and financial indicators of the Applicant, the Russian side believes that due the stable production and financial statement of the Applicant, absence of imports of the Product of Russian origin as well as the impossibility for Russian imports to be increased, recurrence of the injury for Applicant is unlikely

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

Tanggapan KADI

Indikator kinerja ekonomi IDN memang telah menunjukkan perbaikan. Selain karena adanya BMAD juga karena IDN berupaya melakukan efisiensi. Dari data yang dimiliki oleh KADI, masih ditemukan faktor-faktor *continuation and recurrence likelihood* yang terlihat dari *excess capacity* dari Rusia serta adanya hambatan perdagangan berupa pengenaan BMAD dari negara lain terhadap Rusia. Memang beberapa tahun terakhir ini, impor HRC dari Rusia sudah tidak ada, namun berdasarkan perhitungan menggunakan konstruksi, masih terdapat dumping dan *excess capacity* yang cukup besar sehingga apabila pengenaan BMAD dihentikan, *dumping* akan terus terjadi dan IDN akan kembali mengalami *injury* akibat meningkatnya impor HRC dari Rusia dan dari negara lainnya yang dituduh dumping. Sebagai catatan, penyelidikan SR dimaksudkan untuk memutuskan apakah pengenaan BMAD dilanjutkan atau dihentikan.

17. No evidence of substantial export potential of Russian producers

It is stated in the Report that Russian producers of HRC have excess production capacity that in the absence of anti-dumping duty is likely to lead to the recurrence of injury. However, no factual information or any kind of evidence was provided. Moreover, according to the Report the increase of Russian export of HRC to other countries demonstrates a substantial export potential of Russian producers.

The Russian side considers these arguments groundless. Based on these arguments it cannot be concluded that the expiry of the duty would be likely to lead to recurrence of injury.

Tanggapan KADI

Berdasarkan data yang KADI miliki, menunjukkan bahwa masih terjadi *excess capacity* produk HRC asal Rusia yang masih berpotensi untuk mengakibatkan berulangnya kembali atau berlanjutnya kerugian bagi IDN kami.

**LAPORAN AKHIR HASIL PENYELIDIKAN SUNSET REVIEW (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK HOT ROLLED COIL (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

18. The Russian side believes that the calculation of export price and dumping margin is incorrect, since the Ukrainian export prices were used for calculation of Russian export price and no explanation was given for such substitution.

For reference: According to the Report of Anti-Dumping Committee of Indonesia, in the absence of Russian HRC export to Indonesia the Investigating Authority calculated the export price for Russian HRC using export prices obtained from Ukrainian statistics agency. The Russian side submits that this data does not constitute a reliable basis for determination of export price of Russian products. This data may illustrate the export price of a product originating in another country, but it has nothing to do with the export price of Russian products. The Russian side fails to see any explanation to the contrary in the Report.

In calculation of export price, the Authority had to rely on the facts available, because none of the interested parties cooperated. Without challenging the right of the Authority to use the facts available in such circumstances, the Russian side submits that Article 6.8 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (ADA) does not enable to use anything an authority may wish.

For reference: In this case, the task before the Authority was to establish the export price of the product originating in Russia, not in Ukraine. The report does not explain what efforts had the Authority made to obtain the data on export price of the product originating exactly in Russia. It also does not explain whether the Authority attempted to check the relevance of the prices from Ukraine for its determination with regard to Russia, whether it found sufficient evidence to establish such relevance and what exactly this evidence was.

The Russian side believes that the Authority has failed to establish that the prices it used are relevant for determination of export price of the Russian product. It appears from the Report that it made a shot in the dark in an attempt to fill in the deficiencies on the record.

The Russian side draws the attention of the Authority to paragraph 7 of Annex II to the ADA which requires to base findings on the facts available with special circumspection. The Russian side fails to see how this requirement has been observed.

Thus, the dumping margin was calculated on the basis of inconsistent data. Hence, the Authority failed to prove the likelihood of recurrence of dumping by Russian exporters.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

Tanggapan KADI

Perlu kami tegaskan kembali, penyelidikan ini adalah penyelidikan SR untuk memutuskan apakah pengenaan BMAD masih akan dilanjutkan atau tidak. Oleh karenanya, fokus penyelidikan diarahkan pada faktor-faktor *recurrence and continuation likelihood of dumping and injury*.

KADI sudah meminta data dan informasi yang diperlukan kepada pihak Russia, tetapi hingga batas waktu yang telah ditentukan, pihak Rusia tidak menyampaikan tanggapan atau data dan informasi yang diperlukan. Sehingga dalam proses penyelidikan, KADI menggunakan data terbaik yang dimilikinya.

19. The Russian side would like to stress that there is no evidence of increasing Russian export to Indonesia:

1) Russian producers of HRC have reoriented their export flows several years ago.

For reference: On the basis of information available to the Russian side, the main export markets for Russian HRC are Türkiye, Uzbekistan, Egypt and Azerbaijan. It can be noticed that most of these countries have the common feature – they are rather close to Russia. Russian companies continue to supply to these markets and Indonesian market is not attractive for the reason of remote location and disrupted logistic chains for more than 10 years of non-use.

Tanggapan KADI

Pernyataan ini tidak benar, karena di dalam laporan data utama yang telah disampaikan KADI tidak disebutkan adanya “peningkatan” ekspor Rusia ke Indonesia selama periode penyelidikan. Dalam laporan tersebut kami menyampaikan sebagai berikut:

“...meskipun tidak terdapat ekspor Rusia ke Indonesia setelah pengenaan BMAD, namun Rusia memiliki kemampuan ekspor yang cukup besar sehingga terdapat kemungkinan adanya peningkatan ekspor dari Rusia ke Indonesia apabila pengenaan BMAD dihentikan.”

Oleh karena itu, dengan mempertimbangkan adanya “*likelihood or recurrent analysis*” berdasarkan adanya kemampuan ekspor Rusia yang cukup besar sehingga

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

terdapat kemungkinan adanya peningkatan ekspor dari Rusia ke Indonesia apabila pengenaan BMAD dihentikan, terlebih karena *excess capacity* produk HRC asal Rusia yang cukup besar dan berpotensi untuk mengakibatkan berulang atau berlanjutnya kembali kerugian bagi IDN di Indonesia.

20. The Russian side emphasizes that Authority failed to provide factual information or any kind of evidence that Russian producers of HRC have excess production capacity.

For reference: According to the Report the increase of Russian export of HRC to other countries demonstrates a substantial export potential of Russian producers. The Russian side considers these arguments groundless. Based on these arguments it cannot be concluded that the expiry of the duty would be likely to lead to recurrence of injury

21. Conclusion

The Russian side asks the Authority to consider all the above-mentioned arguments and to terminate the review without prolonging duties for Russian product since there are no grounds required by Article 11.3 of the ADA.

In addition, the Russian side would like to note that none of previous comment were taken into account by Authority. We kindly ask to consider them carefully.

Tanggapan KADI

KADI sudah meminta data dan informasi yang diperlukan kepada pihak Russia, tetapi hingga batas waktu yang telah ditentukan, pihak Rusia tidak menyampaikan tanggapan atau data dan informasi yang diperlukan. Sehingga dalam proses penyelidikan, KADI menggunakan data terbaik yang dimiliki.

Oleh karena itu, KADI berpandangan bahwa dengan adanya bukti “likelihood and recurrent” yang telah KADI sampaikan pada laporan data utama maupun laporan akhir, pengenaan BMAD masih diperlukan.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
YANG BERASAL DARI NEGARA
REPUBLIK RAKYAT TIONGKOK, INDIA, RUSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN, DAN THAILAND**

J. KESIMPULAN DAN REKOMENDASI

1. Berdasarkan hasil penyelidikan, KADI menyimpulkan sebagai berikut:
 - a. Berdasarkan resital 42 – 54 masih ditemukan margin dumping yang dilakukan oleh perusahaan-perusahaan dari negara yang saat ini dikenakan BMAD, sehingga dapat disimpulkan bahwa praktik dumping masih berlanjut.
 - b. Berdasarkan resital 35 – 41, kinerja IDN selama periode P1 (1 Juli 2019 – 30 Juni 2020), P2 (1 Juli 2020 – 30 Juni 2021) dan P3 (1 Juli 2021 – 30 Juni 2022) Secara umum, kinerja ekonomi IDN telah mengalami perbaikan yang direfleksikan oleh beberapa indikator yang mengalami peningkatan, antara lain penjualan dalam negeri dan industri dalam negeri lainnya, penjualan domestik, produksi, arus kas, ROI, kemampuan meningkatkan modal dan pertumbuhan penjualan. Perpanjangan pengenaan BMAD diharapkan dapat mempertahankan kinerja indikator ekonomi IDN yang mengalami perbaikan. Memperpanjang pengenaan BMAD dapat mendorong tercapainya kinerja ekonomi IDN yang semakin stabil.
 - c. Berdasarkan resital 55 – 57, total impor produk yang diselidiki dari negara yang dituduh dumping selama periode penyelidikan mengalami penurunan. Penurunan tersebut menunjukkan efektivitas dari pengenaan BMAD yang dinilai cukup efektif. Secara dampak harga, terjadi *price suppression* pada P1 dimana IDN melakukan secara rugi, selanjutnya terjadi perbaikan pada P2 dan P3.
 - d. Selain itu berdasarkan bagian G. Faktor *Recurrence* dan *Likelihood* Terjadinya Dumping dan Kerugian, ditemukan bahwa ekspor dari beberapa negara yang dituduh dumping (khususnya RRT dan Thailand) ke negara lainnya di dunia masih terus mengalami peningkatan, negara yang dituduh dumping masih memiliki *excess capacity* yang masih cukup tinggi sehingga apabila pengenaan BMAD dihentikan, ekspornya akan meningkat kembali. Selain itu, terdapat pengenaan *trade remedies* dari negara lain terhadap seluruh negara yang dituduh dumping oleh Indonesia (RRT, India, Russia, Kazakhstan, Taiwan dan Thailand) yang membuat negara-negara tersebut akan mencari pengalihan pasar ekspornya. Sehingga apabila pengenaan BMAD dihentikan, dumping dan injury akan berulang kembali.

**LAPORAN AKHIR HASIL PENYELIDIKAN *SUNSET REVIEW* (SR)
 ATAS PENGENAAN BMAD TERHADAP IMPOR PRODUK *HOT ROLLED COIL* (HRC)
 YANG BERASAL DARI NEGARA
 REPUBLIK RAKYAT TIONGGOK, INDIA, RUSIA, KAZAKHSTAN,
 BELARUSIA, TAIWAN, DAN THAILAND**

2. Berdasarkan kesimpulan hasil penyelidikan pada poin 1 di atas, KADI merekomendasikan perpanjangan pengenaan BMAD terhadap impor *Hot Rolled Coil* (HRC) asal Republik Rakyat Tiongkok (RRT), India, Rusia, Kazakhstan, Belarusia, Taiwan dan Thailand dengan besaran sesuai PMK Nomor No. 25/PMK.010/2019, Jo PMK Nomor 31/PMK.010/2022, sebagai berikut:

Tabel 1. Rekomendasi Besaran BMAD

No.	Negara Asal Barang	Perusahaan	Besaran BMAD (%)
1.	Republik Rakyat Tiongkok	Wuhan Iron & Steel (Group) Co.	0
		Angang Steel Company Ltd.	20
		Baoshan Iron & Steel Co. Ltd.	20
		Perusahaan lainnya	20
2.	India	Essar Steel Ltd.	12,95
		JSW Steel Ltd.	20
		Perusahaan lainnya	20
3.	Rusia, Kazakhstan, dan Belarusia	Novolipetsk Steel	8,96
		Magnitogorsk Iron & Steel Works	20
		JSC Severstal	5,58
		Perusahaan lainnya	20
4.	Taiwan	Chung Hung Steel Corporation	4,24
		China Steel Corporation	0
		Shang Shing Steel Industrial	4,70
		Perusahaan lainnya	20
5.	Thailand	Sahaviriya Steel Industries Public Co. Ltd.	11,23
		Nakorntai Strip Mill Public Co.Ltd.	12,78
		G Steel Ltd.	7,52
		Perusahaan lainnya	20

3. Perpanjangan pengenaan BMAD diusulkan berlaku selama 5 (lima) tahun sejak tanggal diundangkan.

Januari 2024

Komite Anti Dumping Indonesia

FINAL REPORT

**RESULTS *OF THE SUNSET REVIEW (SR)* INVESTIGATION
IMPOSITION OF BMAD ON *HOT STEEL PRODUCTS*
ROLLED COIL (HRC) WHICH COMES FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA,
KAZAKHSTAN, BELARUSIA, TAIWAN AND THAILAND**

UNCONFIDENTIAL VERSION

TIDAK RAHASIA

INDONESIAN ANTI DUMPING COMMITTEE

2024

FINAL REPORT RESULTS ***OF THE SUNSET REVIEW (SR) INVESTIGATION***
ON THE IMPOSITION OF BMAD ON THE IMPORT OF ***HOT ROLLED COIL (HRC) PRODUCTS***
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

LIST OF CONTENTS

A. BACKGROUND	2
B. PROCEDURE	3
C. ITEMS UNDER INVESTIGATION AND SIMILAR ITEMS.....	8
D. DOMESTIC INDUSTRY AND STANDING PETITIONER..	12
E. DOMESTIC MARKET OF GOODS INVESTIGATED..	13
F. DOMESTIC INDUSTRY PERFORMANCE ..	14
G. <i>RECURRENCE AND LIKELIHOOD</i> FACTORS STILL OCCUR	
DUMPING AND LOSSES.....	19
G.1 DETERMINATION OF DUMPING MARGINS	19
G.2 IMPACT OF IMPORT VOLUME (ABSOLUTE).....	25
G.3 IMPACT OF IMPORT VOLUME (RELATIVE TO CONSUMPTION	
NATIONAL).....	25
G.4 IMPACT OF IMPORT PRICES	26
G.5 ADVANTAGES/EXCESS OF HRC PRODUCTION VS CONSUMPTION IN PRC,	
INDIA,	
RUSSIA, BELARUSIA AND KAZAKHSTAN, TAIWAN AND THAILAND..	28
G.6 IMPOSITION OF TRADE REMEDIES BY OTHER COUNTRY AUTHORITIES	
REGARDING EXPORTS OF ACCUSED COUNTRIES.....	32
G.7 DEVELOPMENT OF DUMPING COUNTRIES' EXPORTS.....	33
H. OTHER FACTORS.....	40
H.1 DEVELOPMENT OF IDN EXPORTS.....	40
H.2 DEVELOPMENT OF NATIONAL CONSUMPTION	41
H.3 TECHNOLOGY USED	41
I. RESPONSE OF INTERESTED PARTIES .	42
J. CONCLUSIONS AND RECOMMENDATIONS.	60

