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The Director
Investigations 2
Anti-Dumping Commission

BY EMAIL: investigations2@adcommission.gov.au

Dear Director,

Accelerated Review No. 697 concerning exports of hollow structural sections (HSS) by Nexteel Co., Ltd from South Korea to Australia.

Austube Mills Pty Ltd (**ATM**) makes this submission in relation to the application for accelerated review lodged by Nexteel Co., Ltd (**Nexteel**), seeking an early review of the current dumping duty notice in so far as it applies to it.

Under subsection 269ZG(1)¹ the Commissioner's² report to the Minister may recommend either:

(a) that the dumping duty notice... remain unaltered; or

(b) that the dumping duty notice... be altered so as to apply to the applicant as if different variable factors had been fixed...

ATM submits that the Commissioner's recommendation to the Minister should be that the notice remain unaltered as Nexteel's exports to Australia are too limited and unrepresentative to apply different variable factors to the exporter.

In the alternative, ATM submits that if the Commissioner recommends that the notice be altered that it only be altered as if different variable factors had been fixed as follows:

- Nexteel's ascertained export price be determined under subsection 269TAB(3) as such amount as is determined by the Minister having regard to all relevant information, namely Nexteel's sales of the goods and like goods to third countries; and/or
- Nexteel's ascertained normal value be determined under subsection 269TAC(1) as the weighted average value of all like goods sold in the ordinary course of trade for home consumption in the domestic market in sales that are arms length transactions by Nexteel.

ATM's reasons for this approach are set out below.

1. Limited export history does not reflect Nexteel's true capacity

ATM understands that during the review period (1 January 2025 to 31 December 2025), Nexteel exported only one product to Australia, being Model Control Code P-N-O-C-250-P.

¹ Statutory references are to the *Customs Act 1901*, unless expressed otherwise.

² Commissioner of the Anti-dumping Commission (**Commission**)

While this fact may be presented by Nexteel as evidence of limited participation in the Australian market, ATM submits that it is not an accurate reflection of Nexteel's manufacturing capability, commercial intentions, or the likely future impact on Australian industry if an ascertained export price is determined by reference to a limited and unrepresentative number of export sales to Australia.

2. Demonstrated capability to supply a broad product range

Notwithstanding the limited export volume to Australia during the review period, Nexteel has the capability to manufacture and supply a wide range of HSS, as evidenced by the following:

- During the review period, Nexteel sold **29 different Model Control Codes** in its domestic Korean market, covering a broad range of HSS specifications.
- These domestic sales demonstrate Nexteel's technical capacity, operational scale, and ability to rapidly supply multiple HSS products that overlap directly with products manufactured by Australian producers, including ATM.

3. ACRS accreditation significantly expands export capability

Nexteel obtained **ACRS accreditation in May 2025** for a wide variety of HSS. This accreditation covers multiple shapes, sizes, wall thicknesses, and grades commonly used in the Australian construction and infrastructure sectors. An extract from the ACRS certificate is shown below:

<p>Products assessed by ACRS to the following Standards:</p> <p>Cold formed steel hollow sections to AS/NZS 1163:2016</p> <ul style="list-style-type: none">• SHS: Size 25x25 mm to 250x250 mm - Wall Thickness 1.4 to 15mm - Grades C250, C250L0, C350, C350L0, C450, C450L0• RHS: Size 40x20 mm to 300x200 mm - Wall Thickness 1.4 to 16mm - Grades C250, C250L0, C350, C350L0, C450, C450L0• CHS: Size OD 21.7 to 406.6mm - Wall Thickness 1.4 to 16mm - Grades C250, C250L0, C350, C350L0, C450, C450L0

ACRS accreditation is a critical prerequisite for supplying many Australian customers. Nexteel's accreditation materially lowers the barriers to entry into the Australian market and enables it to immediately supply a far broader range of HSS products than has been exported to date.

Copies of Nexteel's ACRS certificates are included as attachments to this submission.

4. Likelihood of injury if measures are reduced

The purpose of Australia's trade remedies framework is to **prevent material injury to Australian industry** caused by dumped imports. ATM submits that altering Nexteel's ascertained export price based on the limited and unrepresentative export sales to Australia in the review period would be inconsistent with this purpose.

Given Nexteel's:

- demonstrated manufacturing capacity across numerous HSS products,
- proven domestic sales of a wide range of HSS products,
- recently obtained ACRS accreditation enabling immediate access to the Australian market,

there is a **high likelihood that Nexteel would significantly expand exports to Australia** across multiple HSS product categories.

Therefore, the Commissioner's report to the Minister should not recommend an alteration to Nexteel's ascertained export price based on the limited and unrepresentative sales to Australia in the review period. Neither should the Commissioner's report recommend an alteration to Nexteel's ascertained normal value based on comparable domestic sales of Model Control Code P-N-O-C-250-P only. To do so would be to alter the ascertained normal value in a manner that is unrepresentative of Nexteel's capability and intended future export patterns to Australia based on its ACRS certification recently obtained.

For these reasons, ATM submits that the Commissioner should either recommend:

- no alteration to the original dumping duty notice as it applies to Nexteel; or
- in the alternative, if the Commissioner recommends that the original dumping duty be altered, then the ascertained variable factors be determined as:
 - the export price based on Nexteel's third country sales of the goods and like goods as permitted under subsection 269TAB(3);
 - the normal value based on a weighted average of all Nexteels' domestic sales under subsection 269TAC(1); or
- in the absence of third country sales suitable for the purpose of ascertaining Nexteel's export price, only the ascertained normal value be altered by reference to the weighted average of all Nexteels' domestic sales under subsection 269TAC(1).

Conclusion

ATM concludes that the Commissioner should consider Nexteel's full HSS production capability, domestic sales profile, and ACRS accreditation status when assessing this application for accelerated review.

Determining variable factors based on the strength of limited export history to Australia would be unrepresentative and would materially understate the likelihood of injury to Australian industry.

Please do not hesitate to contact your Austube Mills representative on record with any questions.

FOR AND ON BEHALF OF

The Australian industry member
Austube Mills Pty Ltd