



CUSTOMS ACT 1901 - PART XV B

FINAL REPORT NO 697

ACCELERATED REVIEW

**OF THE DUMPING DUTY NOTICE APPLYING TO
HOLLOW STRUCTURAL SECTIONS EXPORTED TO
AUSTRALIA FROM THE REPUBLIC OF KOREA BY
NEXTEEL CO., LTD**

2 April 2026

CONTENTS

CONTENTS.....	2
ABBREVIATIONS.....	3
1 SUMMARY AND RECOMMENDATIONS	4
1.1 BACKGROUND.....	4
1.2 LEGISLATIVE FRAMEWORK	4
1.3 FINDING	5
1.4 RECOMMENDATION	5
2 BACKGROUND.....	7
2.1 THE GOODS	7
2.2 LIKE GOODS.....	8
2.3 ACCELERATED REVIEWS	9
2.4 EXISTING MEASURES	9
2.5 NOTIFICATION AND PUBLIC RECORD	10
2.6 SECURITIES.....	10
2.7 INFORMATION GATHERED	11
2.8 SUBMISSIONS RECEIVED FROM INTERESTED PARTIES	11
3 EXPORT PRICE	12
3.1 LEGISLATIVE FRAMEWORK	12
3.2 FINDINGS.....	12
3.3 THE EXPORTER	12
3.4 THE IMPORTER	12
3.5 ARMS LENGTH ASSESSMENT.....	13
4 NORMAL VALUE.....	14
4.1 LEGISLATIVE FRAMEWORK	14
4.2 FINDINGS.....	14
4.3 THE COMMISSION’S ASSESSMENT	14
4.4 ADJUSTMENTS	16
5 DUMPING MARGIN.....	17
5.1 AUSTRALIAN INDUSTRY SUBMISSION ON NEXTEEL’S POTENTIAL DUMPING	17
6 NON-INJURIOUS PRICE.....	18
6.1 FRAMEWORK	18
6.2 THE COMMISSION’S ASSESSMENT	18
7 FORM OF MEASURES	20
7.1 CURRENT FORM OF MEASURES	20
7.2 RECOMMENDED FORM OF MEASURES	20
8 EFFECT OF THE ACCELERATED REVIEW	21
9 RECOMMENDATIONS.....	22
10 APPENDICES AND ATTACHMENTS.....	23

PUBLIC RECORD

ABBREVIATIONS

the accelerated review period	1 January 2025 to 31 December 2025
the Act	<i>Customs Act 1901 (Cth)</i>
ADN	Anti-Dumping Notice
the applicant, or Nexteel	Nexteel Co., Ltd
ATM	Austube Mills Pty Ltd
the commission	the Anti-Dumping Commission
the Commissioner	the Commissioner of the Anti-Dumping Commission
Dumping Duty Act	<i>Customs Tariff (Anti-Dumping) Act 1975</i>
EPR	electronic public record
HSS, or the goods	hollow structural sections
IDD	interim dumping duty
initiation notice	ADN No 2026/018
Investigation 177	original investigation imposing the measures
Korea	Republic of Korea
the Manual	<i>Dumping and Subsidy Manual</i>
MCC	model control code
the Minister	the Minister for Industry and Innovation and Minister for Science
the notice	the dumping duty notice
NIP	non-injurious price
OCOT	ordinary course of trade
the Regulation	<i>Customs Tariff (Anti-Dumping) Regulation 2013</i>
REP 590	<i>Anti-Dumping Commission Report No 590</i>
REQ	response to the exporter questionnaire
SG&A	selling, general and administrative expenses
USP	unsuppressed selling price

1 SUMMARY AND RECOMMENDATIONS

1.1 Background

On 8 January 2026, Nexteel Co., Ltd (Nexteel, or the applicant) made an application to the Anti-Dumping Commission (the commission), seeking an accelerated review of the dumping duty notice (the notice) applying to hollow structural sections (HSS, or the goods) exported to Australia from the Republic of Korea (Korea).¹

Nexteel has not previously been individually assessed in a case involving HSS from Korea and did not export during the original investigation or subsequent reviews and continuation inquiries. Nexteel is currently subject to a rate of interim dumping duty (IDD) of 13.8%. This rate reflects the combined rate for 'all other exporters' as determined by the then Minister for Industry and Science following *Anti-Dumping Commission Report No 590 (REP 590)*² and published in the Dumping Commodity Register on the commission's website.³

Nexteel has applied for an accelerated review on the basis that the rates of duty set out in the notice for 'all other exporters' should not apply to its exports of the goods.

