



Australian Government
Anti-Dumping Commission

Anti-Dumping Commission
GPO Box 1632
MELBOURNE VIC 3001

2 July 2015

Mr Liu Keyi
Third Secretary, Commercial Division
Embassy of the People's Republic of China

By email: liukeyi@mofcom.gov.cn

Dear Mr Liu Keyi

**REVIEW OF ANTI-DUMPING MEASURES - CERTAIN HOLLOW
STRUCTURAL SECTIONS EXPORTED TO AUSTRALIA FROM THE
PEOPLE'S REPUBLIC OF CHINA BY DALIAN STEELFORCE HI-TECH CO
LTD**

As you are aware, the Anti-Dumping Commission (the Commission) is currently undertaking a review of anti-dumping measures applicable to exports of hollow structural sections (HSS) from the People's Republic of China (China) by Dalian Steelforce Hi-Tech Co Ltd (Dalian Steelforce).

As part of the review, the Commission will be assessing whether one or more of the variable factors relevant to the taking of the measures applicable to Dalian Steelforce have changed. In assessing these variable factors, the Commission will also be examining the classification of state invested enterprises (SIEs), that have supplied hot rolled coil (HRC) to Dalian Steelforce, as public bodies for the purposes of subsection 269T(1) of the *Customs Act 1901* (the Act).

During the recently concluded investigation into deep drawn stainless steel sinks exported from China, the Commission undertook an assessment of whether Chinese SIEs that supplied 304-grade stainless steel coil to Chinese manufacturers of those goods were public bodies for the purposes of the Act. This assessment took into account recent findings of the World Trade Organisation Dispute Settlement Body in the following relevant disputes:

- *United States – Countervailing Measures (China)* (DS437)
- *United States – Carbon Steel (India)* (DS 436)

After reviewing the findings of the deep drawn stainless steel sinks case, and the information available to the Commission from previous investigations into HRC-related products, the Commission considers it likely that evidence exists to support a finding that the Chinese SIEs that supplied Dalian Steelforce with

HRC during the review period are 'public bodies' for the purposes of the Act. The Commissioner will set out his preliminary finding on this issue in the statement of essential facts (SEF) for the review, which is due to be published on 28 July 2015.

Consequently, the Commission wishes to alert the Government of China (GOC) to the fact that an assessment of whether SIEs that supply HRC are public bodies will be made as part of this review, and to provide the GOC with an opportunity to address this issue within a reasonable timeframe.

The Commission therefore invites the GOC to make submissions or provide evidence to the review as it sees fit, addressed to:

The Director
Operations 2,
Anti-Dumping Commission
GPO Box 1362
Melbourne VIC 3001

or email operations2@adcommission.gov.au.

The GOC may make submissions before the publication of the SEF for consideration in that statement (noting that only submissions that do not delay the timely publication of the SEF will be considered), or in response to the SEF after its publication (submissions in response to the SEF should be lodged no later than 17 August 2015).

If you would like to discuss any of the matters raised in this letter, please do not hesitate to contact the case manager for the review on (03) 8539 2427 or email operations2@adcommission.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joanne Reid', is positioned above the typed name.

Joanne Reid
Director Operations 2
Anti-Dumping Commission