

PUBLIC RECORD.



The Commissioner
Anti-Dumping Commission
55 Collins Street
Melbourne. Vic. 3000

31st December, 2015

Dear Sir,

On behalf of ThyssenKrupp Mannex Pty.Ltd. , I hereby apply under Sub-Section 8 (7)(b) & 10 (8)(aa) of the Customs Tariff (Anti-Dumping) Act 1975 , for exemption of certain Hollow Structural Sections , from current Anti-Dumping measures.

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

1. Applicant : ThyssenKrupp Mannex Pty.Ltd.
2. Address : Level 4 , Tower B , 799 Pacific Hwy., Chatswood. NSW. 2067
3. Postal Address : c/- Mr. Maurie Bilston , Xpress Trade Consulting
P.O. Box 474 , Tullamarine. Vic. 3043.
4. Telephone : 0408 488849
5. Email : mbilston@xpresstrade.com.au
6. Applicant's Interest : ThyssenKrupp Mannex Pty.Ltd. is an importer of the subject goods
7. Other Parties Having an Interest :
 - Australian Tube Mills (ATM)
Industrial Drive , Mayfield . NSW . 2304
 - Orrcon Steel
121 Evans Road , Salisbury. QLD. 4107

- *Exemption 2 – Paragraphs 8 (7) (b) and 10 (8) (aa) of the Customs Tariff (Anti-Dumping) Act 1975*
- *Tariff Concession TC 1439520 is currently in place for the subject goods (copy at attachment A)*

- Letters sent to ATM & Orrcon asking whether or not they support this application - (copies at attachment B)
- These are the only two local manufacturers of this class of goods

- *Certain Hollow Structural Measures exported from the Peoples Republic of China , the Republic of Korea , Malaysia & Taiwan*
- *Tariff Classifications - 7306.30.00 statistical code 31/37*
 - *7306.61.00 statistical code 21 , 22 & 25*
 - *7306.69.00 statistical code 10*
- *Copy of ACDN 2012/31 at attachment C , announcing measures on July 3rd , 2012*
- *Copy of ACDN 2011/43 at attachment D , announcing initiation of Investigation - Application lodged by Onesteel/Australian Tube Mills (now ATM)*

- *Please see wording of TC 1439520 at attachment A*

- *A Tariff Concession TC 1439520 currently exists for the subject goods, attesting to the fact that no local manufacturer produces substitutable goods*

3.



12 .(Continued)

- *TC 1439520 was issued due to a request for revocation of TC 1333313 (including suggested rewording) by Austube Mills Pty.Ltd.(now ATM) – See copy of Tariff Concession Gazette 14/45 Notice at attachment E*
- *TC 1333313 was originally applied for by Orrcon & Exemption granted by ADC 17th June 2014 - see attachment F*
- *The Exemption granted for TC 1333313 is still current but the Concession no longer exists*
- *Above information further indicates that neither local manufacturer produces substitutable goods to those described in TC 1439520*

I look forward to this application receiving full & careful consideration & should any further information be required , please contact the writer.

Yours Faithfully

Maurie Bilston
National Manager, Tariff & Trade
Xpress Trade Consulting

TABLE OF ATTACHMENTS

A. DESCRIPTION OF GOODS - TC 1439520

B. LETTERS TO LOCAL MANUFACTURERS

C. ACDN 2012 / 31

D. ACDN 2011 / 43

E. TC GAZETTE 14 / 45 NOTICE

F. ACDN 2014 / 51

G. LETTER OF AUTHORITY

Tariff Code: 7306.61.00
Reference No: 1439520
Schedule4 Item: 50

TUBES, square OR rectangular, electric resistance welded, complying with Australian/New Zealand Standard 1163:2009 (AS/NZS 1163:2009), Grade C350L0 OR C450L0, with a perimeter NOT less than 950 mm and having EITHER (a) OR (b) 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%

Op. 26.09.14

Dec. Date 14.11.14 - TC 1439520



*The Product Manager
Australian Tube Mills
Industrial Drive,
Mayfield . NSW. 2304*

30th December, 2015

Dear Sir,

On behalf of my client , ThyssenKrupp Mannex Pty.Ltd., I wish to apply to the Anti-Dumping Commission for an exemption of goods the subject of Tariff Concession TC 1439520 from the current Anti-Dumping Measures which apply to Hollow Structural Sections . A Copy of the wording of this Concession is attached.