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

A. BACKGROUND

1. Imposition of Anti-Dumping Import Duties (BMAD) based on Minister of Finance Regulation (PMK) No. 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022 regarding imports of *Hot Rolled Coil* (HRC) from the People's Republic of China (PRC), India, Russia, Kazakhstan, Belarus, Taiwan and Thailand. As stipulated, the PMK valid for 5 (five) years for all exporters/manufacturers from these countries with BMAD amounts, namely: 0 - 20% for China; 12.95% – 20% for India; 5.58% - 20% for Russia, Kazakhstan and Belarus; 0 - 20% for Taiwan; and 7.52% – 20% for Taiwan, starting April 2 2019 and ending on April 2, 2024.
2. Based on the 2022 Indonesian Customs Tariff Book (BTKI 2022), HRC products The imports in question are included in tariff headings 7208.10.00, 7208.25.00, 7208.26.00, 7208.27.11, 7208.27.19, 7208.27.91, 7208.27.99, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.10, 7208.39.20, 7208.39.30, 7208.39.40, 7208.39.90, ex7208.90.10, ex7208.90.20, and ex7208.90.90 with descriptions of rolled iron or steel floors non-alloy with a width of 600 mm (six hundred millimeters) or more, hot rolled, unwrapped, unplated or uncoated, in rolls.
3. Regarding the end of the BMAD imposition period for imported HRC products said, PT Krakatau Steel (Persero), Tbk, as the Domestic Industry (IDN) producer of HRC products and acting as Applicant, submitted the application inquiry for extension of imposition of BMAD or SR inquiry on date 4 October 2022. Based on Article 34 in Government Regulation No.: 34 years 2011 Concerning Antidumping Measures, Countermeasures and Safeguard Measures Trade (PP 34/2011), provisions related to requests for SR investigations can submitted no later than 15 (fifteen) months before the end of the imposition of BMAD.
4. The applicant stated that the imposition of BMAD on imports from PRC countries, India, Russia, Kazakhstan, Belarus, Taiwan and Thailand have helped to recovering the company's performance, but the process of recovering company losses has not yet completely occurs so that if BMAD is not continued, there are concerns about losses The Petitioner will repeat himself because the Petitioner suspects dumping practices

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

carried out by exporters and HRC producer exporters in these countries still continuing.

5. Follow up on the SR investigation request submitted by the Applicant

KADI has conducted an SR investigation to prove this the possibility of continued and/or recurrence of dumping and losses, if the application of BMAD is stopped.

B. PROCEDURE

6. On April 2 2019, the Indonesian Government determined the imposition of import duties Anti Dumping (BMAD) on imports of *Hot Rolled Coil (HRC)* products imported from the People's Republic of China (PRC), India, Russia, Kazakhstan, Belarus, Taiwan and Thailand based on the Minister of Finance Regulation (PMK) Number 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022 concerning Amendments to PMK 25/2019. The imposition of BMAD is valid for 5 (five) years from the date April 2 2019 and will end on April 2 2024 with the amount as shown in Table 1.

Table 1. Amount of BMAD Imposition

No.	Country of Origin of Goods	Wuhan Iron	BMAD amount (%)
1.	People's Republic China	& Steel (Group) Co.	0
		Angang Steel Company Ltd.	20
		Baoshan Iron & Steel Co. Ltd.	20
		Another company	20
2.	India	Essar Steel Ltd.	12.95
		JSW Steel Ltd.	20
		Other companies	20
3.	Russia, Kazakhstan, and Belarus	Novolipetsk Steel	8.96
		Magnitogorsk Iron & Steel Works	20
		JSC Severstal	5.58
		Other companies	20
4.	Taiwan	Chung Hung Steel Corporation	4.24
		China Steel Corporation	0
		Shang Shing Steel Industrial	4.70
		Other companies	20
5.	Thailand	Sahaviriya Steel Industries Public Co. Ltd.	11.23
		Nakorntai Strip Mill Public Co.Ltd.	12.78
		G Steel Ltd.	7.52
		Other companies	20

Source: PMK 25/PMK.010/2019

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

7. PT Krakatau Steel (Persero), Tbk. (PTKS) as a domestic producer producing HRC filed a request for SR investigation into the imposition of BMAD on imports of HRC goods originating from China, India, Russia, Kazakhstan, Belarus, Taiwan and Thailand, arguing that the loss recovery process the company still has not fully achieved what was expected due to its ongoing progress dumping practices carried out by exporters and exporters of HRC producers in countries that country.
8. Follow up on the Petitioner's application on October 4 2022, in accordance with the Regulations Government Number 34 of 2011 (PP 34/2011), KADI has carried out pre-notification on December 30, 2022, to representatives of the PRC governments of India, Russia, Kazakhstan, Belarus, Thailand, Chief Trade and Economic Representative of Taiwan in Indonesia, and *the Eurasian Economic Commission (EEC)* regarding receipt of the application *Sunset Review* investigation into imposition of BMAD on originating HRC imports from these countries.
9. After analyzing the initial evidence on the application and in accordance with Article 35 paragraph 1 PP 34/2011 and Article 11.3 of *the Agreement on Implementation of Article VI of GATT 1994 Anti-Dumping Agreement (ADA)*, on February 6 2023, KADI announced the start of an investigation SR on the imposition of BMAD HRC originating from China, India, Russia, Kazakhstan, Belarus, Taiwan and Thailand, via Harian Indonesian Business. This announcement was also made officially to all interested parties accompanied by sending questionnaires to IDN, other domestic industries, exporters/producers, known importers, producer associations, and member countries of the Eurasian Economic Union (EAEU). KADI also provides interested parties with the opportunity to submit written responses and request hearings .
10. Interested parties identified in the application are:
- a. PRC Exporter/Manufacturer Exporter
 - 1) Wuhan Iron & Steel (Group) Co.; 2) Angang Steel Company Ltd.; and 3) Baoshan Iron & Steel Co. Ltd.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

b. Indian Manufacturer Exporter/Exporter

- 1) Essar Steel Ltd.; and 2)
- JSW Steel Ltd. c.

Exporter/Producer Exporter Russia, Kazakhstan and Belarus

- 1) Novolipetsk Steel;
- 2) Magnitogorsk Iron & Steel Works; and 3) JSC Severstal.

d. Taiwan Manufacturer Exporter/Exporter

- 1) Chung Hung Steel Corporation;
- 2) China Steel Corporation; And
- 3) Shang Shing Steel Industrial

e. Exporter/Producer Exporter Thailand

- 1) Sahaviriya Steel Industries Public Co. Ltd.; 2)
- Nakornthai Strip Mill Public Co. Ltd.; and 3) G Steel Ltd.

f. Importer

- 1) PT Steel Pipe Industry of Indonesia;
- 2) PT Baja Marga Kharisma Utama;
- 3) PT Papajaya Agung;
- 4) PT Indomulti Jaya Steel;
- 5) PT Aplus Pacific;
- 6) PT Sreirejeki Perdana Steel;
- 7) PT Intisource Bajasakti;
- 8) PT Indometal Mitrabuana;
- 9) PT Baosteel Indonesia Steel Service Center;
- 10) PT Bakrie Pipe Industries;
- 11) PT IndoJapan Steel Center;
- 12) PT Hanwa Steel Service Indonesia;
- 13) PT Roda Prima Lancar;
- 14) PT MICS Steel Indonesia;
- 15) PT Gemala Kempa Daya;
- 16) PT Indosafety Sentosa Industry;
- 17) PT Raja Besi;
- 18) PT Honda Trading Indonesia;
- 19) PT JFE Shoji Steel Indonesia; And
- 20) PT United Steel Center Indonesia.

11. The loss investigation period in this SR investigation is 3 years, from July 1 2019 to June 30 2022, and the dumping investigation period is in the 3rd year, from July 1 2021 to June 30 2022.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

12. KADI provides a deadline for submitting questionnaire answers to each each interested party, as stated in recital 10. Until within the specified time limit, not all interested parties cooperative in submitting answers to the questionnaire. The parties who submit the answers to the questionnaire are as follows:
- a. Domestic Industry (IDN): PT Krakatau Steel (Persero), Tbk. (PTKS)
 - b. Supporting Domestic Industries
 - 1) PT Gunung Raja Paksi, Tbk; And
 - 2) PT Java Pacific.
 - c. PRC manufacturer Exporter/Exporter:
 - Wuhan Iron & Steel (Group) Co (WISCO) did not submit complete questionnaire answers.
 - d. Exporter/Exporter Taiwan manufacturer
 - 1) China Steel Corporation; And
 - 2) Shang Shing Steel Industrial.
 - e. There were no exporters/manufacturers from India, Russia, Kazakhstan, Belarus and Thailand who submitted answers to the questionnaire.
 - f. Importer:
 - 1) PT Baosteel Indonesia Steel Service Center;
 - 2) PT Aplus Pacific;
 - 3) PT Steel Pipe Industry of Indonesia;
 - 4) PT JFE Shoji Steel Indonesia;
 - 5) PT Honda Trading Indonesia;
 - 6) PT MICS Steel Indonesia;
 - 7) PT Indosafety Sentosa Industry.
13. KADI sends a notification letter of incomplete answers (*deficiency letter*) to parties who have answered the questionnaire but it is incomplete and provides sufficient time to convey the lack of data until the specified time limit.
14. KADI has provided sufficient opportunities for exporters/producer exporters from India, Russia, Kazakhstan, Belarus and Thailand to answer the questionnaire investigation and also through the government of the country to convey 6

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

- to exporters/producers from their countries to answer the questionnaire accordingly with the deadline set by KADI, but there are no exporters producers from these countries who responded/answered the questionnaire investigation from KADI.
15. At the time of the investigation, Shang Chen Steel Co., Ltd from Taiwan was not named listed in the PMK (included in the "Other Companies" group), but answered questionnaire.
16. KADI carries out field verification with IDN, in this case PT. Krakatau Steel, Tbk on May 29-31 2023
17. In connection with the non-answering of the inquiry questionnaire by the exporter/exporter producers or answer the questionnaire incompletely by the specified time limit, KADI will use the best data it has (*best information available*) in carrying out dumping calculations.
18. In accordance with Article 6.9 *Agreement on Implementation of Article VI* of GATT 1994 ADA, on October 2 2023, KADI published the main data report (*essential facts*) resulting from the sunset review investigation into the import of HRC products and it has been submitted to interested parties for responses or input.
19. Based on *Article 6.2* of the ADA, KADI provides interested parties with the opportunity to submit verbal responses to the main data report. On October 25 2023, KADI held a special hearing *at* the request of China Steel Corporation, Shang Shing Steel Industrial and Shang Chen Steel Co., Ltd. On October 31 2023, KADI held a public hearing *at* Kazakhstan's request.
20. In accordance with the provisions of article 10 paragraph 1 PP 34/2011 and *Article 12.2* ADA, KADI publishes the final report on the results of the anti-dumping investigation on HRC imports which will be the basis for KADI's recommendations regarding Anti-Dumping Import Duties (BMAD) on imports of HRC products originating from from China, India, Russia, Kazakhstan, Belarus, Taiwan and Thailand.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

C. ITEMS UNDER INVESTIGATION AND SIMILAR ITEMS

21. The goods under investigation are floor-rolled products of iron or non-alloy steel, with a width of 600 mm (six hundred millimeters) or more, hot-rolled, not clad, not plated or not coated, in rolls included in the tariff items: 7208.10.00, 7208.25.00, 7208.26.00, 7208.27.11, 7208.27.19, 7208.27.91, 7208.27.99, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.10, 7208.39.90, ex7208.90.10, ex7208.90.20, and ex7208.90.90 (BTKI 2017).
22. Description of goods investigated according to BTKI 2017 based on PMK Number 6/PMK.010/2017 concerning Determination of Goods Classification Systems and Tariff Imposition Import Duty on Imported Goods as has been amended several times, where:
last amended by PMK Number 13/PMK.010/2022 concerning the Fourth Amendment
Based on PMK Number 6/PMK.010/2017 concerning Determination of the Goods Classification System and
The imposition of import duties on imported goods covers 15 tariff lines
as detailed in recital 21.
23. In this case, the decision to wear BMAD was first made through the PMK 25/2019, then amended through PMK 31/2022 and BTKI 2017 declared no valid again and replaced with BTKI 2022, based on PMK No. 26/PMK.010/2022 concerning Determination of the Goods Classification System and Imposition of Upper Import Duty Tariffs Imported Goods. The description of the items investigated according to BTKI 2022 includes as many as 18 tariff lines, with details as shown in Table 2.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 2. Description of goods according to BTKI 2022

No. Tariff Post	Description
72.08	Flat-rolled products of iron or non-alloy steel, with a width of 600 mm or more, hot-rolled, unclad, unplated or uncoated.
1 7208.10.00	- In rolls, not further worked than hot rolled, with relief patterns
	- Other, in coils, not further worked than hot rolled, having been cleaned with acid:
2 7208.25.00	- - With a thickness of 4.75 mm or more
3 7208.26.00	- - With a thickness of 3 mm or more but less than 4.75 mm
7208.27	- - - With a thickness of less than 3 mm:
	- - - - With a thickness of less than 2 mm:
4 7208.27.11	- - - - Contains 0.6% or more carbon by weight
5 7208.27.19	- - - - Others
	- - - - Etc:
6 7208.27.91	- - - - Contains 0.6% or more carbon by weight
7 7208.27.99	- - - - Others
	- Others, in rolls, not further worked than hot rolled:
8 7208.36.00	- - With a thickness exceeding 10 mm
9 7208.37.00	- - - With a thickness of 4.75 mm or more but not exceeding 10 mm
10 7208.38.00	- - With a thickness of 3 mm or more but less than 4.75 mm
7208.39	- - - With a thickness of less than 3 mm:
11 7208.39.10	- - - - Containing less than 0.6% carbon by weight and with a thickness of 0.17 mm or less
12 7208.39.20	- - - - Containing less than 0.6% carbon by weight and with a thickness of more than 0.17 mm but not exceeding 1.5 mm
13 7208.39.30	- - - - Containing 0.6% or more carbon by weight and with a thickness not exceeding 1.5 mm
14 7208.39.40	- - - - With a thickness of more than 2 mm, maximum tensile strength of 550 Mpa and a width not exceeding 1,250 mm
15 7208.39.90	- - - - Others
7208.90	- Others:
16 7208.90.10	- - Wavy
17 7208.90.20	- - - Others, containing less than 0.6% carbon by weight and with a thickness of 0.17 mm or less
18 7208.90.90	- - - Others

Source: BTKI 2022, PMK No. 26/PMK.010/2022.