The Commissioner of the Anti-Dumping Commission (the Commissioner) recommends that the Minister for Industry and Innovation and Minister for Science (the Minister) amend the notice, so as to apply to Nexteel as if different variable factors had been fixed relevant to the determination of IDD.

This report sets out the facts on which the Commissioner has based their recommendations to the Minister.

1.2 Legislative framework

Division 6 of Part XVB of the *Customs Act 1901 (Cth)* (the Act)⁴ allows eligible parties to apply for an accelerated review of anti-dumping measures. This Division, among other matters:

- sets out the procedures to be followed and the matters to be considered by the Commissioner in conducting accelerated reviews for the purpose of making a report and recommendation to the Minister
- allows the Minister, after consideration of such reports, to leave the notices unchanged or to modify them as appropriate.

¹ Electronic public record (EPR) for case [697](#), item 1.

² EPR [590](#), item 41.

³ The Dumping Commodity Register is available [here](#).

⁴ All legislative references in this report are to the *Customs Act 1901 (Cth)* unless otherwise specified.

1.3 Finding

The commission has found that Nexteel did not export the goods to Australia during the original investigation period.⁵ Nexteel therefore meets the definition of a 'new exporter' under section 269T(1) and is eligible to apply for an accelerated review.

The commission found that Nexteel exported the goods to Australia and sold like goods on the Korean domestic market during the accelerated review period of 1 January 2025 to 31 December 2025. Based on all relevant and available information considered during this accelerated review, the Commissioner considers that the variable factors relevant to Nexteel's exports of the goods to Australia are not appropriate given the information currently available to the commission and set out in this Report.

The commission calculated the variable factors relevant to the determination of dumping duty payable by Nexteel as follows:

- the export price was calculated under section 269TAB(1)(a)
- the normal value was calculated under section 269TAC(1), with certain adjustments made in accordance with section 269TAC(8).

The commission found that the dumping margin applicable to Nexteel's exports of the goods to Australia during the accelerated review period was **negative 9.4%**.

1.4 Recommendation

Based on the above findings and pursuant to section 269ZG(1)(b), the Commissioner recommends that:

- the Minister alter the notice, so as to apply to Nexteel as if different variable factors had been fixed (excluding the non-injurious price (NIP)) and
- the NIP be the same as the current NIP applicable to all exports of the goods from Korea.

Further, the Commissioner recommends that the Minister alter the notice so that, for Nexteel:

- **Interim Dumping Duty (IDD)** be calculated using the floor price method, pursuant to sections 5(4) and 5(5) of the *Customs Tariff (Anti-Dumping) Regulation 2013* (the Regulation). The floor price will be set equal to Nexteel's normal value and IDD will be collected if exports occur at prices below the floor price (i.e. at dumped prices).⁶

⁵ The original investigation into hollow structural sections from Korea was [Investigation 177](#) and the investigation period was 1 July 2010 to 30 June 2011.

⁶ The floor price mechanism ensures that dumping duty is only payable when the export price falls below the ascertained normal value, thereby preventing injury to the Australian industry while avoiding unnecessary duties on fairly priced goods.

PUBLIC RECORD

If accepted by the Minister, these recommendations will take effect retrospectively from the date the application was lodged, **8 January 2026**.⁷

⁷ Section 269ZG(3) of the Act.

2 BACKGROUND

2.1 The goods

2.1.1 Description

The goods subject to anti-dumping measures are defined as set out in Table 1.

Full description of the goods the subject of the application
<p>“certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include in-line galvanised (ILG), pre-galvanised or hot-dipped galvanised (HDG) and non galvanised HSS.”</p>
Further information
<p><u>Finish types</u></p> <ul style="list-style-type: none"> • Galvanised – including in-line galvanised (ILG), pre-galvanised or hot-dipped galvanised (HDG). • Non-galvanised – including, but not restricted to, painted, black, lacquered or oiled finishes. <p><u>Sizes</u></p> <ul style="list-style-type: none"> • Circular products – outside diameter exceeding 21 mm up to and including 165.1 mm. • Oval, square and rectangular products – perimeter up to and including 1277.3 mm; that may also be categorised according to minimum yield strength, the most common classifications being 250 and 350 mega Pascals (MPa). <p><u>Exclusions</u></p> <p>The following are excluded from measures, exemption type “GOODS” applies:</p> <ul style="list-style-type: none"> • Conveyor tube made for high speed idler rolls on conveyor systems with inner and outer fin protrusions removed by scarfing; (not exceeding 0.1 mm on outer surface and 0.25 mm on inner surface), and out of round standards (i.e. ovality) which do not exceed 0.6 mm in order to maintain vibration free rotation and minimum wind noise during operation. • Precision RHS with a nominal thickness of less than 1.6 mm. <p>Air heater tubes to AS 2556.</p>

