



ANTI-DUMPING NOTICE NO. 2017/83

Certain Hollow Structural Sections

Exported from Malaysia

Initiation of an Accelerated Review

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain hollow structural sections exported to Australia from Malaysia, in so far as they relate to a new exporter, Melewar Steel Tube Sdn Bhd (Melewar).

The lodgement date of 17 May 2017 is the commencement date of this accelerated review.

The goods

The goods subject to anti-dumping measures (“the goods”), in the form of a dumping duty notice, are

Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections. Normally referred to as either CHS (circular or oval hollow sections) or RHS (rectangular or square hollow sections) collectively referred to as hollow structural sections (HSS).

The goods are classified to the following tariff subheadings as documented in Schedule 3 of the *Customs Tariff Act 1995*.

- 7306.30.00
- 7306.61.00
- 7306.69.00

Existing measures

On 19 September 2011, an investigation into the alleged dumping and subsidisation of certain hollow structural sections exported to Australia from the People’s Republic of China (China), the Republic of Korea (Korea), Malaysia, the Kingdom of Thailand (Thailand) and Taiwan was initiated following an application lodged by Australian Tube Mills Pty Ltd (ATM). In that investigation, as outlined in the Anti-Dumping Commission Report No. 177 (REP 177), it was found that:

- Hollow structural sections imported from China, Korea, Malaysia and Taiwan were dumped at various margins; and

- Hollow structural sections imported from China were in receipt of countervailable subsidies.

Accordingly, it was recommended that the then Minister for Home Affairs (Minister), impose anti-dumping measures (in the form of interim dumping duty (IDD) on the goods exported from China, Korea, Malaysia and Taiwan and interim countervailing duty (ICD) on the goods exported from China (excluding two exporters). The Minister accepted these recommendations and, on 3 July 2012, published a dumping duty notice and countervailing duty notice.

Upon application by Dalian Steelforce, this decision was reviewed by the then Trade Measures Review Officer and reinvestigated by the then Australian Customs and Border Protection Service (ACBPS).

The reinvestigation resulted in the ACBPS recommending to the Minister, in Report 203, that the dumping duty notice and countervailing duty notice remain in place, however, with an alteration of the amount of interim dumping duty (IDD) applicable to the exports of Dalian Steelforce (amended to zero).

The Minister accepted these recommendations, and on 13 May 2013 declared as such via a public notice published under section 269ZZM of the Act.

Following an appeal to the Federal Court of Australia, the Countervailing Notice was revoked as it relates to Dalian Steelforce.

The current accelerated review

On 17 May 2017, Melewar lodged an application under subsection 269ZE(1) of the *Customs Act 1901* (the Act) for an accelerated review of the dumping duty notice in relation to its exports of the goods to Australia from Malaysia.

Following consideration of the application, I have decided not to reject the application. Further detail on the consideration of the application is contained in *Anti-Dumping Commission Consideration Report No. 417* (CON 417).

After concluding the accelerated review, I will make a recommendation under subsection 269ZG(1) of the Act to the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ that the dumping duty notice and the countervailing duty notice:

- (i) remain unaltered; or
- (ii) be altered so as to apply to the applicant as if different variable factors had been fixed.

If recommending to the Parliamentary Secretary that different variable factors be applied to the applicant, I may propose a change in the method to determine the interim dumping duty and interim countervailing duty. The available methods for determining the interim dumping duty are outlined in section 5 of the *Customs Tariff (Anti-Dumping) Regulation 2013*. The

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this accelerated review, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

available methods for determining interim countervailing duty are outlined in subsection 10(3B) of the *Customs Tariff (Anti-Dumping) Act 1975*.

Public record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for this accelerated review has been opened and is accessible at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office by contacting the Case Manager on the details provided below.

The public record will contain, among other things, a copy of the application, CON 417 and a copy of all submissions from interested parties.

Securities

Pursuant to subsection 269ZH(b) of the Act, the Commonwealth may require and take securities under section 42 of the Act in respect of interim dumping duty and interim countervailing duty that may be payable on importation of the goods to which the application relates.

I have recommended that the Commonwealth require and take securities under section 42 of the Act from 17 May 2017 in respect of interim dumping duty and interim countervailing duty that may be payable on the importation of certain hollow structural sections exported from Malaysia to which the application under subsection 269ZE(1) of the Act relates.

The interim dumping duty that has been determined is an amount that has been worked out in accordance with the combination of fixed (*ad valorem*) and variable duty method pursuant to subsection 5(2) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

The interim countervailing duty that has been determined is an amount that has been ascertained as a proportion of the export price of the goods pursuant to subsection 10(3B)(a) of the *Customs Tariff (Anti-Dumping) Act 1975*.

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning this review via:

Email to: operations5@adcommission.gov.au
Fax to: +61 3 8539 2499, or
Mail to: The Director, Operations 5
Anti-Dumping Commission
Level 7, Industry House
10 Binara Street
Canberra ACT 2601

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

A recommendation to the Parliamentary Secretary will be made in a report on or before 25 August 2017.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager by email to operations5@adcommission.gov.au, or by telephone number: +61 2 6102 9622.

Dale Seymour
Commissioner
Anti-Dumping Commission

6 June 2017