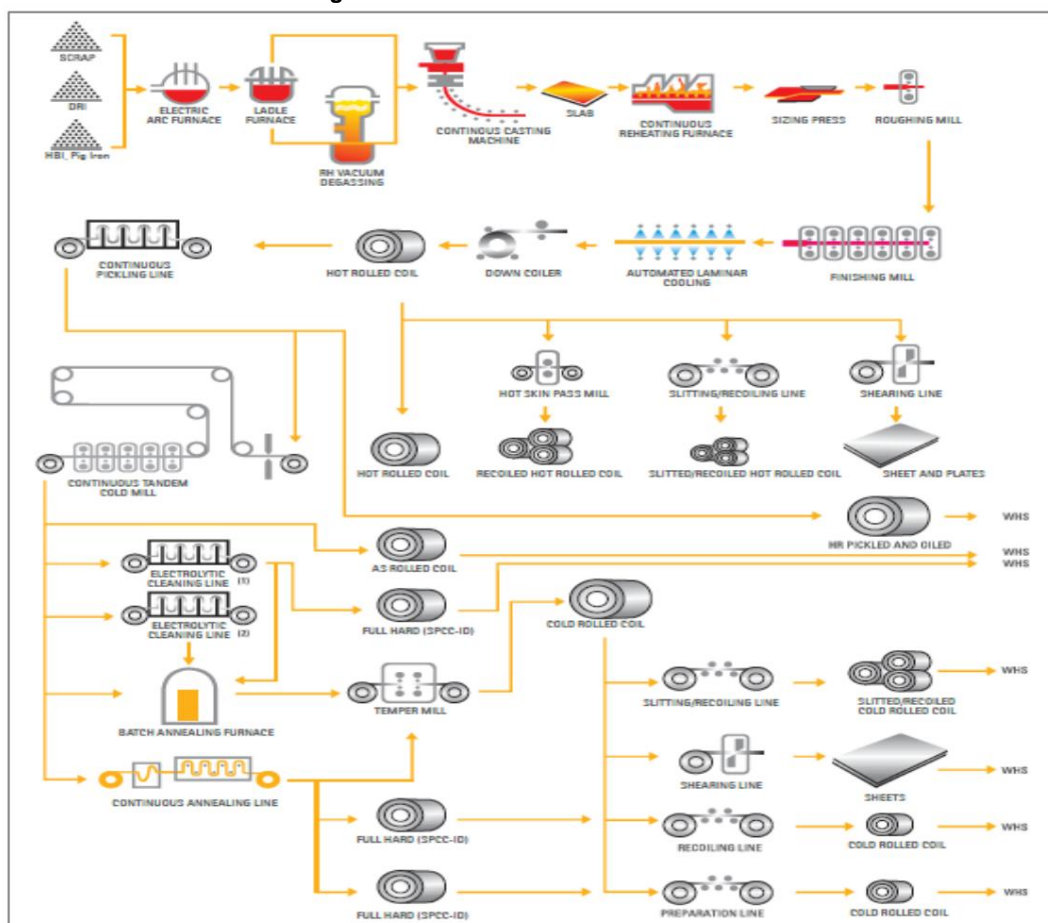
24. HRC produced by PT Krakatau Steel, Tbk is similar to goods

investigated, among other things, in terms of similarities in the raw materials used, production processes, physical characteristics, technology and usability.

**FINAL REPORT RESULTS OF THE SUNSET REVIEW (SR) INVESTIGATION
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND**

25. The main raw material in HRC production is *Steel Slab*, which goes through a process the following production, produces HRC:

Figure 1. HRC Production Process



Source: Applicant

- a. The slab (raw material) is heated in the *Reheating Furnace* to temperature ± 1200 C for 150-180 minutes.
- b. This slab is 200 mm thick (PTKS Slab Steel Plant production) and 230 mm (produced by PT Krakatau Posco).
- c. The slab is then removed from the *Reheating Furnace* and sprayed with water high pressure to break down the scale formed during the heating process. Then the steel slab will pass through the *Sizing Press* to be reduced in width according to the order from consumers.
- d. The slab is then processed in a *Roughing Mill* to reduce its thickness from 200-230 mm becomes 30-45 mm with *Reversible* process in 5-9 passes. Product

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

which has been processed at *the Roughing Mill* is called *Transfer Bar* where the temperature is around 1050o C.

- e. *The transfer bar* is then processed further in *the Finishing Line* which consists of 6 *Stand*. In *the Finishing Line*, the reduction process is carried out in stages at each *stand* until it reaches the final thickness according to the customer's order. Product which has been processed in *the Finishing Line* called *Strip* where the temperature is around 800-880o C.
- f. *The strip* is then passed through the working *Laminar Cooling System* cools with a certain cooling rate depending on the mechanical properties and targeted microstructure.
- g. *The strip* is then rolled in a *Down Coiler* where the temperature ranges from 520-650o C. At this stage the HRC creation process has been completed.
- h. HRC can be sold directly to consumers, or processed further on the line production:
- *Shearing Line*: cuts HRC into Plate.
 - *Slitting Line*: divides the HRC in width.
 - *Hot Skin Pass Mill*: improves HRC flatness .
 - *Continuous Pickling Line*: coats HRC with a special liquid to be made *HRC-Pickled & Oiled*.

26. Uses of HRC include as raw material for making *Oil and Gas Pipes, Boilers and Pressure Vessels, Gas Cylinders/LPG Bottles, General and Welded Structures, Ship Plates and Buildings, General Pipes and Tubes, Automotive Parts and Frames, Weathering Corrosion Resistant Steel, Containers, Heavy Duty Vehicles and Military Purposes*.

27. In terms of technology, in general IDN uses the same technology as technologies used by the investigated producer exporters. IDN is capable produce goods that are similar to the goods investigated in accordance with technology used. IDN's technology and production quality can meet domestic and foreign market needs.

28. In an effort to reduce production costs and increase supply capabilities, IDN carrying out the construction of a *blast furnace* with the aim of increasing capacity

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

HRC production from xxx Million Tons to xxx Million Tons in 2022 or experienced an increase of 62%. This effort is intended to fulfill national needs, as well as for the needs of other strategic projects. The aim is to increase efficiency so that it can be more competitive with goods import.

D. DOMESTIC INDUSTRY AND STANDING PETITIONER

Table 3. Standing Petitioners

No	Information	Standing (%)
1	Applicant	76
2	Supporters	24
	Total Production of Applicants + Supporters	100
3	Abstained	0
4	Refuse	0
	Total National Production	100

Source: Applicant IDN and Supporting IDN, processed

29. As stated at the beginning of this report, the IDN in this investigation is PT Krakatau Steel, and is supported by 2 (two) other HRC producers, namely PT Gunung Raja Paksi, Tbk and PT Java Pasific and there are no producers of similar goods who refuse the investigation (Table 3).
30. Based on the results of the initial investigation, it was found that the Applicant's total production data was 76% of the total national production and was supported by producers of other similar goods at 24%, and no other producers producing similar goods rejected this investigation. Thus, in accordance with *Article 5.4 Agreement on Implementation of Article VI of GATT 1994*, Article 4 PP 34/2011 and Article 6 PP 34/2011, PT Krakatau Steel has fulfilled the requirements to become an applicant in this investigation representing IDN for similar goods.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

E. DOMESTIC MARKET OF THE INVESTIGED GOODS

Amount of Import Duty on Imported HRC Products

31. In accordance with Minister of Finance Regulation no. 26/PMK.010/2022 concerning determination goods classification system and imposition of import duties on imported goods, the amount of import duty for the MFN scheme for HRC products is 15%, meanwhile that apply in the context of FTA (preferential tariff) are as follows:

- *ASEAN Trade in Goods Agreement (ATIGA)* based on PMK No. 43/PMK.010/2022, the preferential tariff for China, Thailand and India is 0%
- *ASEAN-China Free Trade Agreement (ACFTA)*, based on PMK No. 46/PMK.010/2022, the preferential tariff for PRC is 0%.
- *ASEAN-India Free Trade Agreement (AIFTA)*, based on PMK No. 47/PMK.010/2022, the preferential tariff for India is 0%,

HRC National Consumption

32. National consumption during P1–P3, as shown in Table 4, in trend decreased by 1.2%. At a time when national consumption is experiencing There has been a decline in imports of HRC originating from countries accused of dumping decreased with a trend of 35.4%, especially from China and Taiwan respectively 30.9% and 47.1% respectively, but India and Thailand experienced an increase which are very significant, namely with trends of 114.6% and 472.2% respectively. The significant decline in imports from China is thought to be due to implementation *lockdown* by the PRC government during the Covid-19 period in 2021-2022 as well there is a PRC government policy to implement a program to reduce pollution in the steel industry with the closure of the *induction furnace* factory which then underwent relocation to ASEAN countries. Due to decreased supply from China during the period This investigation is an opportunity for IDN and other domestic industries in increasing its sales by 6% and 11.2% respectively. Based on this analysis, it appears that the imposition of BMAD on HRC imports has been quite effective, even though imports from India and Taiwan have increased. in absolute terms the quantity is very small.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 4. National HRC Consumption

No	Description	MT			Trend (%)
		P1	P2	P3	
National Sales					
1	Applicant	37	41	41	6.0
2	Other National Manufacturers	8	8	10	11.2
Total		45	49	51	6.9
Imported Country BMAD					
1	PRC	4	2	2	(30.9)
2	Taiwan	2	1	0	(47.1)
3	India	0	0	0	114.6
4	Thailand	0	0	0	472.2
5	Russia	-	-	-	-
6	Kazakhstan	-	-	-	-
7	Belarus	-	-	-	-
Total		5	3	2	(35.4)
Imports from Other Countries		50	42	44	(5.8)
Total Imports		55	45	47	(8.2)
National Consumption		100	94	98	(1.2)

Source: BPS, IDN, and other domestic industries, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

F. DOMESTIC INDUSTRY PERFORMANCE

33. Table 5 shows IDN performance indicator data during the investigation period (P1: 1 July 2019 – 30 June 2020; P2: 1 July 2020 – 30 June 2021; P3: 1 July 2021 – 30 June 2022) which has been verified.
34. The data in Table 5 below are the IDN economic performance indicators used KADI as a basis for analyzing losses that will be presented at the recital 35-41.

**FINAL REPORT RESULTS OF THE SUNSET REVIEW (SR) INVESTIGATION
ON THE IMPOSITION OF BMAD ON THE IMPORT OF HOT ROLLED COIL (HRC) PRODUCTS
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND**

Table 5. IDN Performance Indicators

No.	Indicator	Unit	P1	P2	P3	Trends
1	Domestic Sales	MT	100	112	112	6.0
2	Domestic Sales	USD	100	123	190	37.9
3	Domestic Prices	USD/MT	100	110	169	30.1
4	Profit/(Loss)	USD	(100)	24	97	-
5	Production	MT	100	123	125	12.0
6	Capacity Installed	MT/Year	100	100	163	27.5
7	Capacity Utilization	%	100	123	77 (12.2)	
8	Market Share	%	100	131	128	13.0
9	Supplies	MT	100	37	40 (37.0)	
10	Workers	Person	100	101	97	(1.5)
11	Productivity	MT/Person	100	122	129	13.7
12	Wages	USD	100	115	122	10.5
13	Cash Flow	USD	(100)	(73)	511	-
14	ROI	%	100	208	218	47.8
15	Growth Sales	%	100	(249)	(590)	-
16	Ability to Increase capital	%	100	96	108	4.1

Source: IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

35. In general, IDN's economic performance has experienced improvements as reflected by

Several indicators have increased, including domestic sales

IDN experienced an increase of 6%. This increase in sales is expected

affected by the effects of the Covid pandemic which caused a shortage of HRC supply and

there is a PRC government policy to implement a program to reduce pollution in the steel industry

with the closure of the *induction furnace* factory which then relocated it to

a number of ASEAN member countries. Although the approximate cause is as follows

As outlined above, the imposition of BMAD on HRC imports has been quite effective, except

towards imports from India and Taiwan which experienced a significant increase

percentage but in quantity it is very small.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

36. The extension of the imposition of BMAD is expected to maintain indicator performance IDN's economy is experiencing improvement. Extending the imposition of BMAD can encourage IDN to achieve increasingly stable economic performance

The Indonesian HRC industry is growing into a strong and sturdy industry that will encouraging the growth of other manufacturing industries. Therefore, stop imposition of BMAD means allowing for the possibility of dumping recurring which hampers the growth of the HRC industry and other manufacturing industries.

Table 6. Domestic Sales, Sales Growth and Market Share

No	Description	Unit	P1	P2	P3	Trends
1	MT Domestic Sales		100	112	112	6.0
2	Market Share	%	100	131	128	13.0
3	National Consumption	MT	100	94	98	(1.2)

Source: IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

37. Based on Table 6 above, it appears that IDN's domestic sales were during P1-P3 experienced a trend increase of 6%, which is quite an increase significant (12%) occurred from P1 to P2. Meanwhile, during the investigation period (P1-P3) national consumption experienced a slight decline (1.2%) but domestic sales experienced a slight increase so that IDN's market share also experienced increase, especially from P1 to P2.

