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Attachment HIS 1

Summary of previous HSS Cases

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Report No. 116: 2006/2007 Investigation

On 8 June 2006, ACBPS initiated an investigation into the alleged dumping of HSS exported to Australia from China, Korea, Malaysia, Taiwan and Thailand.

On 8 December 2006, ACBPS terminated the investigation insofar as it related to exports of HSS to Australia from Korea, Malaysia, Taiwan, Thailand, and in relation to certain Chinese exporters, being satisfied that HSS exported from these countries and exporters had either been exported at prices that were not dumped or at dumping margins that were negligible.

Following this investigation, ACBPS recommended to the Minister for Home Affairs¹, that a dumping duty notice be published in relation to HSS exported to Australia from certain remaining Chinese exporters. This recommendation was accepted on 14 May 2007.

The reasons for the Minister for Home Affairs' decision in this case are contained in Trade Measures Report No.116 (REP 116).

Report No. 143: 2008/2009 Review

On 18 December 2008 ACBPS initiated a review into the anti-dumping measures in place on HSS exported to Australia from China by certain Chinese exporters (imposed as a result of the above investigation No. 116).

Following this review, ACBPS recommended that the Minister for Home Affairs declare that the measures in relation to these Chinese exporters remain unaltered (the dumping duty notice and in-force price undertakings). The Minister for Home Affairs accepted these recommendations.

However, as this review was related to Investigation No. 144 (discussed below) and the outcome of that investigation was not yet certain due to the Trade Measures Review Officer's (TMRO) resumption of the investigation,² ACBPS separately recommended that the Minister for Home Affairs request ACBPS to undertake a fresh review of the measures (see the below Report No. 153).

The reasons for the Minister for Home Affairs' decision in this case are contained in Trade Measures Report No.143 (REP143).

¹ Prior to 25 September 2013, anti-dumping matters were the responsibility of the Minister for Home Affairs. On 25 September 2013, responsibility for anti-dumping matters was transferred to the Minister for Industry. The Minister for Industry subsequently appointed his Parliamentary Secretary as the delegate in relation to anti-dumping operations.

² Amendments made to the *Customs Act 1901* by the *Customs Amendment (Anti-dumping Improvements) Act (No.1)2012* commenced on 10 June 2013. These amendments replaced the Trade Measures Review Officer position with a new Anti-Dumping Review Panel (ADRP)

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Report No. 144: 2008/2009 Investigation

On 19 November 2008, ACBPS received an application from the Australian industry for the publication of:

- a dumping duty notice in respect of HSS exported to Australia from Malaysia and by Chinese exporters not already subject to anti-dumping measures; and
- a countervailing duty notice in respect of HSS exported to Australia from China.

On 20 May 2009 ACBPS terminated the investigation of the alleged dumping of HSS in so far as it related to Malaysia as the CEO was satisfied that:

- exports of HSS to Australia by the principal Malaysian exporter, Alpine Pipe Manufacturing Sdn Bhd, were dumped by a negligible margin; and
- the volume of HSS exported to Australia during the investigation period by other Malaysian exporters was negligible.

On 5 June 2009, ACBPS terminated the investigation in so far as it related to claims of subsidisation and dumping from Chinese exporters not already subject to the measures. The CEO of ACBPS (the CEO) was satisfied that injury, if any, suffered by the Australian industry caused by dumping and/or subsidisation of HSS exported from China by these exporters was negligible.

Following these terminations, the Australian industry applied to the TMRO for review of both decisions. The TMRO revoked both decisions and resumed investigations into Malaysia and the Chinese exporters not already subject to anti-dumping measures.

On 23 August 2010, the CEO again terminated the investigation into Malaysia and certain Chinese exporters of HSS.

The reasons for the CEO's decision in this case are contained in Termination Report No. 144A (TER144A).

Report No. 147: 2009 Continuation Inquiry

In June 2009, ACBPS initiated a continuation inquiry into anti-dumping measures that were imposed on certain HDG circular HSS exported from Thailand (originally imposed in 2000).

As a result of this inquiry, ACBPS recommended that the Minister for Home Affairs decide not to continue these anti-dumping measures. This recommendation was accepted and the measures were allowed to expire.

The reasons for ACBPS's recommendations in this case can be found within Trade Measures Report No. 147 (REP147).

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Report No. 153: 2009/2010 Review

On 24 September 2009, the Minister for Home Affairs requested the CEO initiate a new review into the anti-dumping measures in on certain HSS exported to Australia by certain Chinese exporters (following Report No. 143).

Following that review, ACBPS recommended to the Minister for Home Affairs (within Trade Measures Report No. 153 (REP153)) that the measures in so far as they related to certain Chinese exporters of HSS, remain in force, but that the variable factors be altered.

During the Minister for Home Affairs' consideration of REP153, the Full Federal Court handed down its decision in *Minister of State for Home Affairs v Siam Polyethylene Co Ltd*³ which cast doubt on the legality of the delegate's recommendations in REP153.

Consequently, ACBPS issued an addendum to REP153, which recommended that the Minister for Home Affairs revoke the measures (both the dumping duty notice and all price undertakings) in force in relation to HSS exported to Australia from China by certain Chinese exporters.

The Minister accepted this recommendation (public notification of which was made on 3 March 2011) and the measures were subsequently revoked.

Current measures: Report No. 177

On 19 September 2011, ACBPS initiated an investigation into the alleged dumping of HSS exported to Australia from China, Korea, Malaysia, Taiwan and Thailand and the alleged subsidisation of HSS exported from China.

On 6 June 2012, ACBPS terminated the countervailing investigation in so far as it related to the Chinese exporters Huludao City Steel Pipe Co., Ltd and Qingdao Xiangxing Steel Pipe Co., Ltd, and terminated the dumping investigation into Thailand.

As a result of its investigation, ACBPS recommended to the then Minister for Home Affairs that:

- HSS exported from China, Korea, Malaysia and Taiwan had been dumped;
- HSS exported from China incurred a benefit from the receipt of countervailable subsidisation; and
- the Australian industry manufacturing like goods had suffered material injury as a result.

These recommendations were contained in International Trade Remedies Branch Report No.177 – certain hollow structural sections from the People's Republic of China, the Republic of Korea, Malaysia, Taiwan and Thailand (REP177).

³ [2010] FCAFC 86

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A dumping duty notice in respect of goods exported from China, Korea, Malaysia and Taiwan and a countervailing duty notice in respect of goods exported from China was published on 3 July 2012.