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Director
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Dear Director,

Accelerated Review No. 713 – Hollow structural sections exported from China by China Custom Manufacturing, Ltd

Introduction

Orrcon Manufacturing Pty Ltd (**Orrcon**) makes this submission in Accelerated Review No. 713, which concerns China Custom Manufacturing, Ltd (**CCMFG**), an applicant for new exporter status in relation to the dumping duty and countervailing duty notices applying to certain hollow structural sections (**HSS**) exported from China.

CCMFG's application identifies Jiaxing Pacific Solar Tech. Inc. (**Jiaxing Pacific**) as the factory / manufacturer of the goods.

The Commission's initiation notice records that the application concerns the altered HSS measures, which include goods classified to tariff subheading 7308.90.00, statistical code 65. CCMFG's application describes the relevant goods as project-specific octagonal torque tubes or steel torque-tube elements for utility-scale solar tracker systems, manufactured in China and exported for Australian solar tracker projects.[1]

In this submission, Orrcon addresses:

1. the analytical approach relevant to determining the variable factors applicable to CCMFG;
2. the applicant-specific information that the Commission should examine and verify; and
3. the application of the operative goods description following Anti-Circumvention Inquiry 685.

REP 590 provides a relevant analytical starting point

Report No. 590 (**REP 590**) contains the Commission's most recent comprehensive examination of dumping and subsidisation in relation to Chinese exporters of the HSS goods.[2] REP 590 therefore provides a relevant analytical starting point for determining the variable factors applicable to CCMFG, subject to the Commission's assessment of reliable information relating to CCMFG and the current review period, including verified information where available.

In REP 590, the Commission found that a particular market situation (**PMS**) existed in the Chinese domestic market for the goods.[3] The Commission also considered whether domestic sales in that market provided a suitable basis for determining a normal value under subsection 269TAC(1) of the *Customs Act 1901* (**the Act**) that would permit a proper comparison with the export price.[4] The Commission concluded that the relevant domestic sales were unsuitable for that purpose.

[1] CCMFG, Non-Confidential Application for Accelerated Review No. 713, responses to questions 2 and 4, pp. 4-5.
[2] Anti-Dumping Commission Report No. 590, 27 May 2022, chapters 1,7,8 and 12 and non-confidential Appendices A to D.
[3] REP 590, non-confidential Appendix A, especially sections A1, A3 and A7.
[4] REP 590, non-confidential Appendix B, especially sections B1, B2 and B6.

The Commission constructed normal values under paragraph 269TAC(2)(c), including by adjusting Chinese hot-rolled coil (**HRC**) input costs by reference to an international benchmark to account for the effect of the PMS on those input costs.[5] HRC is the principal material input in the production of HSS, including the octagonal torque tubes described in CCMFG's application.

REP 590 also found that certain Chinese producers of the goods received countervailable subsidies, including under Program 20, which concerned HRC provided by Chinese steel mills that the Commission found to be public bodies for less than adequate remuneration, measured against a competitive international benchmark.[6]

The Commission subsequently examined HRC exported from China in Investigation No. 658. REP 658 found that a PMS existed in the Chinese domestic market for HRC during the investigation period from 1 October 2023 to 30 September 2024 and that government involvement had materially contributed to overcapacity, oversupply and distortion in the Chinese steel industry.[7] The Commission also made exporter-specific findings concerning countervailable subsidisation. Those findings included the termination of the subsidy investigation for the four selected exporters because their levels of subsidisation were negligible, while the Commission found non-negligible subsidisation for all other exporters based on all facts available and reasonable assumptions.[8]

The PMS finding in REP 658 may provide more recent contextual evidence relevant to the Commission's assessment of CCMFG's HRC input costs. The Commission should assess any countervailable subsidisation applicable to CCMFG separately, having regard to CCMFG-specific evidence and the differentiated subsidy findings in REP 658.

Under section 269ZG of the Act, the Commissioner must recommend whether the relevant notices should remain unaltered or should be altered to apply to CCMFG as if different variable factors had been fixed and must set out the reasons for that recommendation.[9] In performing that task, the Commission should determine the variable factors by reference to reliable information relevant to CCMFG and the review period, including verified information where available. In doing so, the Commission should have regard to the findings and methodologies in REP 590 to the extent that current evidence demonstrates their continuing relevance.

Orrcon submits that a consistent approach supports treating relevant earlier Commission findings and methodologies as a starting point unless evidence from CCMFG and the review period supports a different conclusion. Based on the public information currently available and before completion of the Commission's verification process, Orrcon is not aware of evidence demonstrating that the conditions underlying the REP 590 PMS finding and the application of the HRC benchmarking methodology have materially changed. CCMFG's application does not presently identify evidence addressing whether the market conditions examined in REP 590 remain relevant to CCMFG, Jiaxing Pacific or the production of the goods under review. CCMFG's status as a new exporter does not, by itself, establish that those findings and methodologies are no longer relevant.

Orrcon therefore submits that the Commission should:

1. assess the continuing relevance of the PMS finding and the effect of any PMS on the suitability of relevant domestic sales, including any sales by Jiaxing Pacific or another producer of the goods;
2. determine whether the HRC and other input costs recorded by Jiaxing Pacific or any other producer reasonably reflect competitive conditions;
3. examine whether CCMFG, Jiaxing Pacific, any related entity or any relevant input supplier received countervailable subsidies; and

[5] REP 590, chapter 7 and non-confidential Appendices A and C, especially sections A6.1, A6.2 and C2 to C4; REP 685, sections 4.2.2.1 and 4.2.2.4.