Table 1: The goods the subject of the application

2.1.2 Tariff classification

The goods are generally classified according to tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995* as set out in Table 2.⁸

⁸ These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for convenience or reference only and does not form part of the goods description. Please refer to the goods description for authoritative detail about goods subject to the anti-dumping measures.

PUBLIC RECORD

Tariff Subheading	Statistical Code	Description
7306	OTHER TUBES, PIPES AND HOLLOW PROFILES (FOR EXAMPLE, OPEN SEAM OR WELDED, RIVETED OR SIMILARLY CLOSED), OF IRON OR STEEL:	
7306.30.00	Other, welded, or circular cross-section, of iron or non-alloy steel:	
	Exceeding 21 mm but not exceeding 60.3 mm external diameter:	
	31	Wall thickness not exceeding 2.5 mm
	32	Wall thickness exceeding 2.5 mm but not exceeding 3.6 mm
	33	Wall thickness exceeding 3.6 mm
	Exceeding 60.3 mm but not exceeding 114.3 mm external diameter:	
	34	Wall thickness not exceeding 3.2 mm
35	Wall thickness exceeding 3.2 mm but not exceeding 4.5 mm	
	36	Wall thickness exceeding 4.5 mm
	37	Exceeding 114.3 but not exceeding 165.1 mm external diameter
7306.50.00	45	Other, welded, or circular cross-section, of other alloy steel
7306.6	Other welded, of non-circular cross-section:	
7306.61.00	Of square or rectangular cross-section of iron or non-alloy steel:	
	Not exceeding 279.4 mm perimeter:	
	21	Wall thickness not exceeding 2 mm
	22	Wall thickness exceeding 2 mm
	25	Exceeding 279.4 mm
	90	Other
7306.69.00	10	Of other non-circular cross-section

Table 2: Tariff classification of the goods

On 17 March 2016, the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (then Assistant Minister) altered the dumping duty and countervailing duty notices for the goods exported from China and Malaysia, taking effect after 11 May 2015. This was a result of an anti-circumvention inquiry into the slight modification of goods exported from China, Korea and Malaysia. Consequently, the tariff subheadings 7306.61.00 (90) and 7306.50.00 (45) only apply to the following exporters/suppliers: Dalian Steelforce, Tianjin Friend Steel Pipe Co., Ltd (China), Tianjin Ruitong, Roswell S A R Ltd (China) and Alpine Pipe.⁹

2.2 Like goods

Section 269T(1) defines like goods as goods that are identical in all respects to the goods under consideration or that, although not alike in all respect to the goods under consideration, have characteristics closely resembling those of the goods under consideration.

⁹ Refer to ADN No 2016/24 and *Anti-Dumping Commission Report No 291*.

PUBLIC RECORD

The commission's framework for assessing like goods is outlined in Chapter 2 of the commission's *Dumping and Subsidy Manual* (the Manual).¹⁰

The commission examined Nexteel's domestic sales of the goods in Korea, having regard to the description of the goods above.

The commission considers that the goods sold domestically in Korea by Nexteel have characteristics closely resembling those of the exported goods and are, therefore, 'like goods' in accordance with section 269T(1).

2.3 Accelerated reviews

The legislative framework that underpins the making of, and the Commissioner's consideration of, an application for an accelerated review of dumping and countervailing duty notices is contained in Divisions 1 and 6 of Part XVB of the Act.

