



ANTI-DUMPING NOTICE NO. 2016/16

Hollow structural sections

Exported to Australia from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan

Initiation of exemption inquiries

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner) have initiated exemption inquiries in relation to certain hollow structural sections (HSS) exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia and Taiwan.

The exemptions are being sought under paragraphs 8(7)(b) and 10(8)(aa) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary) may exempt goods from dumping and countervailing duties where satisfied:

'that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.'

The anti-dumping measures

Anti-dumping measures, in the form of dumping duties and countervailing duties, were initially imposed on certain HSS by public notice on 3 July 2012 by the then Minister for Home Affairs following consideration of *International Trade Remedies Report No. 177*.

All exporters from China, Korea, Malaysia and Taiwan are subject to anti-dumping measures.

The goods subject to measures are classified to tariff subheadings 7306.30.00 (statistical codes 31 through 37), 7306.61.00 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10) of Schedule 3 to the *Customs Tariff Act 1995*.

The exemption goods

The goods the subjects of the exemption inquiries are (exemption goods):

- For exemption inquiry EX0043 – certain HSS with the characteristics described in tariff concession order (TCO) TC 1332191; and
- For exemption inquiry EX0044 – certain HSS with the characteristics described in TCO TC 1439520.

Details of the TCOs, including the descriptions of the exemption goods, can be found in the Tariff Concession Gazette on the website of the Department of Immigration and Border Protection.

The exemption inquiries will examine whether the exemption goods satisfy the conditions of paragraphs 8(7)(b) and 10(8)(aa) of the Dumping Duty Act.

The current inquiries

Applications for exemption have been made to the Anti-Dumping Commission (the Commission) by ThyssenKrupp Mannex Pty Ltd, an importer of the exemption goods. Evidence was provided that TCOs TC 1332191 and TC 1439520 are currently in effect.

After making inquiries of the Australian industry producing HSS and other interested parties, I will recommend to the Parliamentary Secretary whether the exemption goods should be exempted from the anti-dumping and countervailing measures.

Background to exemption inquiry EX0044

On 11 June 2014 the then Parliamentary Secretary to the Minister for Industry granted an exemption under *Ministerial Exemption Instrument No. 3 of 2014* on the basis that TC 1333313 was then in effect. TC 1439520, the basis for exemption inquiry EX0044, was issued in place of TC 1333313 with effect from 26 September 2014. TC 1439520 specifies goods that are similar to the goods specified in TC 1333313 but is narrower in scope. During the course of inquiry EX0044 the Commission will also consider whether to recommend to the Parliamentary Secretary to expressly revoke the exemption granted under *Ministerial Exemption Instrument No. 3 of 2014*.

Public record

There is no legislative requirement to maintain a public record for exemption inquiries. However, in the interests of ensuring the exemptions are conducted in an open and transparent manner, a public record for each of these inquiries may be examined at Commission's office by contacting the case manager on the details provided below. Alternatively, the public record for each inquiry is accessible at www.adcommission.gov.au.

The respective public records will contain, among other things, a copy of each application including details of TC 1332191 and TC 1439520, and a copy of all non-confidential submissions from interested parties.

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning the inquiries no later than the close of business on **11 March 2016**, addressed to:

The Director
Operations 5
Anti-Dumping Commission
Level 35, 55 Collins Street
Melbourne VIC 3001

or by email to Operations5@adcommission.gov.au or fax to (03) 8539 2499 or +61 3 8539 2499 (outside Australia).

Interested parties wishing to participate in the inquiries must ensure that submissions are lodged promptly.

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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Report to the Parliamentary Secretary

Submissions received in the timeframe stated above will be taken into account in completing the respective reports and recommendations to the Parliamentary Secretary. There is no legislated timeframe for exemption processes.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number (02) 6102 9622, fax number (03) 8539 2499 or +61 3 8539 2499 (outside Australia) or by email at Operations5@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

19 February 2016