

M/s Lisa Hind
National Manager, Operations,
Anti-Dumping Commission,
Ground Floor, Customs House,
1010 LaTrobe St.,
Docklands. Vic. 3008.

23rd December, 2013.



Exemption Application

Dear Lisa,

On behalf of Orrcon Operations Pty.Ltd., I hereby make application under Subsections 8 (7) (b) and 10 (8) (aa) of the Customs Tariff (Anti-Dumping) Act 1975, for exemption for Certain Hollow Steel Sections, from the current Anti-Dumping measures.

The following details are supplied in support of this application :-

1. Applicant : Orrcon Operations Pty.Ltd.
2. Address : 121 Evans Rd., Salisbury. Qld. 4107
3. Postal Address : C/- Mr. Maurie Bilston
Xpress Trade Consulting
P.O. Box 474, Tullamarine. Vic. 3043
4. Telephone : 0408 488849
5. Email : mbilston@asean.com.au
6. Applicant's Interest : Orrcon is an Importer of the subject goods & was also the applicant for the two Tariff Concessions now in place.
7. Other Parties having an Interest :
 - Onesteel Australian Tube Mills Pty.Ltd. of Industrial Drive, Mayfield. NSW. 2304. (Contact Richard Clement, General Manager, (02) 4935 4497
 - Onesteel no longer manufacture HHS to the required specification locally and was successful recently in gaining Tariff Concessions TC 1332191 & TC 1332192 for similar goods (Copies at attachment A)
 - Onesteel did not oppose the TCO Applications lodged by Orrcon

XTC XPRESS TRADE CONSULTING (A division of ASEAN Cargo Pty Ltd) ABN 32 139 394 451

PO Box 474 (7 Tarmac Drive), Tullamarine VIC 3043 Australia **T** 03 8679 2633 **F** 03 8679 2644

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2.

- Applicant is a local manufacturer of steel product & is unaware of any Australian manufacturer of substitutable product.

8. Grounds on which Exemption is sought :

- Exemption 2 - Paragraphs 8 (7) (b) & 10 (8) (aa) of The Customs Tariff (Anti-Dumping) Act 1975
- Tariff Concessions TC 1333313 & TC 1333316 now in place for the subject goods(with effect from 3rd July, 2013) (Copies at attachment B)

9. Evidence that all known Producers contacted :

- Letter sent to Onesteel ATM Pty.Ltd. asking whether or not it supports this application (Copy at attachment C)
- No other known local producers

10. Details of Current Measures :

- Hollow Structural Sections , classified to Tariff Subheading 7306.61.00 , exported from Peoples Republic of China, Republic of Korea, Malaysia, & Taiwan - Result of Dumping Complaint by Onestee IATM (See ACDN 2011/43 at attachment D)
- Dumping & Countervailing Measures imposed 3rd July, 2012 (ACDN 2012/31 – Copy at attachment E)

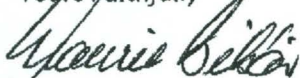
11. Description of Goods for which Exemption is sought :

- Please see wording of Tariff Concessions TC 1333313 & TC 1333316 (Attachment B)

12. Reason for seeking Exemption :

- Tariff Concessions now apply to the subject goods & only previous local manufacturer , no longer produces, which now provides grounds to make exemption

Yours faithfully



Maurie Bilston

National Manager

Tariff & Trade

Xpress Trade Consulting

(A)

Tariff Code: 7306.61.00
Reference No: 1332191
Schedule4 Item: 50

COLUMNS AND/OR BEAMS, hollow OR square OR rectangular shape, steel, complying with Australian/New Zealand Standard 1163:2009 grade C450L0 (AS/NZS 1163:2009 grade C450L0), having BOTH of the following:

- (a) silicon content NOT greater than 0.06%;
- (b) in EITHER of the following sizes:
 - (i) outside perimeter NOT less than 950 mm;
 - (ii) outside perimeter NOT less than 370 mm and thickness NOT less than 8.1 mm

Op. 20.09.13

Dec. Date 16.12.13

- TC 1332191

(A)

Tariff Code: 7306.61.00
Reference No: 1332192
Schedule4 Item: 50

COLUMNS AND/OR BEAMS, hollow OR square OR rectangular shape,
complying with Australian/New Zealand Standard 1163:2009 Grade
C450L0 (AS/NZS 1163:2009 Grade C450L0), having BOTH of the
following:

(a) silicon content NOT greater than 0.06%;