If the Commissioner does not reject an application or terminate an accelerated review, the Commissioner must provide the Minister a report no later than 100 days after the application is lodged. The report must recommend that the notice the subject of the application:¹¹

- remain unaltered¹² or
- be altered so as to apply to the applicant as if different variable factors had been fixed¹³

and set out the reasons for so recommending.¹⁴

After considering the recommendation of the Commissioner and reasons for the recommendation, the Minister must declare the outcome of the accelerated review via a public notice published on the commission's website.¹⁵

2.4 Existing measures

The anti-dumping measures were initially imposed by public notice on 3 July 2012 by the relevant Minister following the original investigation (Investigation 177). The findings of that original investigation are detailed in *Anti-Dumping Commission Report No 177*.¹⁶ Since the original imposition, the measures have been subject to several continuation inquiries and reviews.

¹⁰ Available on the commission website at www.adcommission.gov.au.

¹¹ Section 269ZG(2).

¹² Section 269ZG(1)(a).

¹³ Section 269ZG(1)(b).

¹⁴ Section 269ZG(1).

¹⁵ Section 269ZG(3).

¹⁶ EPR [177](#), item 416.

PUBLIC RECORD

The most recent alteration to the variable factors occurred on 30 June 2022, when the then Minister revised the variable factors and effective rates of duty applicable to the goods following continuation inquiry 590 (see REP 590).

Nexteel is currently subject to the 'all other exporter' rate of IDD of 13.8%. Further detail about these measures can be found on the Dumping Commodity Register.

2.5 Notification and public record

On 8 January 2026, Nexteel lodged an application for an accelerated review of the notice applying to HSS exported to Australia from Korea, in so far as the notice affects Nexteel.

The Commissioner considered the application to determine if it was made in accordance with sections 269ZE and 269ZF. The Commissioner was satisfied that:

- the circumstances in which an accelerated review can be sought under section 269ZE(1) were met
- the conditions for rejection under section 269ZE(2) were not satisfied and
- the application complied with the content and lodgement requirements of section 269ZF(1).

The Commissioner therefore decided not to reject the application and published ADN No 2026/018 (the initiation notice) initiating this accelerated review on 2 February 2026.¹⁷

There is no legislative requirement for the Commissioner to maintain a public record for accelerated reviews. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public record for this accelerated review has been maintained and is accessible on the commission's website.

The initiation notice advised that the Commissioner's recommendation will be made in a report on or before **18 April 2026**.

For the purposes of the accelerated review, the period examined is 1 January 2025 to 31 December 2025 (the accelerated review period).

2.6 Securities

No interim duty can be collected in respect of goods exported and entered into home consumption after an application for accelerated review is lodged until the completion of the review. However, the Commonwealth may require and take securities in respect of any interim duty that may be payable under section 42.¹⁸

In the initiation notice, the Commissioner declared that the Commonwealth is requiring and taking such securities.

¹⁷ EPR [697](#), item 2.

¹⁸ Section 269ZH.

2.7 Information gathered

2.7.1 Exporter questionnaire and verification

Upon the commencement of the accelerated review, the commission sent an exporter questionnaire to Nexteel to complete.

On 23 February 2026, after a two-day extension, the commission received a completed response to the exporter questionnaire (REQ) from Nexteel. A non-confidential version of the REQ is on the public record.¹⁹

The commission assessed Nexteel’s response and determined the response to be sufficient. The commission is satisfied that Nexteel is an exporter of the goods and the information provided by Nexteel is reliable for the purpose of ascertaining variable factors.

2.8 Submissions received from interested parties

The commission has received 2 submissions during the course of the accelerated review, from Austube Mills Pty Ltd (ATM)²⁰ as well as a responsive submission from Nexteel.²¹ The Commissioner has considered the submissions in preparing this SEF and Table 3 below identifies where in the SEF the commission has considered the issues raised in the submissions. The non-confidential versions of the submissions are available on the EPR.

The commission notes the submission received from Nexteel on 27 March 2026 in response to the ATM submission of 11 March 2026. The commission, in addressing the submission of ATM throughout this report, has addressed the submission by Nexteel.

EPR item no	Interested party	Date received	Issues raised	Chapter reference
4	ATM	11 March 2026	Arms length assessment Model Control Code scrutiny Nexteel’s alleged propensity for dumping Form of duty	3.5.1 4.3.3 5.1 7.2.1
5	Nexteel	27 March 2026	ATM’s submission	2.8

Table 3: Submissions received

¹⁹ EPR [697](#), item 3.

²⁰ EPR [697](#), item 4.

²¹ EPR [697](#), item 5.

3 EXPORT PRICE

3.1 Legislative framework

The export price is determined in accordance with section 269TAB, taking into account whether the purchase or sale of goods are 'arms length' transactions under section 269TAA.