[6] REP 590, chapter 8 and non-confidential Appendix D, section D2.1.

[7] REP 658, 2 April 2026, EPR 658, document no. 44, non-confidential Appendix A, especially sections A1, A2 and A4.

[8] REP 658, chapter 7, especially sections 7.1 and 7.6, and non-confidential Appendix D, including the findings concerning Programs 178 and 179.

[9] Customs Act 1901 (Cth), subsection 269ZG(1).

4. apply the methodologies adopted in REP 590 where verified evidence for CCMFG, Jiaxing Pacific, the production and export transaction chain, and the review period supports their application.

Any material departure from those findings or methodologies should be supported by sufficient reliable evidence relating to CCMFG and the review period, together with a clear explanation for that departure.

Exporter and manufacturer information

The distinction between CCMFG as exporter and Jiaxing Pacific as manufacturer makes complete reconciliation of information across the export and production chain particularly important.

In applying that approach, the Commission should examine and verify:

- CCMFG's complete export sales data and any domestic sales data relevant to the determination of normal value;
- which entity negotiates Australian sales and sets the export price;
- which entity contracts with and invoices the Australian customer;
- whether CCMFG acts as principal, trader, commission agent or in another capacity;
- which entity purchases HRC and incurs manufacturing costs;
- the relationship between CCMFG and Jiaxing Pacific;
- the terms of transactions between CCMFG and Jiaxing Pacific;
- whether those transactions occurred at arm's length;
- the identity and ownership status of the relevant HRC suppliers and their relationships with CCMFG or Jiaxing Pacific;
- domestic sales and production costs of the entity that manufactured the exported goods; and
- subsidies received by CCMFG, Jiaxing Pacific, their related entities and, where relevant under the Act, their input suppliers.

The Commission should ensure that any applicant-specific variable factors reflect the complete production and export transaction chain. Exporter-specific information held by CCMFG cannot, by itself, provide a reliable basis for determining normal value or the relevant production costs if Jiaxing Pacific manufactured the goods and holds the relevant production, procurement and accounting records.

If CCMFG cannot provide complete and verifiable information, including information held by Jiaxing Pacific or another relevant entity, the Commission should determine the variable factors in accordance with the relevant provisions of the Act, having regard to all relevant information available to it. That information may include the verified findings and methodologies in REP 590, to the extent that the Commission considers them applicable to CCMFG and the review period.

Goods description following Anti-Circumvention Inquiry No. 685

Following the Minister's consideration of Report No. 685 (**REP 685**), Anti-Dumping Notice No. 2026/064 (**ADN 2026/064**) altered the dumping duty and countervailing duty notices to include specified electric resistance welded pipe and tube made of carbon or other alloy steel, classified to tariff subheading 7308.90.00, statistical code 65.

The operative description includes circular and non-circular HSS with holes created by drilling, punching, piercing, cutting or otherwise, whether at the end of the section, along its length, or both. The alteration applies on and after 4 September 2025.[10]

The altered description is not limited to holes created by drilling. It expressly extends to holes created by drilling, punching, piercing, cutting or otherwise.

CCMFG's application reserves its position that the octagonal torque tubes:

- fall outside the proper scope of the HSS measures;
- are not like goods to ordinary HSS; and

[10] Anti-Dumping Notice No. 2026/064, 5 June 2026, pp. 2-4; Anti-Dumping Commission Report No. 685, 7 May 2026, chapters 5 and 6. ADN 2026/064 declares that the alterations apply on and after 4 September 2025.

- should not be subject to a retrospective alteration of the measures.

Those reservations reflect CCMFG's position. Orrcon submits that they do not alter the notices currently in force or provide a basis for the Commission to reconsider in this accelerated review the evidentiary or policy merits of the alteration made following the Minister's consideration of REP 685.

Under section 269ZG of the Act, the statutory outcomes available under this accelerated review concern whether the notices should remain unaltered or should apply to CCMFG as if different variable factors had been fixed. Orrcon therefore submits that this review does not provide a basis for revisiting the goods description currently in force under ADN 2026/064 following the Minister's consideration of REP 685.

The operative description expressly includes non-circular hollow sections and sections with holes. An octagonal hollow section is non-circular. Describing the product as a project-specific torque tube or solar-tracker component does not, by itself, remove goods that otherwise satisfy the description from the scope of the notices.

The Commission should confirm whether the goods satisfy each element of that description, including the relevant material, method of manufacture, cross-sectional form, dimensions, weld process, hole characteristics and tariff classification. On the basis of the available information, and subject to verification of all elements of the operative goods description, the goods appear to fall within the notices.

Orrcon accordingly submits that the Commission should:

1. apply the complete operative goods description to the verified physical characteristics of the goods;
2. avoid reopening the evidentiary and policy merits of the alteration determined through REP 685;
3. treat CCMFG's scope and like-goods reservations as separate from the determination of variable factors; and
4. determine applicant-specific variable factors having regard to the relevant findings and methodologies in REP 590, using complete and verified information covering the exporter, manufacturer and all other relevant entities.

For and on behalf of Orrcon Manufacturing Pty Ltd