(b) outside perimeter NOT less than 720 mm

Op. 20.09.13

Dec. Date 16.12.13

- TC 1332192

C

C

B

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
7306.61.00 TUBES, square OR rectangular, electric resistance welded, complying with Australian/New Zealand Standard 1163:2009 (AS/NZS 1163:2009), Grade C350L0 OR C450L0, having EITHER (a) OR (b) AND (c), as follows: (a) silicon content plus 2.5 times the phosphorus content NOT greater than 0.09%; (b) silicon content greater than 0.14% and NOT greater than 0.24%; (c) perimeter NOT less than 720 mm Op. 03.10.13 Dec. date 23.12.13 - TC 1333313	50



Australian Government
Australian Customs and
Border Protection Service

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Reply to the Chief Executive Officer

Quote: TC 1333313
Your Ref: RHS

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6666
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

23 December 2013

MR MAURIE BILSTON
ASEAN CARGO PTY LTD
PO BOX 474
TULLAMARINE VIC 3043

Dear Mr Bilston,

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 1333313 lodged on 3 October 2013.

As a delegate of the Chief Executive Officer I am satisfied that the application meets the core criteria on the basis of section 269C of the *Customs Act 1901* and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette Number TC14/01 of 8 January 2014.

The TCO, as detailed in the attachment, will also be published in the Schedule of Concessional Instruments as soon as possible.

Yours sincerely,

Wendy KNOWLES
Delegate of the Chief Executive Officer



Australian Government
**Australian Customs and
Border Protection Service**

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Reply to the Chief Executive Officer

Quote: TC 1333316
Your Ref: RHS

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6666
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

23 December 2013

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ASEAN CARGO PTY LTD
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The TCO, as detailed in the attachment, will also be published in the Schedule of Concessional Instruments as soon as possible.

Yours sincerely,

Wendy KNOWLES
Delegate of the Chief Executive Officer



Mr. Richard Clement,
General Manager,
Onesteel Australian Tube Mills
Industrial Drive,
Mayfield. NSW. 2304

23rd December, 2013

Dear Mr. Clement ,

Australian Customs today approved Tariff Concession Applications, lodged on behalf of Orrcon Operations Pty.Ltd., for certain Square & Rectangular Hollow Sections. Copies of the approved wordings under TC 1333313 & TC 1333316 are attached.

We now wish to apply for exemptions for the subject goods from the current Dumping Duties applicable, in accordance with Sub-Section 8 (7) (b) of the Customs Tariff (Anti-Dumping) Act 1975 , on the grounds that Tariff Concessions are now in force for these goods.

As required by Australian Customs, would you please advise whether or not you support our exemption applications.

Yours Faithfully

Maurie Bilston
National Tariff & Trade Manager
Xpress Trade Consulting



SENT 23/12

XTC XPRESS TRADE CONSULTING (A division of ASEAN Cargo Pty Ltd) ABN 32 139 394 451
PO Box 474 (7 Tarmac Drive), Tullamarine VIC 3043 Australia **T** 03 8679 2633 **F** 03 8679 2644

W www.xpresstrade.com.au



AUSTRALIAN CUSTOMS DUMPING NOTICE
NO. 2011/43

Certain Hollow Structural Sections
exported from the People's Republic of China, the Republic of
Korea, Malaysia, Taiwan and the Kingdom of Thailand

Initiation of an investigation into alleged dumping and
subsidisation

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has initiated an investigation, following an application lodged by OneSteel Australian Tube Mills Pty Ltd, a manufacturer of hollow structural sections (HSS) in Australia. The application requests the publication of a dumping duty notice in respect of certain HSS exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia, Taiwan and the Kingdom of Thailand (Thailand), and the publication of a countervailing duty notice in respect of certain HSS exported to Australia from China.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that, in the case of China, countervailable subsidies have been received in respect of the goods. The application claims that the dumped and subsidised exports have caused material injury to the Australian industry through:

- lost sales volume;
- lost market share;
- price undercutting;
- price suppression;
- price depression;
- reduced profits and profitability;
- reduced return on investment;
- reduced attractiveness to reinvest;
- reduced employment;
- reduced plant utilisation rates; and
- reduced forward orders, cash flows and inventory levels.

The non-confidential version of the application, available on the public record to interested parties, as defined by subsection 269T(1) of the *Customs Act 1901* (the Act), contains the basis of the alleged dumping and subsidisation claims.

A notice under subsection 269TC(4) of the Act advising initiation of this investigation was published in *The Australian* newspaper on 19 September 2011.