Section 269TAB(1)(a) provides that the export price of any goods exported to Australia is the price paid (or payable) for the goods by the importer where the goods have been exported to Australia otherwise than by the importer and have been purchased by the importer from the exporter in arms length transactions.

3.2 Findings

In respect of Australian sales of the goods by Nexteel, the commission found that Nexteel did export the goods to Australia during the accelerated review period.

The Commissioner recommends that the export price be determined under section 269TAB(1)(a), as the price paid (or payable) for the goods by the importer, other than any part of that price that represents a charge in respect of any other matter arising after exportation.

The commission's export price calculation is set out in **Confidential Attachment 1**.

3.3 The exporter

The commission considers that Nexteel is the exporter of the goods because Nexteel:²²

- is the manufacturer of the goods
- is named on the commercial invoice as the supplier/shipper
- is named as consignor on the bill of lading
- is named as the exporter on the certificate of origin
- arranges and pays for the inland transport to the port of export
- arranges and pays for the port handling charges at the port of export.

3.4 The importer

The commission considers Nexteel's Australian customer to be the beneficial owner of the goods at the time of importation and therefore the importer, because the customer:

- is named on the commercial invoice as the consignee
- is named as the consignee on the bill of lading
- is declared as the importer on the importation declaration to ABF

²² The commission generally identifies the exporter as a principal in the transaction, located in the country of export from where the goods were shipped, that gave up responsibility by knowingly placing the goods in the hands of a carrier, courier, forwarding company, or its own vehicle for delivery to Australia; or a principal in the transaction, located in the country of export, that owns, or previously owned, the goods but need not be the owner at the time the goods were shipped.

PUBLIC RECORD

- is named as the importer on the certificate of origin
- pays for all the importation charges
- arranges delivery from the port.

3.5 Arms length assessment

In respect of Nexteel's Australian sales of like goods (all of which were to an unrelated customer) during the accelerated review period, the commission found no evidence that:

- there was any consideration payable for, or in respect of, the goods other than their price
- the price appeared to be influenced by a commercial or other relationship between the buyer, or an associate of the buyer, and the seller, or an associate of the seller
- the buyer, or an associate of the buyer, was directly or indirectly reimbursed, compensated or otherwise receive a benefit for, or in respect of, the whole or any part of the price.

The commission therefore considers that all domestic sales made by Nexteel to its Australian customer during the inquiry period were 'arms length' transactions.²³

In respect of Australian sales of the goods by Nexteel, the commission has therefore determined an export price under section 269TAB(1)(a), being the price paid by the importer to the exporter, less transport and other costs arising after exportation.

3.5.1 Australian Industry submissions on arms length assessment

ATM, in its submission,²⁴ has raised concerns about whether Nexteel's exports to Australia will be correctly treated as arms length or not if there are transactions conducted through intermediaries. The submission directly references a previous WTO dispute where the United States concluded Nexteel's export price was unreliable due to a close and atypical relationship with another Korean entity (POSCO). The submission goes on to assert that this Korean entity has an Australian related entity and that this may require careful testing of the arms length nature of the export transactions.

The commission has examined Nexteel's exports to Australia and is satisfied that the issue raised by ATM is not present in the circumstances of this case. The commission is satisfied that Nexteel's exports to Australia during the accelerated review period were arms length transactions.

²³ Section 269TAA refers.

²⁴ EPR [697](#), item 4, p 3.

4 NORMAL VALUE

4.1 Legislative framework

The normal value is determined in accordance with section 269TAC. Section 269TAC(1) provides that:

...[T]he normal value of any goods exported to Australia is the price paid or payable for like goods sold in the ordinary course of trade [(OCOT)] for home consumption in the country of export in sales that are arms length transactions by the exporter or, if like goods are not so sold by the exporter, by other sellers of like goods.

4.2 Findings

The commission is satisfied that there were sufficient volumes of sales of like goods sold for home consumption in the country of export that were 'arms length' transactions and at prices that were within the OCOT. Accordingly, the commission has determined the normal value under section 269TAC(1).

The commission's normal value calculations are at **Confidential Attachment 2**.

