

Australian Tube Mills Pty Ltd
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The Director Investigations 4
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601

Email: investigations4@adcomission.gov.au

Dear Director,

PUBLIC FILE VERSION

Anti-Dumping Notice No. 2017/95 – initiation of a review of anti-dumping measures investigation relating to exports of Hollow Structural Sections from the People’s Republic of China, the Republic of Korea, Malaysia and Taiwan

Austube Mills welcomes the Anti-dumping Commission’s (“the Commission”) decision to initiate a review of measures relating to the People’s Republic of China (“China”), the Republic of Korea (“Korea”), Malaysia and Taiwan (“the Review”). This Review is critical to ensure that the anti-dumping measures imposed by the Commission reflect contemporary steel prices and are effective.

Austube Mills contends that certain exporters have sought to exploit an apparent weakness in Australia’s anti-dumping system. It is evident that some exporters embarked on a strategy of ensuring that during the inquiry period of the *Continuation Inquiry 379* their exports were above their respective Normal Values (to generate a revised dumping margin of zero), but immediately following the continuation inquiry period, have recommenced dumping. Prima facie evidence of this practice was provided to the Commission in the Austube Mill’s application for the now initiated *Review Inquiry No. 419*¹. The mechanism for this practice is shown in **Confidential Figure 1** (below).

¹ EPR419/1

Confidential Figure 1. [REDACTED]

In light of this behaviour by exporters, and the ongoing threat posed by dumped goods during the Review inquiry period, Austube Mills strongly urges the Commissioner to recommend that the date of the revised dumping duty notice take effect from the date of the publication of a notice indicating the proposal to undertake the Review, as allowed in s 269ZDB6(a) of The Customs Act (i.e. the 14th July 2017).

Section 269ZDB - Powers of the Minister in relation to review of anti-dumping measures

(6) For the purposes of a declaration under [subsection \(1\)](#), the Minister must not fix a date:

(a) in a circumstance to which subparagraph (1)(a)(ii) or (iii) applies--that is earlier than the date of publication under [section 269ZC](#) of a notice indicating the proposal to undertake the review concerned

In making this recommendation to the Minister, the Commissioner will send a clear signal to exporters that he will act to discourage and prevent manipulation of Australian laws designed to ensure fair trade. Exporters who have not recommenced dumping following the inquiry period of *Continuation Inquiry 379*, will not be impacted by the action. It is observed that all importers have the opportunity to apply for a Final Duty Assessment, should they consider any of their transactions not to be dumped, when compared to contemporaneous normal values.

If you have any questions concerning this letter please do not hesitate to contact me on [REDACTED].

Yours sincerely,

[REDACTED]