Table 7. Production, Capacity Utilization, Ending Inventory, and Installed Capacity

No	Description	Unit	P1	P2	P3	Trends
1	Production	MT	100	123	125	12.0
2	Capacity Utilization	%	100	123	77	(12.2)
3	Inventory	MT	100	37	40	(37.0)
4	MT/Year Installed Capacity		100	100	163	27.5

Source: IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

38. IDN's production performance during the P1-P3 period also increased with the trend of 12% where a significant increase (23%) occurred from P1 to P2 (Table 7). The increase in production from P1 to P2 occurred because it was driven by demand domestic increases as reflected by increased sales in the same period. During this period, IDN also maximized inventory existing ones are for sale so that efficiency occurs. Increased demand on P2 seems to encourage IDN to realize an increase in its installed capacity on P3 to be able to increase production to respond to increasing demand. However, what happened in P3, when installed capacity was increased by 63%, was demand which was expected to continue to increase, actually decreased, so that IDN was unable to do so increased production and capacity utilization decreased to P1-P3 amounted to (12.2%).

Table 8. Production, Productivity, Labor, and Wages

No	Description	Unit	P1	P2	P3	Trends
1	Production	MT	100	123	125	12.0
2	MT/Person Productivity		100	122	129	13.7
3	Power Work	Person	786	792	762	(1.5)
4	Wages	USD	100	115	122	10.5

Source: IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

39. Table 8 presents IDN performance data related to productivity, labor and wages during the investigation period. It appears that IDN productivity shows an increase from year to year during the investigation period where the increasing trend reached 13.7%. This increase in productivity seems to be positively correlated with an increase in production which reached 12% and also with an increase in sales. However, the impact of decreasing demand in P3 also had an impact on the workforce, which decreased with a trend of 1.5%.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 9. Domestic Prices, Cost of Goods Sold, and Profit/(Loss)

No.	Description	Unit	P1	P2	P3	Trends
1	Domestic Price	USD/MT	100	110	169	30.1
2	Cost of Goods Sold (COGS)	USD/MT	100	98	136	16.4
3	Profit/(Loss)	USD	(100)	24	97	-

Source: IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – June 30, 2022

40. During the P1-P3 period, domestic IDN prices increased with the trend of 30.1%, where a significant increase in sales prices occurred at P3, reached 54.3% (Table 9). Increase in sales prices made by IDN on P3 is a consequence of an increase in the cost of goods sold (cost production) which is also significant in P3, namely 38%. these conditions resulting in an increasing trend in COGS or production costs reaching 16.4%. Under conditions as described above, IDN, especially in P3, continues to sell at domestic prices whose increase is higher than the increase in basic prices sales (54.3% vs 38%), making IDN earn steadily increasing profits from minus (loss) at P1, and consistently increasing at P2 and P3.
41. Other economic performance from IDN related to cash flow, ROI, ability to scale capital and sales growth as shown in Table 10 during the Investigation Period all improved. This is a reflection of overall company performance during the Investigation Period. IDN's financial condition continues to improve, which has an impact on ROI and the ability to increase IDN's capital and growth.

Table 10. Cash Flow, Return on Investment (ROI), and Return on Equity (ROE)

No.	Description	Unit	P1	P2	P3	Trends
1	Cash Flow	USD	(100)	(73)	511	-
2	Return on Investment (ROI)	%	100	208	218	47.8
3	Ability to Increase Capital Source:	%	100	96	108	4.1

IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G. CONTINUATION AND RECURRENCE FACTORS OF LIKELIHOOD
DUMPING AND LOSSES

G.1 DETERMINATION OF DUMPING MARGINS

42. In calculating the dumping margin, KADI uses data obtained from the answers of producers or exporters of producers who are subject to BMAD as submitted in the questionnaire. The dumping margin is generally determined based on the difference between the normal price (domestic sales price) and the export price at the time of delivery and the same trading level (ex-factory price).
43. In general, KADI accepts cost allocations made by producers or exporters of producers subject to BMAD in the context of charging costs in the products under investigation, as long as the allocation reflects the costs production, sales and general administrative costs supported by internal data financial statements. However, if the allocation of these costs is considered not reflect actual costs, KADI makes deemed adjustments reasonable. These adjustments will be conveyed to the producer or exporter the manufacturer concerned.
44. Calculation of dumping margin carried out by KADI for producers or producer exporters will be conveyed separately to each producer or producer exporters as an attachment to this main data report.

Normal Value

45. Normal values of each producer or producer exporter, in general determined based on the weighted average of domestic sales transactions during investigation period.
46. Normal values are calculated based on data submitted by the company investigated, namely sales data and proposed *allowances* data as presented in the questionnaire answers. Domestic sales of producers or producer exporters can be used in calculating normal value if they meet normal *course of trade requirements*. The normal value is determined when the goods are delivered at the factory (*ex-factory*).

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

47. *Allowances* proposed by producers or producer exporters are acceptable are those related to direct selling expenses , and can be traced in company data related to the sale of the goods under investigation. In general , *allowances* are acceptable if they are part of sales costs of the goods under investigation, which are generally classified under cost of sales, general and administrative (*selling, general and administrative expenses*).
48. In calculating normal values, sales data of producers or producer exporters can be used if the total domestic sales volume is more than 5% of the total volume export sales to Indonesia, and if the sales volume is profitable less than 20% then the transaction is ignored and the construction method is used. If the profitable sales volume is more than 20% to 80%, then only profitable transactions are used in calculating the normal value, and if it is more than 80%, all sales transactions are used in calculation of normal values.
49. If there are export sales for certain goods control codes (KKB), but they are not sold domestically, then the normal value is constructed (*constructed normal value*) based on production costs for certain KKB, sales costs, general costs and administrative costs domestic, as well as reasonable profits.

Export Price

50. Export prices for producers or producer exporters are determined based on the average weighted from all export sales transactions to Indonesia during the Period The investigation has been reduced to acceptable *allowances* and costs related to direct sales that are submitted and believed to be true. Export pricing is carried out at ex-factory level.

Dumping Margin

a. PRC

51. Wuhan Iron & Steel (Group) Co. (WISCO):
- 1) WISCO did not answer the questionnaire completely, only provided responses and answers related to, among others, sales, production, capacity, 5 (five) countries

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

largest export destination, and number of workers. In PMK 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022, WISCO gets a BMAD of 0%. It seems WISCO assumes it is not the subject of a *Sunset Review* investigation and WISCO is not obliged to answer the questionnaire, so to the extent the specified time WISCO did not respond to the questionnaire that had been be delivered.

- 2) Thus, in accordance with recital 12, there are no interested parties of RRTs who answered the questionnaire completely in this investigation. So, when calculating the dumping margin, you need to know what is still whether or not there is dumping of imported HRC products from all companies in China, KADI uses the best data it has, as regulated in *the Article 6.8 Annex II* and the information contained in the documents in the application.
- 3) Calculation of normal value using domestic prices minus costs ground transportation and *handling* during the investigation period obtained from *Steel Business Briefing (SBB) steel prices*.
- 4) Calculation of export prices using the average CIF price during the *investigation* period obtained from BPS data minus transportation costs and insurance obtained from *SBB steel prices* and *world freight rates*.
- 5) Based on the normal value and export price calculations above, it is still found *dumping* margin for PRC exporting companies.

b. India

- 1) As per recital 12, no interested parties from India are cooperate in this investigation. Thus, the dumping margin is determined for all companies in India using the best data KADI has, as regulated in *Article 6.8 Annex II* and the information contained therein documents in the application.
- 2) Calculation of normal value using domestic prices minus costs ground transportation and *handling* during the investigation period obtained from *SBB steel prices* and *truck bhada*.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

- 3) Calculation of export prices uses the average CIF price during the period investigations obtained from BPS data minus transportation costs and insurance obtained from *world freight rates* and *truck bhada*.
- 4) Based on the normal value and export price calculations above, it is still found dumping margin for Indian exporting companies.

c. Russia, Kazakhstan, Belarus

- 1) In accordance with recital 12, there are no interested parties from Russia, Kazakhstan and Belarus are cooperating in this investigation. With Thus, determining the dumping margin for all companies in Russia, Kazakhstan and Belarus using the best data KADI has, as regulated in *Article 6.8 Annex II* and the information contained therein documents in the application.
- 2) Calculation of normal values using the average domestic price of HRC in Russia during the investigation period obtained from obtained from *SBB Steel Prices*, minus domestic transportation costs obtained from *della.eu*.
- 3) Because there are no imports from Russia to Indonesia, the export price calculation uses the BPS HRC Ukraine export price to Indonesia during the period investigations that are reduced by sea and land transportation costs, *handling* and insurance obtained from BPS, *world freight rates*, *forwarder universities*, and *della.eu*.
- 4) Based on the normal value and export price calculations above, it is still found dumping margin for exporting companies of Russia, Kazakhstan and Belarus.

d. Taiwan

52. China Steel Corporation (CSC)

- 1) Calculation of normal values is carried out using data obtained from questionnaire answers. Domestic sales are carried out directly by CSC and through *traders*, both affiliated and independent. There are 3 (three) goods control codes (KKB) that are identical between domestic sales and sales to Indonesia. For these three KKBs, *profitability tests* were carried out and *profits* were found in above 80%. Thus, all transactions from these three KKBs are used by **the Indonesian Anti-**

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

calculation of normal values. CSC claims *direct selling expenses* and *inland freight* as *an allowance* in domestic sales transactions and can be accepted, after subtracting the domestic price from *the allowance*, we get the domestic price ex factory.

- 2) Export sales to Indonesia, carried out directly by CSC or through traders, both affiliated and independent. Therefore Export price calculations are carried out using export sales data CSC to Indonesia. CSC claims *ocean and inland freight, commission, loading fees, THC, survey fees, port service fees, promotions, broker rage, insurance and Bank fees as an allowance* are all acceptable. Due to sales to Indonesia is also carried out through affiliated traders, for sales transactions carried out through the trader is added to a reasonable profit obtained from the difference between *the trader's* selling price and the costs incurred ((Price Goods Sales (COGS)).
- 3) Based on calculation results by comparing the weighted average normal value with export prices at the same trade level (ex-factory), a dumping margin was still found for CSC.

53. Shang Shing Steel (SSS) Industrial

- 1) Based on the questionnaire responses, it is known that Shang Chen Steel Co., Ltd. ("SCS") during the investigation period did not produce the investigated goods and did not export the investigated goods to Indonesia.
- 2) Calculation of normal values is carried out using data obtained from questionnaire answers. SSS only sells 2 (two) goods control codes (KKB) in domestic sales so *the profitability test* is carried out only on the two KKBs. Considering the results of *the profitability test* where it was found that less than 20% were *profitable*, KADI carried out a construction of the normal value calculation by carrying out a weighted average using the *Domestic Cost of Goods Sold and Operating Expenses (DMCOGSOE)* method and adding the profit reasonable.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

3) Based on the questionnaire responses, it is known that the SSS did not do this HRC exports to Indonesia in the period under investigation, KADI uses data The best that KADI has by using construction methods for obtain export prices to Indonesia.

4) Based on the calculation results by comparing the weighted average values normal and export prices at the same trade level (ex factory), still found dumping margin for SSS.

e. Thailand

1) In accordance with recital 12, there are no interested parties from Thailand answer the questionnaire. Thus, the dumping margin calculation is for all companies in Thailand are carried out using the best data owned by KADI, as regulated in *Article 6.8 Annex II* and the information contained in the documents in the application.

2) Calculation of normal values using the average domestic price of HRC in Thailand during the investigation period obtained from *asianmetal*, reduced by transportation and *handling* costs are considered the same as transportation costs and *handling* in the PRC.

3) Because the price of HRC imports from Thailand during the period under investigation was considered anomalous, this price cannot be used in calculating export prices. Thus, the export price calculation uses the average BPS HRC price from Vietnam minus *sea freight, inland freight and handling*, insurance obtained from BPS, *world freight rates and forwarder universities*. *Inland freight and handling* are assumed to be the same as *inland freight and handling* in the PRC.

4) Based on the calculation of normal values and export prices above, dumping margins are still found for Thai exporting companies.

54. Based on the results of margin calculations carried out on HRC imports from countries accused of dumping as described above, it can be concluded that it is imported HRC, which comes from the seven countries accused and charged with dumping, still contains dumping even though BMAD is still imposed.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G.2 IMPACT OF IMPORT VOLUME (ABSOLUTE)

55. From Table 11 below it can be seen that the total imports of the products under investigation are from the country those accused of dumping during the investigation period decreased with the trend amounted to (35.4%). This reduction shows the effectiveness of BMAD application towards that product. Indeed, there has been an increase in imports from Thailand and India respectively 472.2% and 114.6%, but because the volume is small, The imposition of BMAD is considered quite effective. It seems that Covid-19 is affecting entry of HRC imports into Indonesia. This is reflected in the decline in total imports from other countries.

Table 11. Development of HRC Import Volume

No	COUNTRY	P1		P2		P3		Trends
		MT	%	MT	%	MT	%	
1	PRC	80,662	7	34,815	3.6	38,527	4	(30.9)
2	Taiwan	35,728	3	23,371	2,4	10,012	1	(47.1)
3	India	6	0	61	0.0	28	0	114.6
4	Thailand	0	0	425	0.0	2	0	472.2
5	Russia	-	-	-	-	-	-	-
6	Kazakhstan	-	-	-	-	-	-	-
7	Belarus	-	-	-	-	-	-	-
State imports were accused		116,397	10	58,672	6.0	48,569	5	(35.4)
Total Other Countries		1,096,051	90	916,227	94.0	972,948	95	(5.8)
Total Imports		1,212,447	100	974,898	100.0	1,021,517	100	(8.2)

Source: BPS, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

G.3 IMPACT OF IMPORT VOLUMES (RELATIVE TO NATIONAL CONSUMPTION)

56. As presented in Table 12 below, the total market share of imports experienced a decline with a trend of 8.2% in line with the decline in consumption nationally during the Investigation Period with a trend of 1.2%. Share decline import markets from China and Taiwan were quite sharp, each falling with the trend amounting to 30.9% and 47.1%, while the market share was imports from India and Thailand experienced a very significant increase, but in absolute quantity

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

very small, less than 1% compared to total imports. Meanwhile, IDN's domestic sales market share and other domestic industries experienced an increase with trends of 6% and 11.2% respectively. As previously explained, the decline in imports occurred due to imposition BMAD is quite effective, but the lockdown policy is being implemented by some country during the Covid-19 era, especially by the PRC government during the investigation period also caused a decrease in imports due to decreased export activity in the country the.

