



ANTI-DUMPING NOTICE NO. 2015/38

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 subsections 8(7)(a) and 10(8(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Parliamentary Secretary to the Minister for Industry and Science (Parliamentary Secretary) may exempt goods from interim dumping and countervailing duties where she is satisfied:

'that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.'

The Anti-Dumping Measures

Anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice were initially imposed on HSS by public notice on 3 July 2012 by the then Minister for Home Affairs following consideration of *International Trade Remedies Branch Report to the Minister No. 177* (REP 177).

These measures apply as follows:

- a dumping duty notice in respect of HSS exported by all exporters from China, Korea, Malaysia and Taiwan; and
- a countervailing duty notice in respect of HSS exported from China by all exporters except two (being Qingdao Xiangxing Steel Pipe Co., Ltd and Huludao City Steel Pipe Industrial Co., Ltd).

The exemption goods

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

electric resistance welded pipe made of carbon steel, comprising circular and hollow sections normally referred to as CHS (circular hollow sections) having a nominal size (NB) of either 25, 32, 40 or 50 millimetres exported to Australia from China, Korea, Malaysia and Taiwan comprising ALL of the following:

- a) *an air-blown hot-dipped galvanised finish;*
- b) *a zinc coating mass of 300g/m².*

The goods are classified to the tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37) of Schedule 3 to the *Customs Tariff Act 1995*.

The exemption 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 Kasia Nominees Pty Limited.

I made a recommendation to the Parliamentary Secretary that the exemption goods are not eligible for an exemption from anti-dumping measures under subsections 8(7)(a) and 10(8)(a) of the Dumping Duty Act, due to the finding that one Australian HSS industry member produces like or directly competitive goods to the exemption goods. The reasons for this recommendation are contained in *Anti-Dumping Commission Exemption Inquiry Report EX0015*, available on the Anti-Dumping Commission's Public Record (accessible at www.adcommission.gov.au).

The Parliamentary Secretary has accepted my recommendations and has not exempted the goods the subject of the exemption inquiry from dumping and countervailing duties.

Further Information

The decision to not grant the exemptions does not prevent further applications for exemptions from dumping and countervailing 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 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 case manager on telephone +61 2 6275 6173 or by email operations2@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

20 March 2015