4.3 The commission's assessment

4.3.1 Arms length assessment

In respect of Nexteel's domestic sales of like goods to its customers during the inquiry period, the commission found no evidence that:

- there was any consideration payable for, or in respect of, the goods other than their price
- the price appeared to be influenced by a commercial or other relationship between the buyer, or an associate of the buyer, and the seller, or an associate of the seller
- the buyer, or an associate of the buyer, was directly or indirectly reimbursed, compensated or otherwise receive a benefit for, or in respect of, the whole or any part of the price.

The commission therefore considers that all domestic sales made by Nexteel to its customers during the inquiry period were 'arms length' transactions.²⁵

4.3.2 Ordinary course of trade and sufficiency of domestic sales

Section 269TAA states that domestic sales of like goods are not in the OCOT if 'arms length' transactions are both of the following:

- unprofitable in substantial quantities over an extended period
- unlikely to be recoverable within a reasonable period.

²⁵ Section 269TAA refers.

PUBLIC RECORD

The commission tested profitability by comparing the net invoice price against the relevant cost for each domestic sales transaction. The commission tested whether the unprofitable sales were in substantial quantities (not less than 20%) by comparing the volume of unprofitable sales to the total sales volume, for each model control code (MCC) over the inquiry period. The commission then tested recoverability by comparing the net invoice price against the relevant weighted average cost over the inquiry period for each domestic sales transaction.

Based on the above analysis, the commission has found that a sufficient volume of Nexteel's domestic sales were 'arms length' transactions in the OCOT.

Section 269TAC(2) provides alternative methods for calculating the normal value of goods exported to Australia where there is an absence, or low volume, of relevant sales of like goods in the market of the country of export. Section 269TAC(14) provides that an exporter's domestic sales of like goods are taken to be in a low volume where the total volume of sales of like goods for home consumption in the country of export by the exporter is less than 5% of the total volume of the goods under consideration that are exported to Australia by the exporter (unless the Minister is satisfied that the volume is still large enough to permit a proper comparison for the purposes of assessing a dumping margin).

The commission assessed the total volume of relevant domestic sales of like goods as a percentage of the total volume of goods exported to Australia and found that the volume of relevant domestic sales was not less than 5%.

Accordingly, the commission is satisfied that the normal value of the goods for Nexteel is able to be determined in accordance with section 269TAC(1).

When calculating a normal value under section 269TAC(1), in order to ensure a proper comparison between the goods exported to Australia and the goods sold on the domestic market, the commission considers the volume of sales of each exported MCC on the domestic market. Where the volume of domestic sales of an exported MCC is less than 5% of the volume exported, the commission will consider whether it can make a proper comparison at the MCC level. In these situations, the commission may consider whether a surrogate domestic MCC should be used to calculate normal value for the exported MCC.

The commission has considered whether each exported MCC was sold on the domestic market and the volume of domestic sales, as shown in Table 4 below.

Export MCC	Is volume of domestic sales of same MCC 5% or greater as a proportion of export volume?	Treatment of normal value
P-N-O-C-250-P	Yes	Domestic sales of P-N-O-C-250-P

Table 4: MCC volume assessment

4.3.3 Australian Industry submission on exporter categorisation of MCCs

ATM in its submission²⁶ has submitted that the commission must pay extra care to grade matching based upon minimum yield strengths for Nexteel's MCC categorisation. ATM notes that the higher strength HSS grading for yield strength attracts price premiums and that any analysis conducted by the commission should be conducted based on the yield strengths specified in the relevant standards.

The commission notes that Nexteel only exported one MCC to Australia (P-N-O-C-250-P) and also sold sufficient volumes of that MCC in arms length transactions in the OCOT on the Korean domestic market. The commission reviewed the standards listed in the domestic sales of that MCC provided by Nexteel and found they were all within the nominal minimum yield strength range for the 250 category and properly categorised to that MCC. The commission's analysis of Nexteel's domestic steel grades for this MCC is at **Confidential Attachment 5**.

4.4 Adjustments

The commission is satisfied that there is sufficient information to justify the adjustments in accordance with section 269TAC(8) set out in Table 5. The commission considers these adjustments to be necessary to ensure a fair comparison of normal values and export prices.

Adjustment type	Deduction/addition
Domestic – Credit terms	Deduction
Domestic – Inland transport	Deduction
Domestic – Warehouse expenses	Deduction
Domestic – Inland transport to warehouse	Deduction
Export – Inland transport	Addition
Export – Port handling	Addition
Export – Bank charges	Addition
Export – Domestic brokerage fees	Addition

Table 5: Summary of adjustments

²⁶ EPR [697](#), item 4, pp 3-5.

