



NON - CONFIDENTIAL

28 November 2014

Mr Bora Akdeniz
Manager
Anti-Dumping Commission
Customs House
1010 La Trobe Street
Docklands VIC 3008

Dear Mr Akdeniz

HOLLOW STRUCTURAL SECTIONS FROM THAILAND

This submission, on behalf of Pacific Pipe Public Co Ltd, (“Pacific Pipe”) is in response to Austube Mills’ letter of 25 November 2014 requesting the Commission’s publication of a Preliminary Affirmative Determination (“PAD”) and imposition of provisional measures in relation to hollow structural sections (“HSS”) from Thailand.

As you are aware, to make a PAD the Commissioner must be satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice, ie an Australian industry is suffering material by reason of dumped imports. And provisional measures imposed following a PAD are for the purpose of protection of the domestic industry from injury caused by dumped imports whilst the Commission’s investigation continues.

While we cannot comment on the dumping status of the exports of HSS from Thailand by other than Pacific Pipe, the Commissioner cannot be satisfied that exports of HSS by Pacific Pipe during the investigation period of this investigation were dumped. Verifiable evidence before the Commission proves that exports of HSS by Pacific Pipe during the investigation period were not dumped.

Consequently, the Commissioner cannot be satisfied that there appears to be grounds for the publication of a dumping duty notice in relation to exports of HSS from Thailand by Pacific Pipe and any PAD made by the Commissioner must exclude these exports.

We would like to add that, as you were informed at the verification meeting with them on 26 November 2014, [REDACTED] Pacific Pipe’s [REDACTED] Australian customer,

[REDACTED] [Pacific Pipe’s supply situation]. And there is no indication that this situation is likely to change in the

foreseeable future. It must therefore follow that, besides Pacific Pipe's exports being undumped which is of itself sufficient to prevent the making of a PAD in relation to these exports, there is no foreseeable threat of injury to the Australian industry producing HSS by reason of imports of HSS from Pacific Pipe, ie there is no justification for imposition of provisional measure on these imports.

Yours sincerely,

Roger Simpson