



ANTI-DUMPING NOTICE NO. 2014/14

Hollow Structural Sections

Exported to Australia from the People's Republic of China,

the Republic of Korea, Malaysia and Taiwan

Initiation of an exemption inquiry

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an exemption inquiry in relation to certain goods the subject of anti-dumping measures applying 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 exemption category being sought is under paragraphs 8(7)(a) and 10(8)(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Minister may exempt goods from interim dumping and countervailing duties where he is satisfied:

that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The Anti-Dumping Measures

Anti-dumping measures, in the form of dumping and countervailing duty notices were initially imposed on HSS by public notice on 3 July 2012 by the relevant Minister following consideration of the *International Trade Remedies Branch Report to the Minister No. 177* (REP 177). These measures apply as follows:

- a dumping duty notice in respect of HSS exported by all exporters from China, Korea, Malaysia and Taiwan;¹ and
- a countervailing duty notice in respect of HSS exported from China by all exporters except two.²

¹ The Chief Executive Officer (CEO) of Australian Customs and Border Protection Service terminated the dumping investigation as far as it related to HSS from Thailand on 6 June 2012.

² The two exporters are Qingdao Xiangxing Steel Pipe Co Ltd and Huludao City Steel Pipe Industrial Co Ltd. The CEO terminated the countervailing investigation as far as it related to those two exporters on 6 June 2012.

The Exemption Goods

The goods the subject of the exemption inquiry are electric resistance welded pipe made of carbon steel, comprising circular and hollow sections normally referred to as CHS (circular hollow sections) having a hot-dipped galvanised (HDG) finish, and a nominal size (NB) of 25, 32, 40 or 50 millimetres (the exemption goods).

The goods are currently classified to the tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37) of Schedule 3 to the *Customs Tariff Act 1995*.

The exemption goods exported to Australia:

- from Korea and Taiwan are subject to a 5% rate of duty;
- from China and Malaysia are subject to a 4% rate of duty; and
- from Thailand using Thailand Free Trade Agreement rates are free from duty as of 1 January 2010.

The exemption inquiry will examine whether the goods the subject of the application would satisfy the conditions of paragraphs 8(7)(a) and 10(8)(a) of the Dumping Duty Act.

The current inquiry

An application has been made to the Parliamentary Secretary to the Minister for Industry for an exemption for the exemption goods from interim dumping and countervailing duties under the Dumping Duty Act. The application was lodged by Kasia Nominees Pty Ltd (Kasia).

After making inquiries of the Australian industry producing HSS and other interested parties, I will recommend to the Parliamentary Secretary whether the goods should be exempted.

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning this inquiry, no later than the close of business on 31 March 2014, addressed to:

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

or email operations2@adcommission.gov.au, or fax to 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I may not have regard to a submission received by the Commission after the date mentioned above if I consider

it will prevent the timely preparation of a recommendation to the Parliamentary Secretary.

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").

Public Record

There is no legislative requirement to maintain a public file for exemption inquiries. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public file for this inquiry has been opened and is accessible at www.adcommission.gov.au. Alternatively, the public record may be examined at the office of the Anti-Dumping Commission by contacting the case manager on the details provided below.

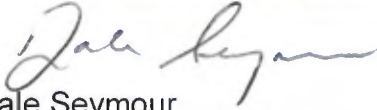
The public record will contain, among other things, a copy of the application and a copy of all submissions from interested parties.

Report to the Parliamentary Secretary

Submissions received will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case officer on telephone number 02 6275 6968, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia), or email operations2@adcommission.gov.au.



Dale Seymour
Commissioner
Anti-Dumping Commission

19 February 2014