



ANTI-DUMPING NOTICE NO.2016/116

Hollow Structural Sections

Exported to Australia from 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 Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary)¹ may exempt goods from interim dumping duty and dumping duty, and interim countervailing duty and countervailing duty (the duties) if satisfied that a Tariff Concession Order (TCO) 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 duty notice and a countervailing duty notice were initially imposed on certain HSS by public notice on 3 July 2012 by the then Minister for Home Affairs following consideration of *International Trade Remedies Branch Report No. 177* (REP 177). The dumping duty notice is applicable to all exporters of HSS from China, Korea, Malaysia and Taiwan and the countervailing duty notice is applicable to all exporters from China (except Huludao

¹The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, and accordingly, the Parliamentary Secretary is the relevant decision maker. 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.

City Steel Pipe Industrial Co. Ltd., (Huludao) Qingdao Xianxing Steel Pipe Co. Ltd (Qingdao Xianxing) and Dalian Steelforce Hi-Tech Co., Ltd (Dalian).²

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 (statistical codes 31, 32, 33, 34, 35, 36 and 37)
- 7306.61.00 (statistical codes 21, 22 and 25)
- 7306.69.00 (statistical codes 10)

The goods

The goods the subject of the exemption inquiry are (the exemption goods):

For TC 1609617

TUBES, square OR rectangular, electric resistance welded, complying with Australian/New Zealand Standard 1163:2009 (AS/NZS 1163:2009), Grade C350L0 OR C450L0, with perimeter NOT less than 1,050 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%*

For TC 1439520

TUBES, square OR rectangular, electric resistance welded, complying with Australian/New Zealand Standard 1163:2009 (AS/NZS 1163:2009), Grade C350L0 OR C450L0, with 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%*

The exemption goods are classified to tariff subheading 7306.61.00 in Schedule 3 of the *Customs Tariff Act 1995*.

The inquiry

An application was lodged by ThyssenKrupp Mannex Pty Ltd. (TKM), an Australian importer of HSS, on 4 January 2016.

I made a recommendation to the Parliamentary Secretary that the exemption goods be exempt from the duties under paragraphs 8(7)(b) and 10(8)(aa) of the Dumping

² On 6 June 2012, the then Australian Customs and Border Protection Service terminated the subsidy investigation in relation to Huludao and Qingdao Xianxing. For further details please refer to *Termination Report No. 177* at www.adcommission.gov.au. On 17 February 2016, the former Parliamentary Secretary revoked the decision to publish the countervailing duty notice, and substituted a new decision not to publish a countervailing duty notice in relation to Dalian.

Duty Act, based on a finding that TCOs under Part XVA of the *Customs Act 1901* in respect of the exemption goods are in force.

The Parliamentary Secretary has accepted my recommendation and has exempted the exemption goods from the duties through *Ministerial Exemption Instrument No. 1 of 2016* as follows:

- the goods described in TC 1439520 are exempt from 4 January 2016 to 15 February 2016; and
- the goods described in TC 1609617 are exempt from 16 February 2016, until TC 1609617 is revoked.

Copies of *Exemption Inquiry Report No. EX0044* and *Ministerial Exemption Instrument No. 1 of 2016* are 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 the duties in accordance with this 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 duties will be applied to that shipment.

Parties seeking a refund of the duties already paid should contact the client support team on 132846 or +61 2 6213 6000 or email: clientsupport@adcommission.gov.au.

The decision to grant the exemptions does not prevent further applications for exemptions from dumping and/or countervailing duties being considered. Parties can apply for an exemption where they believe the 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 website at: <http://www.adcommission.gov.au/system/csi/exemption/how-to-apply.asp>

The exemption granted as a result of this inquiry may be subject to judicial review and may be revoked by the Parliamentary Secretary if circumstances change.

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.

Dale Seymour
Commissioner
Anti-Dumping Commission

07 November 2016