As this Concession was originally issued due to a request for revocation of TC 1333313 (including suggested rewording) by Austube Mills Pty.Ltd. , it would seem obvious that the size limits listed are not included in your manufacturing range.

Under the circumstances , would you please advise as to whether you will support our exemption application .

Yours Faithfully

*Maurie Bilston
National Manager, Tariff & Trade,
Xpress Trade Consulting*

Tariff Code: **7306.61.00**
Reference No: **1439520**
Schedule4 Item: **50**

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- (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%

Op. 26.09.14 Dec. Date 14.11.14 - TC 1439520

NOTE:

TC 1333313 revoked and reissued as TC 1439520 as at 26 September 2014 as substitutable goods manufactured in the ordinary course of business by Austube Mills Pty Ltd, St Leonards, NSW. In transit provisions apply



*The Product Manager
Orrcon Steel
121 Evans Road,
Salisbury. QLD. 4107*

30th December, 2015

Dear Sir,

On behalf of my client , ThyssenKrupp Mannex Pty.Ltd., I wish to apply to the Anti-Dumping Commission for an exemption of goods the subject of Tariff Concession TC 1439520 from the current Anti-Dumping Measures which apply to Hollow Structural Sections . A Copy of the wording of this Concession is attached.

As this Concession was originally issued due to a request for revocation of TC 1333313 (Orrcon's TC) by Austube Mills Pty.Ltd. , who also supplied the suggested re-wording , it would seem obvious that the size limits listed are not included in your manufacturing range & not manufactured locally.

Under the circumstances , would you please advise as to whether you will support our exemption application .

Yours Faithfully

*Maurie Bilston
National Manager, Tariff & Trade,
Xpress Trade Consulting*

Tariff Code: 7306.61.00
Reference No: 1439520
Schedule4 Item: 50

TUBES, square OR rectangular, electric resistance welded, complying with Australian/New Zealand Standard 1163:2009 (AS/NZS 1163:2009), Grade C350L0 OR C450L0, with a perimeter NOT less than 950 mm and having EITHER (a) OR (b) as follows:

- (a) silicon content plus 2.5 times the phosphorus content NOT greater than 0.09%;
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Op. 26.09.14 Dec. Date 14.11.14 - TC 1439520

NOTE:

TC 1333313 revoked and reissued as TC 1439520 as at 26 September 2014 as substitutable goods manufactured in the ordinary course of business by Austube Mills Pty Ltd, St Leonards, NSW. In transit provisions apply



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*	
China				
Dalian 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.



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

NOTICE PURSUANT TO SECTION 269SE(1)&(2) - TARIFF CONCESSION ORDERS REVOKED AND NARROWER TARIFF CONCESSION
ORDERS MADE

The operative date (Op.), decision date (Dec. date) and TC reference number follow the description of goods.
In-transit provisions apply

[illegible]

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

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25.09.14

TC 1333313 revoked and reissued as TC 1439520 as from 26 September 2014 substitutable goods are manufactured in the ordinary course of business by Austube Mills Pty Ltd, St Leonards, NSW. In transit provisions apply

- TC 1333313

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, with a perimeter NOT less than 950 mm and having EITHER (a) OR (b) 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%

Op. 26.09.14 Dec. date 14.11.14

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- TC 1439520



ANTI-DUMPING NOTICE NO. 2014/51

Certain Hollow Structural Sections

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

the Republic of Korea, Malaysia and Taiwan

Findings of an exemption inquiry

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have completed the exemption inquiry in relation to certain goods which are 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 was sought pursuant to paragraph 8(7)(b) and 10(8)(aa) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) may exempt goods from interim dumping and countervailing duties where he is 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 a dumping and countervailing duty notice, were initially imposed on HSS by public notice on 3 July 2012 by the relevant Minister following consideration of *International Trade Remedies Branch Report No. 177*.

The Goods

The goods subject to measures 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 following information clarifies the nature of the goods subject to measures.

Finishing

All HSS regardless of finish is included.

Non-galvanised HSS is typically of painted, black, lacquered or oiled finished coatings.