Table 12. Development of HRC Market Share

No	Description	MT			Trend (%)
		P1	P2	P3	
National Sales					
1	Applicant	37	41	41	6.0
2	Other National Manufacturers			10	11.2
	Total	8.45	8.49	51	6.9
Country Imports subject to BMAD					
1	China 2	4	2	2	(30.9)
	Taiwan 3 India	2		0	(47.1)
4	Thailand	0	1	0	14.6 0
5	Russia 6	0	0.0	47	2.2
	Kazakhstan	-	-	-	-
7	Belarus Total	-	-	-	-
	Imports from	-	-	-	-
	Other			2	(35.4)
	Countries Total Imports	5	3	44	(5.8)
	National	50	42	47	(8.2)
	Consumption Source:	55.100	45.94	98	(1.2)

BPS, IDN, and other domestic industries, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

G.4 IMPACT OF IMPORT PRICES

Depression, Suppression, and Undercutting

57. Table 13 presents data on the condition of import prices compared to IDN selling prices.

It can be seen from the table that there is *price suppression* at P1 where IDN sells at a price below the COGS or sells at a loss (*price suppression*), then

improvements occurred in P2 and P3. Related to *price undercutting* can be seen

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

that the selling price of IDN is still below the import price of the accused country. However, Based on BPS data, India and Thailand tend to have anomalous data so that *the price undercutting* analysis carried out cannot reflect the conditions which should be compared with domestic IDN prices.

Furthermore, according to table 12 above it can be seen that there are no imports from Russia, Kazakhstan and Belarus. So, to analyze whether imports originate Of these three countries there is still the possibility of price *impacts undercutting*). Therefore, KADI uses import data originating from Ukraine is because geographically Ukraine is close to Russia, Kazakhstan, and Belarus and the production cost components are valued at approximately the same as in Ukraine. Apart from that, Ukraine is still part of the CIS (*Commonwealth of Independent States*) region like Russia, Kazakhstan and Belarus.

Table 13. Depression, Suppression, and Undercutting

No	Description	Without BMAD1				With BMAD2			
		P1	P2	P3	%	P1	P2	P3	%
1	Cost of goods sold Sale	117	106	155	15	117	106	155	15
2	IDN Prices**	100	110	169	30	100	110	169	30
3	Price Suppression	(17)	4	14	-	(17)	4	14	-
	Import Price State Accused								
	PRC	106	130	170	27	126	156	203	27
	India	526	193	951	34	629	231	136	34
	Russia, Kazakhstan, Belarus	131	139	222	30	154	162	260	30
	Taiwan	129	128	232	6	150	150	272	6
	Thailand ³	9,777	280	220	(15)	11,685	334	263	(15)
4	Price Undercutting								
	PRC	(6)	(21)	(1)	-	(26)	(46)	(34)	-
	India	(426)	(83)	(782)	-	(529)	(121)	(967)	-
	Russia, Kazakhstan, Belarus	(31)	(29)	(53)	-	(54)	(53)	(91)	-
	Taiwan	(29)	(18)	(63)	-	(50)	(40)	(102)	-
	Thailand	(9,677)	(170)	(51)	-	(11,585)	(224)	(94)	-

Source: BPS, and IDN, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = 1 July 2021 – 30 June 2022

1. BPS import price + *terminal handling charge* + import import duty 2.

BPS import price + *terminal handling charge* + import import duty + BMAD

3. There are anomalies in import data from Thailand

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

**G.5 EXCESS/EXCESS PRODUCTION VS CONSUMPTION OF HRC IN PRC, INDIA, RUSSIA,
BELARUSIA, AND KAZAKHSTAN, TAIWAN AND THAILAND**

58. Based on data held by KADI, it was found that the country was accused dumping has the ability to increase exports again due to excess capacity is still quite high. Based on data and information obtained from IDN and *World Steel Dynamics*, the country's excess capacity is still accused of dumping quite high (Table 14). During the period under investigation, the RRT had excess capacity in the range of 11-16%, India in the range of 24-31%, Russia, Belarus, Kazakhstan in range of 23-30%, Taiwan in the range of 11-29%, and Thailand in the range of 34-43% of the total national capacity of each country.

Table 14. Excess Capacity of Accused Countries

Country	Unit Description		P1	P2	P3
PRC	Excess Capacity	MT	39,000,000	45,000,000	57,000,000
		%	11.8	15.9	12.7
India	Excess Capacity	MT	9,495,290	10,573,468	7,352,694
		%	30.9	34.4	24.0
Russia, Belarus and Kazakhstan	Excess Capacity	MT	8,284,525	7,946,525	6,414,525
		%	29.9	28.1	28.7
Taiwan	Excess Capacity	MT	4,463,245	3,051,772	1,704,825
		%	28.9	19.7	3,365,083
Thailand	Excess Capacity	MT	3,275,481		2,655,180
		%	42.6	41.5	33.6

Source: IDN and *World Steel Dynamics*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – June 30, 2022

HRC Excess Capacity in China

59. Based on Table 15, it can be seen that the RRT continues to experience excess capacity an increase from P1 of 39 million tons to 57 million tons in P3 or with an increasing trend of 21% from P1-P3. The increase in excess capacity is the impact of increasing the installed capacity of the HRC industry in China, which strengthens China's potential to increase dumped HRC exports to Indonesia if BMAD is no longer implemented. If a comparison is made between IDN's production capacity with RRT's excess capacity, it was found that RRT's excess capacity was 15 - 19 times greater than IDN's production capacity during the investigation period.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 15. Installed Capacity, Production, Utilization, Domestic Demand, *Excess Capacity*, and *Excess Production* of PRC HRC

No	Description	Units	P1	P2	P3	Trends
1	Installed Capacity	MT 331,000,000	355,000,000	359,000,000		4
2	National Production	MT 304,520,000	309,560,000	330,280,000		4
3	Utilization	%	92	87	92	-
4	Domestic Demand	MT 292,000,000	310,000,000	302,000,000		2
5	Domestic Demand	%	96	100	91	(2)
6	<i>Excess Capacity</i> (1 – 4)	MT 39,000,000		45,000,000	57,000,000	21
7	<i>Excess Production</i>					
(4 – 2)	MT 12,520,000			(440,000)	28,280,000	-

Source: IDN and *World Steel Dynamics*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

HRC *Excess Capacity* in India

60. Based on Table 16, it can be seen that India continues to experience excess production increase with an increasing trend of 5% from P1-P3. This is supported by an increase in production carried out by India also with a trend of 5%.
- Even though India's *excess capacity* is decreasing with a trend of 12%, but with *excess capacity* of 7.3-10.5 million tons during the investigation period, the ability of companies in India to further increase HRC dumping exports is still quite high because India's *excess capacity* is more than 2 times IDN's production capacity during the investigation period.

Table 16. Installed Capacity, Production, Utilization, Domestic Demand, *Excess Capacity*, and *Excess Production* of HRC India

No	Description	Units	P1	P2	P3	Trends
1	Installed Capacity	MT 30,700,000	30,700,000	30,700,000		-
2	National Production	MT 22,320,747	21,185,823	24,576,112		5
3	Utilization	%	73	69	80	5
4	Domestic Demand	MT 21,204,710	20,126,532	23,347,306		5
5	Domestic Demand	%	95	95	95	(0)
6	<i>Excess Capacity</i> (1 – 4)	MT 9,495,290		10,573,468	7,352,694	(12)
7	<i>Excess Production</i> (4 – 2)	MT 1,116,037		1,059,291	1,228,806	5

Source: IDN and *Trade Map*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Excess Capacity HRC in Russia, Belarus and Kazakhstan

61. Based on Table 17, it can be seen that *there is excess production* in Russia, Belarus and Kazakhstan experienced a decrease from P1 of 2.9 million tonnes to 2.4 million tonnes at P3 as a consequence of increased production and industrial utilization. Even though *it's excess capacity* of these three EURASIA countries decreased with a trend of 12%, however with *an excess capacity* of 6.4-8.3 million tons during the investigation period, The ability of companies in these three countries is still quite high to improve dumping HRC exports if the imposition of BMAD is stopped. Like India, *The excess capacity* of Russia, Belarus and Kazakhstan is 2 times the capacity IDN production during the investigation period.

Table 17. Installed Capacity, Production, Utilization, Domestic Demand, Excess Capacity and Excess HRC Production in Russia, Belarus and Kazakhstan

No	Description	Units	P1	P2	P3	Trends
1	Installed Capacity	MT	27,714,525	27,714,525	27,714,525	-
2	Production	MT	22,332,137	23,002,256	23,782,980	3
3	Utilization	%	81	83	86	3
4	Domestic Demand	MT	19,430,000	19,768,000	21,300,000	5
5	Domestic Demand	%	87	86	90	1
6	Excess Capacity (1 – 4)	MT	8,284,525	7,946,525	6,414,525 (12)	
7	Excess Production (4 – 2)	MT	2,902,137	3,234,256	2,482,980	(8)

Source: IDN and *Metal Bulletin Research*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

HRC Excess Capacity in Taiwan

62. Based on Table 18, it can be seen that Taiwan's *excess production* has decreased from P1 of 4.4 million tonnes to 1.7 million tonnes at P3. This shows that Taiwan's HRC industry utilization showed an increase from year to year during inquiry period in response to growing domestic demand with a trend of 10%. This also has implications for decreasing ability Taiwan to further increase its dumping HRC exports to Indonesia if the imposition of BMAD was discontinued. If a comparison is made between capacity IDN production with *excess capacity* in Taiwan was found to be *excess capacity* Taiwan is almost 1 times larger than IDN's production capacity at P3.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 18. Installed Capacity, Production, Utilization, Domestic Demand, Excess Capacity and Excess Production HRC Taiwan

No	Description	Units	P1	P2	P3	Trends
1	Installed Capacity	MT	15,460,000	15,460,000	15,460,000	-
2	Production	MT	14,870,080	14,969,785	15,311,086	1
3	Utilization	%	96	97	99	1
4	Domestic Demand	MT	10,996,755	12,408,228	13,755,175	12
5	Domestic Demand	%	74	83	90	10
6	Excess Capacity (1 – 4)	MT	4,463,245	7 Excess	3,051,773	1,704,825 (38)
	Production (4 – 2)	MT	3,873,325		2,561,557	1,555,911 (37)

Source: IDN and *Metal Bulletin Research*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – June 30, 2022

HRC Excess Capacity in Thailand

63. Based on Table 19, it can be seen that Thailand's excess capacity has decreased from P1 of 3.3 Million Tons to 2.6 Million tonnes at P3. By capacity installed HRC Thailand which is 2 times larger than the installed capacity of HRC Indonesia and Thailand's utilization is still in the range of 32-36% during the investigation period, there is excess capacity which is still more than 50% and quantitatively almost the same as Indonesia's total HRC production, it is certain that Thailand is very capable of exploiting the Indonesian HRC market by HRC dumping if BMAD is imposed stopped.

Table 19. Installed Capacity, Production, Utilization, Domestic Demand, Excess Capacity and Excess Production HRC Thailand

No	Description	Units	P1	P2	P3	Trends
1	Installed capacity	MT	7,900,000	7,900,000	7,900,000	-
2	Production	MT	2,524,609	2,624,795	2,829,487	6
3	Utilization	%	32	33	36	6
4	Domestic Demand	MT	4,534,917	4,624,519	5,244,820	8
5	Domestic Demand %		180	176	185	2
6	Excess Capacity	MT	3,365,083	3,275,482	2,655,180 (11)	
7	Excess Production	MT	(2,010,308)	(1,999,724)	(2,415,333)	-

Source: IDN and *Metal Bulletin Research*, Processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – June 30, 2022

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G.6 IMPOSITION OF *TRADE REMEDIES* BY OTHER COUNTRY AUTHORITIES
EXPORT OF ACCUSED COUNTRIES

64. Table 20 shows a list of countries that impose BMAD on countries accused of dumping. All countries accused of dumping by Indonesia are the PRC, India, Russia, Kazakhstan, Taiwan and Thailand face trade barriers in the form of imposition of BMAD by other countries such as the UK, EU, US, Canada, Mexico and several other countries. This shows that trading practices are cheating (*unfair trade*) in the form of dumping practices, is indeed carried out by countries accused of causing losses to the country's domestic industry the other.

Table 20. Imposition of BMAD on HRC products from China, India, Russia, Belarus, Kazakhstan, Taiwan and Thailand

No	Country Accuser	Country Accused	Duty	Information
1	United Kingdom	China	13.2% - 35.9%	Extended since 01/01/2021
2	United Kingdom	China	65.1% - 73.7%	Extended since 01/01/2021
3	European Union	China	13.2% - 35.9%	Sunset Review
4	European Union	China	65.1% - 73.7%	Sunset Review
5	United States	China	68.27%	Sunset Review
6	United States	China	90.83%	Extended since 08/27/2019
7	Chinese Taipei	China	41.47% - 59.57%	Extended from 14/09/2022
8	Mexico	China	\$ 335.60 - 354.92 /ton	Extended from 19/04/2022
9	Canada	China	Not available	Extended from 05/13/2022
10	United States	India	Not available	Extended since 12/03/2018
11	United States	India	Not available	Extended since 08/27/2019
12	Thailand	India	20.02%-31.92%	Extended since 08/06/2021
13	United Kingdom	Russia	17.6 - €96.5 per tonne, 17.6 - €96.5 per tonne	Sunset Review
14	European Union	Russia	17.6 - €96.5 per tonne	Sunset Review
15	Mexico	Russia	36.80%	Extended from 08/03/2022

**FINAL REPORT RESULTS OF THE SUNSET REVIEW (SR) INVESTIGATION
ON THE IMPOSITION OF BMD ON THE IMPORT OF HOT ROLLED COIL (HRC) PRODUCTS
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND**

No	Country Accuser	Country Accused	Duty	Information
16	Mexico	Russia	29.30%	Extended since 02/05/2017
17	United States	Russia	Not available	Extended since 10/20/2016
18	United States	Russia	Not available	Extended since 01/07/2021
19	Thailand	Kazakhstan	68.11%-109.25%	Extended since 08/06/2021
20	Canada	Taiwan	7%	Extended since 08/06/2021
21	United States	Taiwan	2.59%	Sunset Review
22	United States	Taiwan	Not available	Extended since 08/27/2019
23	Australia	Taiwan	-8.9% - -3.2%	Sunset Review
24	Thailand	Taiwan	3.45%-25.15%	Extended since 08/06/2021
25	United States	Thailand	Not available	Extended since 08/27/2019

Source: Semi Annual Report, World Trade Organization (WTO), Processed.