5 DUMPING MARGIN

As detailed in Chapter 3 above, Nexteel did export HSS in the review period, the ascertained export price has been determined under section 269TAB(1)(a) of the Act.

The commission compared the quarterly weighted average of export prices with the quarterly weighted average of corresponding normal values over the inquiry period, in accordance with section 269TACB(2)(a).

The dumping margin for the goods exported to Australia by Nexteel for the accelerated review period is **-9.4%**.

The commission's dumping margin calculations are at **Confidential Attachment 4**.

5.1 Australian Industry submission on Nexteel's potential dumping

The submission from ATM argues that although Nexteel is a new exporter of HSS to Australia, Nexteel has a history of dumping behaviour in other jurisdictions involving HSS.²⁷ The submission cited past findings from the United States International Trade Administration and Canada Border Services Agency in making these assertions, referencing decisions from 2016 and 2017 respectively.

The submission further states that Nexteel is facing increased competition in its own Korean domestic market and is searching for new markets, so the risk to Australian industry is "considerable".

The commission has assessed the export price and normal value in chapters 3 and 4 above, for exports to Australia within the accelerated review period in accordance with the relevant legislative provisions. This assessment has led to a dumping margin of -9.4%. Exports of the goods by Nexteel are currently subject to the 'all other exporters' effective rate of duty of 13.8%.

The commission notes that the evidence provided by Nexteel has been assessed as being reliable and sufficient. Accordingly, the commission has reliable and sufficient information in which to assess whether the dumping duty notice should remain unaltered or altered so as to apply to the applicant as if different variable factors had been fixed. ATM's submission does not displace or otherwise suggest this information to be unreliable or insufficient in which to undertake that assessment.

²⁷ EPR [697](#), item 4, pp 1-3.

6 NON-INJURIOUS PRICE

6.1 Framework

6.1.1 The NIP

The NIP is defined in section 269TACA as the minimum price necessary to prevent the injury or a recurrence of the injury caused by the dumping. The NIP is a variable factor relevant to determining duty payable under the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act).

The legislation does not prescribe a calculation method for the NIP. The commission generally derives the NIP by:

- establishing an unsuppressed selling price (USP), being a price at which the Australian industry might reasonably sell its product in a market unaffected by dumping (see below), then
- deducting the costs incurred in getting the goods from the export FOB point (or another point if appropriate) to the relevant level of trade in Australia from the USP. The deductions normally include overseas freight, insurance, into store costs and amounts for importer expenses and profit.

6.1.2 The lesser duty rule

Where the Minister is required to determine the IDD payable, section 8(5B) of the Dumping Duty Act applies.

Under section 8(5B) of the Dumping Duty Act, where the NIP of the goods is less than the normal value of the goods, the Minister must have regard to the desirability of specifying a method such that the sum of the export price and the IDD payable does not exceed the NIP (this is the 'lesser duty rule').

However, under section 8(5BAA) of the Dumping Duty Act, the Minister is not required to have regard to the lesser duty rule if:

- the normal value of the goods was not ascertained under section 269TAC(1) because of the operation of section 269TAC(2)(a)(ii), or
- there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.

Where any of the above exceptions apply, the Minister's consideration of the lesser duty rule is not mandatory, but the Minister may still wish to exercise their discretion to do so.

6.2 The commission's assessment

The commission has relied upon the NIP in REP 590, which was calculated by deducting from the USP the costs incurred in getting the goods from an export FOB point in Korea to the relevant level of trade in Australia. The deductions included overseas freight, insurance, importation costs, inland delivery charges and amounts for importer expenses and profit.

PUBLIC RECORD

The commission did not calculate a new NIP for this report and relied upon the USP and NIP previously calculated in REP 590.

The commission has relied upon the Reserve Bank of Australia's historical foreign exchange rates to create an average exchange rate for the review period. The commission then converted the ascertained normal value to AUD to compare with the NIP from 590. The NIP was greater than the ascertained normal value.

In making these deductions and calculations, the commission relied on verified data from REP 590 as well as data received as part of this accelerated review.

The commission does not consider that any of the exceptions in the Dumping Duty Act apply in respect of exports of the goods by Nexteel from Korea.

The Commissioner recommends that the Minister have regard to the lesser duty rule in respect of exports of the goods by Nexteel, however, not apply the NIP because the commission has assessed the NIP as greater than the ascertained normal value for the goods exported by Nexteel.