The goods

The goods the subject of the application (the goods) are certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in

galvanised and non-galvanised finishes. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include in-line galvanised (ILG), pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those exceeding 21mm up to and including 165.1mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 1277.3mm. Categories of HSS excluded from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6mm and air heater tubes to Australian Standard (AS) 2556.

The goods are classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61.00 (statistical codes 21, 22 and 23) and 7306.69.00 (statistical codes 26, 27 and 28) in Schedule 3 of the *Customs Tariff Act 1995*.

The rate of duty for the goods from Korea and Taiwan is 5 per cent, from China and Malaysia is 4 per cent and from Thailand is free.

Investigation process

The investigation period is 1 July 2010 to 30 June 2011. Customs and Border Protection will examine exports to Australia of the goods during that period to determine whether dumping and subsidisation has occurred. Customs and Border Protection will examine details of the Australian market from 1 July 2007 for injury analysis.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim dumping duties.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim countervailing duties.

Lodgement of submissions

Interested parties are invited to lodge submissions concerning the publication of the dumping and countervailing duty notices sought in the application no later than the close of business on 31 October 2011, addressed to:

Director Operations 3
International Trade Remedies Branch
Australian Customs and Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Or by email:
tmops3@customs.gov.au

Interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the SEF.

The CEO must maintain a public record of each inquiry. The public record must contain, among other things, a copy of all submissions from interested parties (letters and electronic mail are generally regarded as "submissions" if they contain information relevant to the inquiry).

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "In-Confidence".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case, interested parties must provide two copies of each for the public record.

Documents included in the public record are available at <http://adpr.customs.gov.au/Customs/>. Alternatively, the public record may be examined at the office address below during business hours by contacting International Trade Remedies Branch on (02) 6275 6828.

International Trade Remedies Branch
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Provisional measures

A preliminary affirmative determination may be made not earlier than 60 days after the date of initiation provided that there appears to be sufficient grounds for the publication of a dumping duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim dumping duty that may become payable on the goods, may be imposed where a preliminary affirmative determination has been made.

Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable Customs and Border Protection to report to the Minister for Home Affairs (the Minister) within the legislative timeframe. A SEF will be placed on the public record by 9 January 2012, or by such later date as the Minister may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which the CEO proposes to base a recommendation to the Minister. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Report to the Minister

Submissions received in response to the statement will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 21 February 2012 (or such later date as the Minister may allow), unless the CEO terminates the investigation.

Review Officer

Certain parties will have the right to seek review in accordance with Division 9 of Part XVB of the Act of either a decision by the CEO to terminate the investigation, or a decision of the Minister after considering the CEO's report.

Customs and Border Protection contact

Enquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 6173, fax number (02) 6275 6990 or e-mail tmops3@customs.gov.au.

Justin Wickes
A/g National Manager
International Trade Remedies Branch
CANBERRA ACT

19 September 2011



Australian Government
Australian Customs and
Border Protection Service

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/31

Certain Hollow Structural Sections

Exported from

**The People's Republic of China, the Republic of Korea,
Malaysia, Taiwan and the Kingdom of Thailand**

**Finding in relation to a dumping and subsidisation
Investigation**

CUSTOMS ACT 1901 – PART XVB

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its investigation into the alleged dumping of certain hollow structural sections (HSS) exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia, Taiwan and the Kingdom of Thailand (Thailand), and the alleged subsidisation of certain HSS exported to Australia from China.

The goods are classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61.00 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10) in Schedule 3 of the *Customs Tariff Act 1995*.

In International Trade Remedies Report No. 177 (REP 177) Customs and Border Protection recommended the publication of a dumping duty notice in respect of the goods exported to Australia from China, Korea, Malaysia and Taiwan and a countervailing duty notice in respect of the goods exported to Australia from China. REP 177 outlines the investigations carried out by Customs and Border Protection, a statement of the reasons for the recommendations contained in REP 177, material findings of fact or law on which Customs and Border Protection's recommendations were based and particulars of the evidence relied on to support the findings.

On 6 June 2012, Customs and Border Protection terminated its dumping investigation into the goods exported from Thailand and its subsidy investigation with respect to two Chinese exporters, Huludao City Steel Pipe Industrial Co., Ltd (Huludao) and Qingdao Xiangxing Steel Pipe Co., Ltd. (Qingdao Xiangxing). Termination Report No. 177 sets out the reasons for these terminations.

