



ANTI-DUMPING NOTICE NO. 2014/93

Certain Hollow Structural Sections Exported from the People's Republic of China Initiation of a Review of Anti-Dumping Measures

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain hollow structural sections (HSS) exported to Australia from the People's Republic of China (China).

The Goods

The goods subject to the measures (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.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 3 July 2012 by the former Minister for Home Affairs following consideration of *International Trade Remedies Report No. 177* (REP 177).

Following a review by the former Trade Measures Review Officer, Australian Customs and Border Protection Service (ACBPS) conducted a reinvestigation into certain findings made in REP 177. *International Trade Remedies Report No. 203* sets out the new findings made by ACBPS as a result of the reinvestigation.

To give effect to this decision the former Minister published new dumping and countervailing duty notices under section 269ZZM of the *Customs Act 1901* (the Act).

These notices, which came into effect on 13 May 2013, replaced the dumping and countervailing duty notices published on 3 July 2012.

The current review

An application has been made under section 269ZA of the Act for a review of the dumping and countervailing duty notices in relation to the goods exported to Australia from China. The application was lodged by Tianjin Youfa Steel Pipe Group Co., Ltd (Tianjin Youfa).

A notice indicating that I propose to review the anti-dumping measures was published in *The Australian* on 30 September 2014. The review period is 1 July 2013 to 30 June 2014. The review will examine whether the variable factors relevant to the taking of the measures have changed.

The review will not examine certain issues that would apply to exporters beyond the exporter the subject of the review. For example, the review will not reassess whether there was a situation in the Chinese domestic market for HSS such that the sales of HSS in that market were unsuitable for normal value (market situation assessment). The Commission will also not reassess whether the costs incurred by Tianjin Youfa for purchases of primary raw material such as hot rolled coil or narrow strip reasonably reflect competitive market costs (in terms of regulation 180(2) of *the Customs Regulations 1926*).

The Commission considers that new countervailable subsidy programs will be investigated as part of the review, but only to the extent that these are evident in the particular exporter's records - for example where Tianjin Youfa is found to have received a countervailable subsidy not previously countervailed through a financial contribution by a government or public body.

After concluding the review, I will recommend to the Parliamentary Secretary that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application no later than 10 November 2014 to request that I consider that evidence to extend a review of anti-dumping measures to include revocation of measures.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **10 November 2014**, addressed to:

The Director
Operations 2
Anti-Dumping Commission
1010 La Trobe St
Docklands VIC 3008

or email operations2@adcommission.gov.au, or fax to + 61 3 9244 8902.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

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:

- (i) 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
- (ii) satisfy me 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 "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts will be placed on the public record by 19 January 2015, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. 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 Parliamentary Secretary

Submissions received in response to the statement of essential facts will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before 4 March 2015 (or such later date as the Parliamentary Secretary may allow).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number (02) 6229 1191, fax number + 61 3 9244 8902 or +61 2 6275 6888 (outside Australia) or operations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

30 September 2014