



## **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](http://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](http://www.customs.gov.au). Importers should contact the *ACBPS National Refund Centre* by email at [nationalrefunds@customs.gov.au](mailto: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](mailto:clientsupport@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

17 June 2014