In REP 177, Customs and Border Protection found that:

- HSS exported from China to Australia were:
 - dumped with margins ranging from 10.1% to 57.1%; and
 - with the exception of two exporters, Huludao and Qingdao Xiangxing, subsidised with margins ranging from 2.2% to 54.8%;
- HSS exported from Korea to Australia were dumped with margins ranging from 3.2% to 8.9%;
- HSS exported from Malaysia to Australia were dumped with margins ranging from 3.0% to 20.0%;
- HSS exported from Taiwan to Australia were dumped with margins ranging from 2.4% to 5.3%;

- the dumped and subsidised exports caused material injury to the Australian industry producing like goods; and
- continued dumping and subsidisation may cause further material injury to the Australian industry.

Particulars of the dumping and countervailing margins established for each of the exporters are set out in the following tables:

Exporter	Dumping Margin	Subsidy Margin	Effective rate of combined interim countervailing duty and interim dumping duty	
<i>China</i>				
Dallan Steelforce Hi-Tech Co. Ltd	13.4%	11.1%	All finishes	13.4%
Hengshui Jinghua Steel Pipe Co., Ltd	23.7%	4.6%	All finishes	23.7%
Huludao City Steel Pipe Industrial Co., Ltd	10.1%	Negligible	All finishes	10.1%
Qingdao Xiangxing Steel Pipe Co., Ltd	18.0%	Negligible	All finishes	18.0%
Zhejiang Kingland Pipeline & Technologies Co. Ltd	10.2%	2.2%	All finishes	10.7%
Jiedong Economic Development Testing Zone Tai Feng Qiao Metal Products Co., Ltd	32.0%	7.9%	All finishes	32.0%
Selected non-cooperating exporters**	57.1%	54.8%	Black	100.8%
			Pre-galvanised	43.9%
			Hot dipped galvanised	100.8%
			Painted	99.5%
			Other	43.9%

* The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to HSS from China, is the sum of:

- the subsidy rate calculated for all countervailable programs, including 'Program 20 – hot rolled steel provided by government at less than adequate remuneration'; and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 20.

** Where the non-injurious price (NIP) is the operative measure, the lesser duty rule has taken effect to reduce the duties to a level sufficient to remove the injury caused by dumping and subsidisation. This happens only in the case of certain finishes for selected non-cooperating exporters from China. The operative measure in relation to selected non-cooperating Chinese exporters is a mixture of the NIP and normal value, depending on the finish category.

Exporter	Dumping Margin
<i>Korea</i>	
Kukje Steel Co., Ltd	3.2%
Selected non-cooperating exporters	8.9%
<i>Malaysia</i>	
Alpine Pipe Manufacturing SDN BHD	3.0%
Selected non-cooperating exporters	20.0%

<i>Taiwan</i>	
Shin Yang Steel Co., Ltd	2.8%
Ta Fong Steel Co., Ltd	2.4%
Selected non-cooperating exporters	5.3%

The Minister has accepted Customs and Border Protection's recommendations in relation to the alleged dumping of the goods from China, Korea, Malaysia and Taiwan and subsidisation of the goods exported to Australia from China contained in REP 177. Notice of the Minister's decision was published in *The Government Notices Gazette* and *The Australian* newspaper on 3 July 2012.

Measures apply to goods that are exported to Australia after publication of the Ministers notice. Any dumping securities that have been taken on and from 23 December 2011, will be converted to interim dumping duty.¹ Importers will be contacted by the Regional Securities Officer in their respective capital city detailing the required conversion action for each security taken.

Anti-dumping duties apply to all HSS exported to Australia from China, Korea, Malaysia and Taiwan. Countervailing duties apply to all HSS exported to Australia from China, except HSS exported by Huludao and Qingdao Xiangxing.

To preserve confidentiality, the export price, normal value and non-injurious price will not be published. Bona fide importers of the goods can obtain details of the rates from the Dumping Liaison Officer in their respective capital city.

Interested parties may seek a review of this decision by lodging an application with the Trade Measures Review Officer in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the Minister's notice (i.e by 2 August 2012).

REP 177 is available on the internet at www.customs.gov.au. Copies of REP 177 are also available on request from the International Trade Remedies Branch, Customs and Border Protection, by telephone (02) 6275 6547 or fax (02) 6275 6990.

Enquiries concerning this notice may be directed to the Case Manager on telephone (02) 6275 6173, fax (02) 6275 6990 or email itrops3@customs.gov.au.

KIM FARRANT
National Manager
International Trade Remedies Branch
CANBERRA ACT

3 July 2012

¹ Under the terms of s45(3)(a) of the Act, a dumping security taken in respect of interim dumping duty that may be payable on goods shall be cancelled six months after the security was taken.