G.7 DEVELOPMENT OF EXPORTS FROM DUMPING COUNTRIES

G.7.1 PRC

Table 21. Development of China's Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)	
HRC Carbon							
1	Export to Indonesia	83,205	40,948	93,507	6.0	0.9	
2	Export to Other Countries	243,441	553,956	10,101,710	544.2	99.1	
3	Total HRC Exports Carbon	326,646	594,904	10,195,217	458.7	100.0	
HRC Alloy							
4	Export to Indonesia	378,669	209,452	45,623	6,360,894	(65.3)	2.9
5	Exports to Other Countries	8,748,365	1,539,786			(50.8)	97.1
6	Total HRC Exports Alloy	6,739,563	8,957,817	1,585,409		(51.5)	100.0
Total HRC Exports (Carbon + Alloy)							
7	Exports to Indonesia	139,130	8,461,874	250,400		(45.1)	1.2
8	Exports to other countries	6,604,335					98.8
9	Total HRC Exports	7,066,209	9,552,721	11,780,626		29.1	100.0
Source: Trade Map, Applicant, processed							

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

65. Based on Table 21 above, it can be seen that China's HRC Carbon exports to Indonesia only 0.9% in P3 but China's export performance is still increasing significantly trend of 6% even though BMAD is still in effect (imposition of BMAD is quite effective). Performance China's exports to other countries increased very significantly with a trend of 544% during investigation period. As can be seen in Table 21, HRC exports Alloys from China to Indonesia have decreased with a trend of 65% and to other countries fell with a trend of 51%. Decline in China's HRC Alloy exports to Indonesia is expected to be due to the imposition of BMAD to the applicable PRC Alloy HRC since March 2022, bringing China's total HRC (Carbon + Alloy) exports to Indonesia experienced a decline with a trend of 45.1% during the period investigation (PI-P3), but PRC exports to other countries have increased with a trend of 32.8%. This shows that China has great ability to flood the domestic HRC market in Indonesia if the imposition of BMAD was stopped by diverting some of its exports from other countries (especially those imposing BMAD to the PRC) to Indonesia. With China's large export capability of HRC Carbon to the World (10.2 million tonnes at P3) so that if the imposition of BMAD is not extended, PRC exports to Indonesia will increase again and could cause deindustrialization of the HRC industry in Indonesia.
66. Additional considerations related to the potential for an increase in dumping imports of HRC Carbon are related to the imposition of BMAD on imported HRC Alloy (Alloy) products originating from China in March 2022. The determination of the BMAD in question was carried out based on the results of an investigation into the practice of dumping on HRC Alloy imports, which at that time was also supported by suspicions about the possibility of a transfer of trading patterns from HRC Carbon, which at that time was and is still currently subject to BMAD, to HRC Alloy. Considering this situation, if the imposition of BMAD on HRC Carbon products (current SR investigation) is not continued, then there is the potential for a shift in the trade pattern of imported products from HRC Alloy back to HRC Carbon. In addition, stopping the use of BMAD potentially resulting in the potential for the imposition of BMAD HRC Alloy to be ineffective thus having an impact on the domestic industry of HRC products in Indonesia and resulting in the deindustrialization of the HRC product industry.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G.7.2 India

Table 22. Development of India's Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)	
HRC Carbon							
1	Export to Indonesia	164	59	4	(84.4)	0.0	
2	Export to Other Countries	6,963,091	4,692,320	6,782,000	(1.3)	100.0	
3	Total Carbon Exports HRC	6,963,255	4,692,379	6,782,004	(1.3)	100.0	
HRC Alloy Steel							
4	Export to Indonesia	14,818	-	-	-	-	
5	Exports to Other Countries	17,906	26,335	28,900	27.0	100.0	
6	Total HRC Steel Exports Alloy	32,724	26,335	28,900	(6.0)	100.0	
Total HRC Exports							
7	Exports to Indonesia	14,982	4,698,997	50,718,655	(98.4)	0.0	
8	Export to Other Countries	6,810,900	6,995,979	4,718,714	6,810,904	(1.2)	100.0
9	Total HRC Exports				(1.3)	100.0	

Source: *Trade Map*, Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

67. Based on Table 22 above, it can be seen that although in terms of India's export share to Indonesia is relatively low, but India has quite large export capabilities so there is a possibility of increasing exports from India to Indonesia. Therefore, it is still necessary to extend the BMAD for the HRC industry in Indonesia can grow and become more competitive in supporting industrial growth Indonesian manufacturing (steel as *mother industry*).

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G.7.3 Russia

Table 23. Development of Russian Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)
HRC Carbon						
1	Export to Indonesia	-	-	-	-	-
2	Export to Country Other	5,384,592	6,269,238	5,400,677	0.1	100.0
3	Total HRC Exports	5,384,592	6,269,238	5,400,677	0.1	100.0
HRC Alloy Steel						
4	Export to Indonesia	-	-	-	-	-
5	Exports to Other Countries	41,958	51,340	38,611	(4,1)	100.0
6	Total HRC Exports Alloy Steel	41,958	51,340	38,611	(4,1)	100.0
Total HRC Exports						
7	Exports to Indonesia	-	-	-	-	-
8	Export to Country Other	5,426,550	6,320,578	5,439,288	0.1	100.0
9	Total HRC Exports	5,426,550	6,320,578	5,439,288	0.1	100.0

Source: *Trade Map*, Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

68. Based on Table 23 above, it can be seen that although there are no Russian exports to

Indonesia after the imposition of BMAD, but Russia has quite large export capabilities so there is a possibility of increasing exports from Russia to Indonesia if the imposition of BMAD is stopped.

Therefore, it is still necessary to extend the BMAD so that the HRC industry in Indonesia can grow and become more competitive in supporting the growth of the Indonesian manufacturing industry (steel as the *mother industry*).

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

G.7.4 Kazakhstan

Table 24. Development of Kazakhstan Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)
HRC Carbon						
1	Export to Indonesia	-	-	-	-	-
2	Export to Other Countries	829,633	1,128,946	1,273,751	829,633	23.9
3	Total HRC Exports	1,128,946	1,273,751		23.9	100.0
HRC Alloy Steel						
4	Export to Indonesia	-	-	-	-	-
5	Exports to Other Countries	572	524	229	(36.7)	100.0
6	Total HRC Steel Exports Alloy	572	524	229	(36.7)	100.0
Total HRC Exports						
7	Exports to Indonesia	-	-	-	-	-
8	Export to Other Countries	830,205	1,129,470	1,273,980	830,205	23.9
9	Total HRC Exports	1,129,470	1,273,980		23.9	100.0

Source: *Trade Map*, Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

69. Based on Table 24 above, it can be seen that although there are no Kazakhstan exports to Indonesia, Kazakhstan has quite large export capabilities so there is a possibility of increasing exports from Kazakhstan to Indonesia. Therefore, it is still necessary to extend the BMAD so that the HRC industry in Indonesia can grow and become more competitive in supporting the growth of the Indonesian manufacturing industry (steel as the *mother industry*).

G.7.5 Belarus

70. Based on Table 25 below, it can be seen that there are no Belarusian exports to Indonesia, but Belarus has a joint customs agreement with Russia and Kazakhstan, so there is still the possibility that Russia and Kazakhstan will export via Belarus if the imposition of BMAD on Belarus is stopped.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 25. Development of Belarus Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)
HRC Carbon						
1	Export to Indonesia	-	-	-	-	-
2	Export to Other Countries	972 2,261	972	279	(46.4)	279
3	Total HRC Exports	2,261		(46.4)		100.0
HRC Alloy Steel						
4	Export to Indonesia	-	-	-	-	-
5	Exports to Other Countries	-	-	-	-	-
6	Total HRC Steel Exports Alloy	-	-	-	-	-
Total HRC Exports						
7	Exports to Indonesia	-	-	-	-	-
8	Export to Other Countries	972 2,261	972	279	(46.4)	279
9	Total HRC Exports	2,261		(46.4)		100.0

Source: Trade Map, Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

G.7.6 Taiwan

71. Based on Table 26 below, it can be seen that even though Taiwan's exports to Indonesia relatively low and experienced a downward trend of 47%, but Taiwan has quite large export capability (4-5 million tons). Thus there is
- There is a possibility of an increase in exports from Taiwan to Indonesia if it is implemented BMAD discontinued. Therefore, it is still necessary to extend the BMAD so that the HRC industry in Indonesia can grow and become more competitive in supporting the growth of the Indonesian manufacturing industry (steel as the *mother industry*).

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 26. Development of Taiwan Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)
HRC Carbon						
1	Export to Indonesia	33,804	17,854	9,543	(46.9)	0.2
2	Export to Country Other	4,826,513	4,476,949	4,012,864	(8,8)	99.8
3	Total Exports HRC	4,860,317	4,494,803	4,022,407	(9.0)	100.0
HRC Alloy Steel						
4	Export to Indonesia	18,532	16,580	41,708	50.0	96.8
5	Country Exports Other	2,561	2,089	1,380	(26.6)	3.2
6	Total HRC Exports Alloy Steel	21,093	18,669	43,088	42.9	100.0
Total HRC Exports						
7	Export to Indonesia	52,336	34,434	51,251	(1.0)	1.3
8	Export to Country Other	4,829,074	4,479,038	4,014,244	(8,8)	98.7
9	Total Exports HRC	4,881,410	4,513,472	4,065,495	(8,7)	100.0

Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

G.7.7 Thailand

72. Of the seven countries accused in this case, Thailand is the country that geographically closest to Indonesia. This is what makes Thailand what it is threat to Indonesia, because Thailand has a similar steel industry structure with Indonesia, so there are many similarities in terms of material procurement raw materials, transportation costs, selling prices and so on. With a capacity that is still much higher compared to the production volume (industry utilization is still below 40%) and Thailand's export performance to Indonesia and the world, although low volume is still small but the increase during the investigation period is quite high, namely 66.4% (Table 27), Thailand can at any time export to Indonesia if the imposition of BMAD is stopped.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Table 27. Development of Thailand's Exports (Tons)

No.	Description	P1	P2	P3	Trends P1-P3 (%)	Share Export P3 (%)	
HRC Carbon							
1	Export to Indonesia	20 476	14,335	23	7.2	0.1	
2	Export to Other Countries	25,941	14,355	26,417	39,740	66.5	99.9
3	Total HRC Exports			39,763	66.4	100.0	
HRC Alloy Steel							
4	Export to Indonesia	-	-	-	-	-	
5	Exports to Other Countries	279	167	7	(84.2)	100.0	
6	Total HRC Steel Exports Alloy	279	167	7	(84.2)	100.0	
Total HRC Exports							
7	Exports to Indonesia	20 476	14,614	23	7.2	0.1	
8	Export to Other Countries	26,108	14,634	26,584	39,747	64.9	99.9
9	Total HRC Exports			39,770	64.9	100.0	

Source: Trade Map, Applicant, processed

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

H. OTHER FACTORS

H.1 DEVELOPMENT OF IDN EXPORTS

Table 28. Development of IDN Exports

Information	P1	P2	P3	Trends (%)
Export Sales (Tons)	100	195	275	66
Domestic Sales	100	112	112	6
Production	100	123	125	12

Source: Applicant, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

73. IDN's biggest market is the domestic market, where 70%-80% of IDN's production

aimed at meeting domestic market needs and only around 15% - 30% is allocated for exports. IDN's export volume increased with a trend of 66%, so exports were not the cause of IDN's losses.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

H.2 DEVELOPMENT OF NATIONAL CONSUMPTION

Table 29. Development of National Consumption

No	Indicator	P1	P2	P3	Trends (%)
1	National Consumption (Tons)	100	94	98	(1,2)
2	Applicant Market Share (%)	100	131	128	13
3	Dumping Country Market Share (%)	100	60	40	(34.6)

Source: Applicant, processed.

Note: P1 = 1 July 2019 – 30 June 2020; P2 = 1 July 2020 – 30 June 2021; P3 = July 1, 2021 – 30 June 2022

74. Based on Table 29 above, it can be seen that the applicant's market share has increased due to the decrease in import supply during the investigation period at the same time as the COVID-19 pandemic occurred so that IDN was able to increase its sales due to increased domestic demand.

H.3 TECHNOLOGY USED

75. The technology used by IDN is the same as the technology used by exporters producers from the accused countries.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

I. INTERESTED PARTY RESPONSES AND KADI'S RESPONSE

KADI received a number of responses submitted by interested parties, namely:

- (1) Ministry of Trade and Integration of the Republic of Kazakhstan;
- (2) Ministry of Economic Development of the Russian Federation and the Ministry of Industry and Trade of the Russian Federation and Trade Representation of the Russian Federation in the Republic of Indonesia

(1) Ministry of Trade and Integration of the Republic of Kazakhstan

1. The following comments are without prejudice to the position of the Government of the Republic of Kazakhstan that measures on imports of hot rolled coil from Kazakhstan is unlawful and cannot be regarded as an anti-dumping measure, as it was imposed without conducting the investigation and in the absence of affirmative original determinations of dumping, injury and causal link.
Given the lack of justification of imposition and continuation of the antidumping measure against Kazakhstan, the Ministry of Trade and Integration of the Republic of Kazakhstan ("Ministry") respectfully requests to revoke the measure at issue.
The essential facts report on the results of the sunset review of the antidumping measure on imports of hot-rolled coil originating in the People's Republic of China, India, Chinese Taipei, Thailand, Russia, Kazakhstan and Belarus ("Essential facts report") fails to demonstrate that the requirements for continued imposition of the measure exists. The KADI failed to comprehensively respond to the comments made by the Ministry in its previous submissions.

KADI's response

The current SR investigation is an extension of the imposition of BMAD from previous SR investigations (2018 and 2023). During the SR investigation, KADI has sent investigation documents including questionnaires to all parties interested parties including Kazakhstan to obtain data and information from these parties that can be used in the investigation will later be used as consideration in decision making.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

However, up to the time given, Kazakhstan chose to uncooperative by not responding to the questionnaire at all.

So it was decided to continue the imposition of BMAD on Kazakhstan.

