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## **ANTI-DUMPING NOTICE NO. 2016/52**

### **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 exemptions were sought pursuant to 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 the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary)<sup>1</sup> may exempt goods from interim dumping and countervailing duties if 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 certain HSS products by public notice on 3 July 2012 by the then Minister for Home Affairs following consideration of *International Trade Remedies Branch Report no.177* (REP177). The dumping duties are applicable to all exporters of HSS products from China, Korea, Malaysia and Taiwan and countervailing duties are applicable to certain exporters<sup>2</sup> from China.

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<sup>1</sup>On 20 September 2015, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Science.

<sup>2</sup>Two of the Chinese exporters, Huludao City Steel Pipe Industrial Co and Qingdao Xianxing Steel Pipe Co. Ltd. were excluded from countervailing measures as on June 6 2012. The then Australian Customs and Border Service terminated the subsidy investigation against these exporters (refer to Termination report no.177)

The goods subject to measures are currently classified to the following tariff subheading of Schedule 3 to the *Customs Tariff Act 1995*.

**7306.30.00 [31, 32, 33, 34, 35, 36 & 37]**

**7306.61.00 [21, 22 & 25]**

**7306.69.00 [10]**

### **The goods**

The goods the subject of the application are:

*COLUMNS AND/OR BEAMS, hollow OR square OR rectangular shape, steel, complying with, Australian/New Zealand Standard (AS/NZS 1163:2009 grade C450L0), having BOTH of the following:*

- a) silicon content NOT greater than 0.06%;*
- b) in EITHER of the following sizes:*
  - i. outside perimeter NOT less than 950 mm;*
  - ii. outside perimeter NOT less than 370 mm and thickness NOT less than 8.1mm*

### **The inquiry**

An application was lodged by ThyssenKrupp Mannex Pty Ltd (TKM) as an Australian importer of HSS.

I made a recommendation to the Parliamentary Secretary that there be no exemption granted under paragraphs 8(7)(b) and 10(8)(aa) of the Dumping Duty Act because there is no basis for the Parliamentary Secretary to grant the exemption as the Tariff Concession Order relied upon in the application under Part XVA of the *Customs Act 1901* in respect of the goods is no longer in force. The reasons for the recommendation are contained in *Anti-Dumping Commission Exemption Inquiry Report 43 (EX0043)*, available on the Commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

The Parliamentary Secretary has accepted the recommendation and has not exempted the goods the subject of the application from the duties.

### **Further Information**

The outcome of this exemption inquiry 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 subsections 8(7) and 10(8) of the Dumping Duty Act. Further information on the application process can be found at the 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 13 28 46 or for international callers on +61 2 6213 6000 or by email at [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

13 May 2016