CHS with other than plain ends (such as threaded, swaged and shouldered) are also included.

Standards

HSS is generally produced to either the British Standard BS 1387 or the Australian Standard AS 1163 or international equivalent standards (including ASTM/JIS and KS).

HSS can also be categorised according to minimum yield strength. The most common classifications are 250 and 350 mega Pascals (MPa).

HSS may also be referred to as extra-light, light, medium or extra heavy according to its wall thickness.

Excluded goods

The following categories are excluded from the goods subject to measures:

- conveyor tube (made for high speed idler rolls on conveyor systems, with inner and outer fin protrusions removed by scarfing (not exceeding 0.1 mm on outer surface and 0.25 mm on inner surface), and out of round standards (i.e. ovality) which do not exceed 0.6 mm in order to maintain vibration free rotation and minimum wind noise during operation);
- precision RHS with a nominal thickness of less than 1.6mm (is not used in structural applications); and
- air heater tubes to AS.2556.

'Structural' sections

For clarification, the goods subject to the measures include all electric resistance welded pipe and tube made of carbon steel meeting the above description of the goods (and exclusions), regardless of whether or not the pipe or tube meets a

specific structural standard or is used in structural applications.

The goods are currently classified to the tariff subheading 7306.61.00 (statistical codes 21, 22 and 25) of Schedule 3 to the *Customs Tariff Act 1995*.

The goods exported to Australia:

- from Korea and Taiwan are subject to a 5% rate of duty; and
- from China and Malaysia are subject to a 4% rate of duty.

The inquiry

An application was lodged by Orrcon Operations Pty Ltd (Orrcon).

I made a recommendation to the Parliamentary Secretary that the exemption be granted.

The Parliamentary Secretary has accepted the recommendation and has exempted the goods the subject of the application from dumping and countervailing duties through Exemption Instrument No. 3 of 2014.

The exemption is for goods covered by Tariff Concession Order TC 1333313, described as follows:

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.

A copy of the exemption instrument is available on the Anti-Dumping Commission's website (www.adcommission.gov.au).

Further Information

If importers believe that goods they are importing are exempted from dumping and countervailing duty in accordance with the exemption instrument, when they or their broker enter these goods for home consumption via the Integrated Cargo System, the exemption category 'GOODS' should be selected and no dumping or countervailing duties will be applied to the shipment.

Importers are eligible to seek refunds for dumping and countervailing duty paid on consignments of the exempted goods that were imported on or after 23 December 2013.

To facilitate the refunds process, importers are required to complete an Australian Customs and Border Protection Service (ACBPS) **B653 Refund Application** form.

This application form is accessible on the ACBPS website at www.customs.gov.au. Importers should contact the *ACBPS National Refund Centre* by email at nationalrefunds@customs.gov.au, or telephone number on 08 8447 9310, for advice on completing the refund application form, including the correct refund reason code to use.

The decision to grant the exemptions does not prevent further applications for exemptions from dumping duties being considered. Parties can apply for an exemption where they believe their goods satisfy any of the conditions for exemption detailed in subsection 8(7) or 10(8) of the Dumping Duty Act. Further information on the application process can be found at the Anti-Dumping Commission's website at: <http://www.adcommission.gov.au/system/csi/exemption/how-to-apply.asp>.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Commission on 1300 884 159 for further information or by email clientsupport@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

17 June 2014

ThyssenKrupp Mannex



ThyssenKrupp Mannex Pty. Ltd., Locked Bag 2103,
North Sydney NSW 2059, Australia

*The Commissioner ,
Anti-Dumping Commission
55 Collins Street
Melbourne. Vic. 3000*

15th December, 2015

Dear Sir ,

*This is to advise that Mr. Maurie Bilston of Xpress Trade Consulting is authorized to act on behalf of
ThyssenKrupp Mannex Pty.Ltd., with regard to Applications for Exemption of goods from Anti-Dumping
Measures.*

Yours Faithfully

A handwritten signature in blue ink, appearing to be 'M. Bilston'.

ThyssenKrupp Mannex Pty.Ltd

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AUD: BSB 032 099 Bank account 272 052 (main trading account)
USD: BSB 034 702 Bank account 283 936
EUR: BSB 034 705 Bank account 202 003