The commission's NIP comparison calculations are at **Confidential Attachment 6**.

7 FORM OF MEASURES

7.1 Current form of measures

Exports of the goods by Nexteel are currently subject to the ‘all other exporters’ effective rate of duty of 13.8%. The current duty method is the combination method.

7.2 Recommended form of measures

The Commissioner recommends to the Minister that duties be calculated:

- in respect of any IDD that may become payable, using the floor price method, pursuant to section 5(4) and 5(5) of the Regulation.

The commission considers the floor price method is appropriate to calculate IDD because maintaining a combination duty method would not be appropriate because the ad valorem component of the measures (0%) would have no effect.

7.2.1 Australian Industry submissions on recommended form of measures

ATM, in its submission,²⁸ has submitted that the commission should ‘adopt a conservative approach’ in relation to the implementation of anti-dumping measures for Nexteel. ATM submits that, if the commission finds that there is a positive dumping margin for Nexteel, a combination interim duty should be implemented. Alternatively, if there is a negative or de minimus dumping margin, a floor price mechanism should be implemented.

The commission, as detailed above, has found that there is a negative dumping margin during the review period for Nexteel. As such, the commission will be recommending the implementation of a floor price going forward for Nexteel.

²⁸ EPR [697](#), item 4.

8 EFFECT OF THE ACCELERATED REVIEW

If the Minister accepts the recommendations in this report, in respect of hollow structural sections exported by Nexteel to Australia from Korea:

- the notices will be altered, so as to apply to Nexteel as if different variable factors had been fixed, and
- IDD will be worked out using the floor price method.

If the Minister accepts the recommendations in this report, these changes will take effect retrospectively from 8 January 2026 (being the date the application was lodged).

The commission notes that if the Minister declares that the Act and the Dumping Duty Act have effect as if the notices had applied to the Nexteel but the Minister had fixed specified different variable factors relevant to the determination of duty, pursuant to section 269ZG(3)(b), Nexteel will not be eligible to seek another accelerated review.²⁹

²⁹ See section 269ZE(1).

9 RECOMMENDATIONS

The Commissioner found that, in relation to hollow structural sections exported to Australia from Korea by Nexteel the:

- ascertained export price should be altered and
- ascertained normal value should be altered.

The Commissioner recommends that the Minister consider this report, and if agreed, issue a public notice to:

- declare under section 269ZG(3)(b) that, with effect from 8 January 2026, the Act and the Dumping Duty Act have effect as if the notices had applied to Nexteel but different variable factors (with the exception of the NIP) had been fixed in respect of Nexteel, relevant to the determination of duty
- determine, pursuant to section 8(5) of the Dumping Duty Act, that the amount of IDD on the goods exported to Australia from Korea by Nexteel is an amount worked out in accordance with the floor price method as set out in section 5(4) of the Regulation, with effect from 8 January 2026.

The Commissioner recommends that the Minister determine:

- in accordance with section 269TAB(1)(a), the export price for the goods exported to Australia from Korea by Nexteel is the price paid or payable for the goods by the importer, less transport and other costs arising after exportation, as set out in Chapter 3 and **Confidential Attachment 1**
- in accordance with section 269TAAD(4), and for the purpose of working out the cost of goods and determining whether the price paid for like goods sold in the country of export in sales that are arms-length transactions are taken to have been in the ordinary course of trade, that the amount for the cost of production or manufacture of the goods in Korea and the administrative, selling and general costs associated with the sale of those goods are as set out in **Confidential Attachment 2**
- in accordance with section 269TAC(1), the normal value for the goods exported to Australia from Korea by Nexteel is the price paid or payable for like goods sold in the ordinary course of trade for home consumption in Korea in sales that are arms length transactions by the exporter.
- In accordance with section 269TACB(2)(a) the dumping margin has been calculated by comparing the quarterly weighted average of export prices with the quarterly weighted average of corresponding normal values over the inquiry period, as set out in **Confidential Attachment 4**.

10 APPENDICES AND ATTACHMENTS

Confidential Attachment 1	Export price
Confidential Attachment 2	Cost to make and sell
Confidential Attachment 3	Normal value
Confidential Attachment 4	Dumping margin
Confidential Attachment 5	MCC steel grade comparison
Confidential Attachment 6	Non-injurious price comparison calculations