2. Extension of the measure to Kazakhstan is unlawful

The KADI itself confirmed that the extension of the anti-dumping measure against imports from Russia to Kazakhstan were not based on the results of the investigation. Instead, KADI decided to extend the measure to Kazakhstan in the course of the sunset review due to the enactment of the customs union

KADI's response

After the imposition of BMAD on HRC imports from Russia, imports from Kazakhstan increased significantly after *the Eurasian Economic Union (EAEU)*, which at that time only has 3 (three) member countries, namely Russia, Belarus and Kazakhstan, implemented the *EAEU Customs Union* in 2010, where Belarus and Kazakhstan is not yet a WTO member country (observer) and has just become members in 2014. Implementation of *customs union* by EAEU member countries means the elimination of import duties on goods traded between the countries in question. In this regard, there are allegations that circumvention practices have occurred regarding the implementation of this *custom union*.

Therefore, in an effort to make the imposition of BMAD on HRC imports from Russia more effective, KADI decided to *extend* the imposition of BMAD on imported products from Kazakhstan.

The current SR investigation is intended to extend the imposition of BMAD from previous SR investigations (2018 and 2023). In the SR investigation, KADI has sent investigation documents including questionnaires to all interested parties including Kazakhstan, to obtain data and information from these parties that can be used in the investigation and

as consideration in decision making. One piece of information

What is needed is a customs union and trading system between members customs union and countries outside the union. However, until the deadline given, the Kazakh side did not provide a meaningful response to the questionnaire

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

uncooperative so it was decided to continue with BMAD against Kazakhstan.

3. KADI's assertion concerning circumvention is unsubstantiated

The only data regarding imports from the Republic of Kazakhstan is that imports of hot-rolled coil in 2012 increased three times compared to imports in 2011.

First, the KADI didn't demonstrate any connection between the creation of the customs union and the increase of imports from Kazakhstan in 2013 and still haven't shown it. This is due to the absence of any causal link.

Second, the KADI didn't demonstrate that the product was imported from Kazakhstan in 2012 was originating in Russia. The increase of imports, on its own, cannot justify the allegation concerning circumvention, especially when the country has its own production of the product concerned

Third, the sunset review resulting in the extension of the anti-dumping measure was concluded in 2013. Thus, the KADI could have access to import statistics of 2012.

However, the final report on the results of the sunset review in 2013 does not contain any analysis of imports from Kazakhstan. The only explanation provided referred to the creation of the customs union. This is another indication that the allegation of circumvention is unfounded.

Therefore, there was no circumvention involving Kazakhstan in the period from the creation of the customs union to the extension of the measure at issue, ie 2010-2013

KADI's response

After the imposition of BMAD on imported HRC products from Russia was implemented in 2011, imports from Russia decreased significantly while imports of HRC from Kazakhstan increased threefold. This condition shows that there has been a change in trade patterns as indicated by the diversion of trade from Russia to Kazakhstan. So, for the imposition of BMAD

was effective, it was decided that Kazakhstan would be subject to BMAD.

In connection with this decision, in the investigation of the 2nd SR and 3rd SR, KADI sent a questionnaire to Kazakhstan and requested through representatives

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

government so that interested parties in Kazakhstan are willing to answer questionnaire and provide the data and information needed by KADI carry out further investigations related to, among other things, internal trading patterns *custom union* and third countries, and other information.

However, up to the time given, Kazakhstan chose to not cooperative. So it was decided to continue the application of BMAD against Kazakhstan

4. KADI's understanding of the customs union is wrong

The KADI's assumption that evasion will be easy for the EAEU Member States is unsubstantiated. The KADI refers to a theoretical possibility. However, in fact, the explanation provided above demonstrates the absence of circumvention.

In the KADI's view, the elimination of import duties makes circumvention easy in the customs union. The KADI's approach would mean that any free trade area (which is by definition aimed at elimination of trade barriers) is automatically evading trade Remedies. This erroneous approach is not reasonable.

The KADI continues to ignore that the existence of the customs union does not affect the origin of goods. The Ministry repeatedly provided the KADI with information concerning the functioning of the customs union and the system of national certificates of origin. This information proves wrong the allegations made by the petitioner and the KADI in the sunset reviews. Despite the clarifications, the KADI continues to ignore the information provided by the Government of the Republic of Kazakhstan, including in submissions dated March 16, 2023 y 02- 18/1222-y.

KADI's response

KADI would like to reiterate our understanding of the definition of *Custom Union* based on the following sources:

Based on the general definition of "Customs Union" defined by *General The Agreement on Tariffs and Trade* (GATT), as part of the WTO framework, is as follows:

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Custom union means the substitution of one customs territory for two or more territories customs, so:

- i. import duties and other restrictive trade regulations (except, if necessary, which is permitted under Articles XL, XL, XLLL, XIV, XV and XX) written off in respect of substantially all trade between union constituent territories or at least with respect to Substantially all trade products originate from the region that, and,
- ii. subject to the provisions of paragraph 9, essentially the same tasks and other trading regulations implemented by each member union on trade in territories not included in the union.

Furthermore, based on *the Treaty on the Eurasian Economic Union, Custom Union* is defined as a form of trade and economic integration of countries members that provide an integrated customs territory that is free from import duties (duties, taxes and other fees that have equivalent effects), non-tariff measures, special anti-dumping protection and countervailing measures, but with tariffs general customs duties and general assessment methods governing external trade country with a third country.

As a unified customs territory where no import duties (duties, taxes and other fees that have equivalent effects) are applied, the flow of goods within member states flows freely without any obstacles. In conditions like these, avoidance actions will be easy for EAEU member countries to take. To ensure the effectiveness of the imposition of Anti-dumping Measures (BMAD) against HRC from countries that are in a *customs union* with Russia, these measures were then extended to EAEU Member States.

Furthermore, KADI needs to emphasize that *the free trade agreement (FTA)* and *customs union* are two agreements with different approaches and commitments. In the FTA, the free trade referred to is free with COO requirements in accordance with commitment, not all import duty rates are 0%, but they are definitely lower than MFN rates,

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

and only applies between fellow members, towards partners outside FTA members, FTA commitments do not apply. This is different from *custom unions*, in *custom union*, the flow of goods flows without borders, without COO and without import duties and in dealing with external partners, *custom union* member countries have the same commitment, which is marked by an *external tariff commitment*.

Nevertheless, regarding the Kazakhstan argument that says that *evasion* is unlikely to occur among EAEU member states, KADI has provide sufficient opportunities to the Kazakh side (Government) to can provide supporting data and information that can be used as material for KADI's consideration in the investigation to prove the argument Kazakhstan. However, to date, KADI has not obtained the data in question, in this case we assess that Kazakhstan is not cooperative. So that

Based on this, KADI continues to impose BMAD in accordance with PMK No. 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022 and the 3rd SR investigation against Kazakhstan

5. KADI's likelihood of continuation or recurrence of dumping and injury assessment is flawed

The KADI has not established dumping, injury and causal links and has not conducted an original investigation of imports from Kazakhstan. In these circumstances, any likelihood of continuation or recurrence of dumping and injury assessment is uncertain.

In addition, and without prejudice, the KADI's essential facts report does not contain evidence of the likelihood of continuation or recurrence of dumping and injury in order to continue the imposition of the measure at issue. The determinations in the sunset reviews must be based on positive evidence.

Importantly, the likelihood analysis cannot be based on possible assumptions. The Appellate Body in US – Corrosion-Resistant Steel Sunset Review has found that “a firm evidentiary foundation is required in each case for a proper determination under Article 11.3 of the likelihood of continuation or recurrence of dumping” and that

“[s]uch a determination cannot be based solely on the mechanical application of presumptions

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

The Appellate Body has found that the use of the word “likely” indicates that the likelihood determination “may be made only if the evidence demonstrates that dumping would be probable if the duty were terminated – and not simply if the evidence suggests that such a result might be possible or plausible”.

The Appellate Body has also found that the meaning of the words “determine” and “review” suggests that an investigating authority “must act with an appropriate degree of diligence and arrive at a reasoned conclusion on the basis of information gathered as part of a process of reconsideration and examination”.

The existence of the production capacity alone is not sufficient to conclude that Exports are likely to resume, let alone that there is possibility of dumping and injury. In the KADI's logic any country that produces and exports the product is concerned likely to start exporting to Indonesia. There are other countries that also produce the product concerned but the KADI doesn't extend the measure to those countries.

Moreover, the performance of the petitioner is supported by the government through its participation in the infrastructure projects, including in the development of the National Capital City, and government policies of increasing the use of domestic steel products. Government procurement of imported goods in Indonesia can be carried out if the goods are not yet produced in Indonesia or the volume of domestic production is insufficient. In these conditions, the outlook for the petitioner is positive.

The Ministry does not consider that it is logical that Kazakhstan should be faced with a measure, while Kazakhstan has never exported the dumped product concerned to Indonesia and the domestic industry of Indonesia have never suffered injury from imports from Kazakhstan

KADI's response

In the *Essential Facts Report*, KADI has included an analysis of related factors *recurrence* and *likelihood* of dumping and losses which includes the possibility of continuation or recurrence of dumping and losses due to HRC imports from Kazakhstan can still occur if the imposition of BMAD is stopped, because From the data and information we have, it is found that it still exists the ability to increase production due to the large *excess capacity* from Kazakhstan to increase its exports if the export market is to

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Indonesia is open again due to the termination of BMAD. For your information conveyed that exports from all countries accused of dumping to other countries, is still increasing, except for China, exports to Indonesia are still increasing showed an increase even though imported HRC products were subject to BMAD. Besides dumping is still found even though Indonesia is implementing BMAD, there is quite large *excess capacity* and there are export obstacles Kazakhstan in other countries reinforces predictions of *dumping and injury likelihood* if the use of BMAD is stopped.

6. KADI's procedural violations prevent Kazakhstan from defending its interests

In accordance with Article 11.4 of the WTO Anti-Dumping Agreement the provisions of Article 6 regarding evidence and procedure shall apply to any review carried out under Article 11.

First, the KADI did not provide the requested non-confidential summaries of confidential information. The KADI simply responded that the application submitted is sufficient and understandable, while in fact it does not conform to the requirements of Article 6.5.1 of the Anti-Dumping Agreement

Second, the KADI failed to explain its basis for:

- 1) resorting to available facts and 2)
- its particular choice of data as available facts.

In circumstances where KADI has never established dumping in the first place, the determination of the likelihood of continuation or recurrence of dumping based on available facts cannot be rationally explained.

In addition, there is absolutely no connection between the data used as facts available and Kazakhstan. According to the Appellate Body, "when relying on available facts, an investigating authority must use those available facts that reasonably replace the necessary information that an interested party failed to provide with a view to arrive at an accurate determination".

Third, the KADI failed to disclose the essential facts in the meaning of Article 6.8 of the Anti-Dumping Agreement. In particular, the specific data that was used as facts available for calculation of the alleged margins of dumping was not disclosed. The

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Panel in China – Broiler Products specifically indicated that the investigating authority is expected to disclose the facts which it uses to replace the missing information. The KADI withholds the data and makes erroneous determinations based on data that is completely unrelated to Kazakhstan, which prevents the Ministry from defending its interests in this proceeding

7. Conclusion

Given the lack of justification of imposition and continuation of the antidumping measure against Kazakhstan, the Ministry respectfully requests to revoke the measure at issue.

KADI's response

Regarding this argument, KADI's explanation is clear in KADI's response in points- other questions. We explain once again, in order to respond to objections and arguments from Kazakhstan, KADI has requested data and information necessary to the Kazakh side, but until the deadline has been established determined, the Kazakh side did not submit a response or the required data and information. So in the process of investigating this 3rd SR, KADI using the best data available.

The non-confidential main data (essential facts) report submitted by KADI contains a summary of the confidential data in the form of an explanation in the narrative and index numbers in accordance with article 6.5.1 ADA, and KADI considers that the non-confidential version of the data submitted in the main data report is sufficient and understandable.

8. First, the rules of application of the measure were clearly violated from the outset, in 2013. The Indonesian Anti-Dumping Committee has not conducted an original investigation of imports from Kazakhstan and has not established the substantive requirements for imposition of the anti-dumping dumping measure: dumping, injury and causal link

It is obvious that in the absence of the original investigation and affirmative determination with regard to Kazakhstan the rules for continued application of the

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

antidumping measure cannot be met. Therefore, in this proceeding, any analysis of the likelihood of dumping and injury is inherently flawed

9. Second, the essential facts report contains the explanation to our concern that it refers to alleged circumvention. In this regard, the Ministry would like to stress that there was no circumvention involving Kazakhstan and the Indonesian Anti-Dumping Committee has never established circumvention

KADI's response

KADI's response to questions in points 8-9 has been described in explanations to questions from the Kazakh side in points previously. KADI decided to impose BMAD on HRC imports from Kazakhstan because after Russia was imposed BMAD, imports from Kazakhstan increased significantly. As is known, on January 1 In 2010, Kazakhstan together with Russia and Belarus announced the implementation of *the common external tariff (CET) as the Customs Union of the Eurasian Economic Community or Customs Union of Russia, Belarus, and Kazakhstan*. So, in order to ensure the effectiveness of the imposition of BMAD, KADI decided to impose BMAD on imported HRC products

Kazakhstan.

According to IDN's request, this 3rd SR investigation is intended to extend the imposition of BMAD from the previous SR investigations (2018 and 2023). During the SR investigation, KADI has sent investigation documents including questionnaires to all interested parties including Kazakhstan, so that KADI can obtain data and information from these parties which can be used in the investigation and used as consideration in decision making, especially regarding Kazakhstan's arguments. . One of the information needed is related

the practice of *custom union* which Kazakhstan believes guarantees that this will not happen *evation*, as well as a trading system between custom union members and outside countries union. However, until the deadline that has been given, Kazakhstan choose not to cooperate. So it was decided to continue

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

imposition of BMAD on Kazakhstan. Furthermore, in the current SR investigation, KADI has also provided an opportunity for Kazakhstan to respond questionnaire, but to date, there has been no response from Kazakhstan.

10. Third, we noticed that the Indonesian Anti-Dumping Committee misunderstood the concept of the customs union. Once again, we would like to clarify that the customs union does not affect the origin of goods. This is very important. The goods exported from the territory of the Republic of Kazakhstan retain their national origin, which is certified by the respective national authorized body, ie the National Chamber of Entrepreneurs of the Republic of Kazakhstan. The authorized body certifies that the good originates in Kazakhstan only if origin requirements are fulfilled in accordance with the applicable laws of the Republic of Kazakhstan

KADI response:

KADI has responded several times regarding Kazakhstan's question, KADI reaffirms KADI's understanding of the definition of *Custom Union* based on the following sources:

Based on the general definition of "Customs Union" defined by *General The Agreement on Tariffs and Trade (GATT)*, as part of the WTO framework, is as follows:

Custom union means the substitution of one customs territory for two or more territories customs, so:

- (i) import duties and other restrictive trade regulations (except, if necessary, which is permitted based on Articles XI, XI, XIII, XIV, XV and XX) are abolished with respect to substantially all trade between the union's constituent territories or at least with respect to substantially all trade products originating from the region, and,
- (ii) subject to the provisions of paragraph 9, essentially that duty the same and other trading regulations applied by each

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

union members on trade in territories not included in
union.

Furthermore, based on *the Treaty on the Eurasian Economic Union, Custom Union* defined as a form of trade and economic integration of countries member countries that provide a unified customs territory that is free from duties import duties (duties, taxes and other charges of equivalent effect), non-tariff measures, special antidumping protection and *countervailing measures*, but with general customs tariffs and general assessment methods governing trade abroad with third countries.

As a unified customs territory where there are no import duties (duties, taxes, etc other costs of equivalent effect) are applied, the flow of goods within *member states* can browse freely without any obstacles. In such conditions this, avoidance actions will be easy for EAEU member countries to take. To ensure the effectiveness of the imposition of Anti-dumping Measures (BMAD) against HRC from countries that are in a *customs union* with Russia, the measure was later extended to EAEU Member States

Therefore, KADI has provided sufficient opportunities for the Kazakhstan (Government) to provide supporting data and information that can be used as material for KADI's consideration in the investigation.

However, to date, KADI has not obtained the data in question (not cooperative). So based on this, KADI continues to impose BMAD in accordance with PMK No. 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022 as well as the third SR investigation into Kazakhstan.

(2) Ministry of Economic Development of the Russian Federation and the Ministry of Industry and Trade of the Russian Federation and Trade Representation of the Russian Federation in the Republic of Indonesia

11. No sufficient evidence of recurring dumping by Russian exporters
12. Incorrect calculation of export price and dumping margin

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

According to the Report, in the absence of Russian HRC export to Indonesia the Investigating Authority calculated the export price for Russian HRC using export prices Obtained from Ukrainian statistics agency. The Russian side submits that this data does not constitute a liable basis for determination of export price of Russia products

The Russian side takes note of the explanation that none of the interested parties cooperated with the Investigating Authority in this proceeding...the Russian side submits that Article 6.8 of the ADA does not enable to use anything authorities may wishes. In this case, the task before the Investigating Authority was to establish the export price of the product originating in Russia, not in Ukraine

... Thus, the dumping margin was calculated on the basis of inconsistent data

KADI's response

We need to reiterate, this investigation is an SR investigation only continue the imposition of BMAD.

KADI **has** requested the necessary data and information from the Russian side, but until the specified time limit, the Russian side did not submit a response or the necessary data and information. So, in carrying out dumping calculations in this 3rd SR investigation, KADI used the best data it had.

13. the Report states that during the POI there was price suppression and undercutting by Russian exporters of HRC. In this regard, the Russian side is concerned about how could such suppression and undercutting have been assessed bearing in mind absence of export from Russia to Indonesia for more than 10 years

KADI's response

Because there are no imports from Russia, we need to analyze whether there are still any undercutting or not, then we use import data from Ukraine as reference. Reasons for using import data from Ukraine to calculate import prices from Russia because geographically Ukraine is close to Russia and

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

Our components and production costs are more or less the same as in Russia. Besides
Meanwhile, Russia and Ukraine are still part of the CIS (*Commonwealth of
Independent States*).

14. No evidence of increasing Russian exports to Indonesia

The Russian side would like to note that Russian producers of HRC have reoriented
their export flows several years ago. On the basis of information available to the
Russian side, the main export markets for Russian HRC are Türkiye, Uzbekistan,
Egypt and Azerbaijan.... Indonesian market is not attractive for the reason of remote
location and disrupted logistics chains for more than 10 years of non-use
As a result, significant demand for Russian products exists in the domestic market
and in markets other than Indonesia.

KADI's response

This statement is not true, because in the main data report there are
KADI said there was no mention of an increase in Russian exports to
Indonesia during the investigation period. In this report we convey
as follows:

"...although there were no Russian exports to Indonesia after the imposition of BMAD,
"However, Russia has quite large export capabilities so there is a possibility of increasing exports
from Russia to Indonesia if the imposition of BMAD is stopped."

15. No sufficient evidence of recurrence of injury by Russian exporters

16. The favorable state of the domestic industry

In accordance with the Report the Investigating Authority confirms the improvement of almost all
production and financial indicators of the Applicant, the Russian side believes that due to the stable
production and financial statement of the Applicant,
absence of imports of the Product of Russian origin as well as the impossibility for
Russian imports to be increased, recurrence of the injury for Applicant is unlikely

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

KADI's response

IDN's economic performance indicators have indeed shown improvement. Apart from because the existence of BMAD is also because IDN is trying to increase efficiency. From the data held by KADI, *continuation and recurrence likelihood* factors were still found which can be seen from Russia's *excess capacity* and the existence of trade barriers in the form of the imposition of BMAD from other countries on Russia. It's been a few years. Recently, there have been no HRC imports from Russia, but based on calculations using construction, there is still sufficient dumping and *excess capacity* large so that if the imposition of BMAD is stopped, *dumping* will continue to occur and IDN will experience *injury* again due to increasing HRC imports from Russia and from other countries accused of dumping. For the record, the SR investigation intended to decide whether the imposition of BMAD continues or not stopped.

17. No evidence of substantial export potential of Russian producers

It is stated in the Report that Russian producers of HRC have excess production capacity that in the absence of anti-dumping duty is likely to lead to the recurrence of injury. However, no factual information or any kind of evidence was provided. Moreover, according to the Report the increase of Russian exports of HRC to other countries demonstrates a substantial export potential of Russian producers.

The Russian side considers these arguments groundless. Based on these arguments it cannot be concluded that the expiration of the duty would be likely to lead to recurrence of injury.

KADI's response

Based on the data that KADI has, it shows that there is still excess capacity for HRC products from Russia which still has the potential to result in repeated or continued losses for our IDN.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

18. The Russian side believes that the calculation of export price and dumping margin is incorrect, since the Ukrainian export prices were used for calculation of Russian export price and no explanation was given for such substitution.

For reference: According to the Report of Anti-Dumping Committee of Indonesia, in the absence of Russian HRC export to Indonesia the Investigating Authority calculated the export price for Russian HRC using export prices obtained from Ukrainian statistics agency. The Russian side submits that this data does not constitute a reliable basis for determining export prices of Russian products. This data may illustrate the export price of a product originating in another country, but it has nothing to do with the export price of Russian products. The Russian side fails to see any explanation to the contrary in the Report.

In calculation of export price, the Authority had to rely on the facts available, because none of the interested parties cooperated. Without challenging the right of the Authority to use the facts available in such circumstances, the Russian side submits that Article 6.8 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (ADA) does not enable to use anything authority may wish.

For reference: In this case, the task before the Authority was to establish the export price of the product originating in Russia, not in Ukraine. The report does not explain what efforts had the Authority made to obtain the data on export prices of the product originating exactly in Russia. It also does not explain whether the Authority attempted to check the relevance of the prices from Ukraine for its determination with regard to Russia, whether it found sufficient evidence to establish such relevance and what exactly this evidence was.

The Russian side believes that the Authority has failed to establish that the prices it uses are relevant for determining the export price of the Russian product. It appears from the Report that it made a shot in the dark in an attempt to fill in the deficiencies on the record.

The Russian side draws the attention of the Authority to paragraph 7 of Annex II to the ADA which requires to base findings on the facts available with special circumspection. The Russian side fails to see how this requirement has been observed.

Thus, the dumping margin was calculated on the basis of inconsistent data. Hence, the Authority failed to prove the likelihood of recurrence of dumping by Russia exporters.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

KADI's response

We need to reiterate, this investigation is an SR investigation for decide whether the imposition of BMAD will continue or not. By hence, the focus of investigation is directed at recurrence factors *and continued likelihood of dumping and injury.*

KADI has requested the necessary data and information from the Russian side, but until the specified time limit, the Russian side did not submit it responses or data and information required. So it's in process investigation, KADI used the best data it had.

19. The Russian side would like to stress that there is no evidence of increasing Russian export to Indonesia:

1) Russian producers of HRC have reoriented their export flows several years ago.

For reference: On the basis of information available to the Russian side, the main Export markets for Russian HRC are Turkey, Uzbekistan, Egypt and Azerbaijan. It can be noticed that most of these countries have the common feature – they are Rather close to Russia. Russian companies continue to supply to these markets and Indonesian market is not attractive for the reason of remote location and disrupted logistics chains for more than 10 years of non-use.

KADI's response

This statement is not true, because in the main data report submitted by KADI there was no mention of an "increase" in Russian exports to Indonesia during the investigation period. In the report we stated as:
following:

"...even though there were no Russian exports to Indonesia after the imposition of BMAD, Russia has quite large export capabilities so there is the possibility of an increase in exports from Russia to Indonesia if the imposition of BMAD is stopped."

Therefore, by considering the existence of *"likelihood or recurrent analysis"* based on Russia's large export capabilities so that

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

There is a possibility of an increase in exports from Russia to Indonesia if the imposition of BMAD was stopped, especially because of *the excess capacity* of the original HRC product. Russia is quite large and has the potential to result in repeated or continued losses for IDN in Indonesia.

20. The Russian side emphasizes that Authority failed to provide factual information or any kind of evidence that Russian producers of HRC have excess production capacity.

For reference: According to the Report the increase of Russian exports of HRC to other countries demonstrate a substantial export potential of Russian producers.

The Russian side considers these arguments groundless. Based on these arguments it cannot be concluded that the expiration of the duty would be likely to lead to recurrence of injury

21. Conclusion

The Russian side asks the Authority to consider all the above-mentioned arguments and to terminate the review without prolonging duties for Russian products since there are no grounds required by Article 11.3 of the ADA.

In addition, the Russian side would like to note that none of previous comments were taken into account by Authority. We kindly ask to consider them carefully.

KADI's response

KADI has requested the necessary data and information from the Russian side, but until the specified time limit, the Russian side has not submitted a response or the required data and information. So that in the investigation process, KADI uses the best data it has.

Therefore, KADI is of the view that with the evidence of "likelihood and recurrence" that KADI has presented in the main data report and final report, the imposition of BMAD is still necessary.

FINAL REPORT RESULTS **OF THE SUNSET REVIEW (SR) INVESTIGATION**
ON THE IMPOSITION OF BMAD ON THE IMPORT OF **HOT ROLLED COIL (HRC) PRODUCTS**
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

J. CONCLUSIONS AND RECOMMENDATIONS

1. Based on the results of the investigation, KADI concluded as follows:

- a. Based on recitals 42 – 54, dumping margins are still found by companies from countries currently subject to BMAD, so it can be concluded that dumping practices are still continuing.

- b. Based on recitals 35 – 41, IDN's performance during the P1 period (1 July 2019 – 30 June 2020), P2 (1 July 2020 – 30 June 2021) and P3 (1 July 2021 – 30 June 2022)
In general, IDN's economic performance has experienced improvements as reflected by
Several indicators have increased, including domestic sales
and other domestic industries, domestic sales, production, cash flow, ROI,
ability to raise capital and sales growth. Extension
The imposition of BMAD is expected to maintain the performance of IDN's economic indicators
which has improved. Extending the imposition of BMAD may encourage
achieving increasingly stable IDN economic performance.

- c. Based on recitals 55 – 57, the total imports of the products under investigation from the country are
accused of dumping during the investigation period decreased. Decline
This shows the effectiveness of the imposition of BMAD which is considered quite effective.
In terms of price impact, *price suppression* occurs at P1 where IDN does it
at a loss, then improvements occur in P2 and P3.

- d. Apart from that, based on section G. *Recurrence and Likelihood* Factors for Dumping and Losses,
it was found that exports from several countries accused of dumping (especially China and
Thailand) to other countries in the world are still increasing, countries accused of dumping still
have excess *capacity*. high enough that if BMAD use is stopped,

exports will increase again. Apart from that, there is the imposition of *trade remedies*
from other countries against all countries accused of dumping by Indonesia (PRC,
India, Russia, Kazakhstan, Taiwan and Thailand) make up the countries
will seek to divert its export market. So when applied
BMAD is stopped, dumping and injury will recur.

FINAL REPORT RESULTS *OF THE SUNSET REVIEW (SR) INVESTIGATION*
ON THE IMPOSITION OF BMAD ON THE IMPORT OF *HOT ROLLED COIL (HRC) PRODUCTS*
WHICH COME FROM THE COUNTRY
PEOPLE'S REPUBLIC OF CHINA, INDIA, RUSSIA, KAZAKHSTAN,
BELARUSIA, TAIWAN AND THAILAND

2. Based on the conclusions of the investigation results in point 1 above, KADI recommends extending the imposition of BMAD on *Hot Rolled Coil* imports (HRC) from the People's Republic of China (PRC), India, Russia, Kazakhstan, Belarus, Taiwan and Thailand with amounts according to PMK Number No. 25/PMK.010/2019, Jo PMK Number 31/PMK.010/2022, as follows:

Table 1. Recommended BMAD Amount

No.	Country of Origin of Goods	Company	BMAD amount (%)
1.	People's Republic China	Wuhan Iron & Steel (Group) Co.	0
		Angang Steel Company Ltd.	20
		Baoshan Iron & Steel Co. Ltd.	20
		Other companies	20
2.	India	Essar Steel Ltd.	12.95
		JSW Steel Ltd.	20
		Other companies	20
3.	Russia, Kazakhstan, and Belarus	Novolipetsk Steel	8.96
		Magnitogorsk Iron & Steel Works	20
		JSC Severstal	5.58
		Other companies	20
4.	Taiwan	Chung Hung Steel Corporation	4.24
		China Steel Corporation	0
		Shang Shing Steel Industrial	4.70
		Other companies	20
5.	Thailand	Sahaviriya Steel Industries Public Co. Ltd.	11.23
		Nakorntai Strip Mill Public Co.Ltd.	12.78
		G Steel Ltd.	7.52
		Other companies	20

3. The extension of BMAD imposition is proposed to be valid for 5 (five) years from the date invited.

January 2024

Indonesian Anti-Dumping Committee