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Director
Anti-Dumping Commission – Investigations
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Dear Director,

Accelerated Review No. 714 – Hollow structural sections exported from China by Yueqing Yihua New Energy Technology Co., Ltd

Introduction

Orrcon Manufacturing Pty Ltd (**Orrcon**) makes this submission in Accelerated Review No. 714, which concerns Yueqing Yihua New Energy Technology Co., Ltd (**Yihua**), 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.

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.[1]

Yihua's application describes the goods relevant to the application as made-to-order steel torque tubes or torque-tube elements, produced in China for utility-scale solar-tracker systems and supplied for Australian solar projects. The application identifies Yihua as the exporter and supplier, but states that Yihua will confirm whether it is also the producer or manufacturer or whether a separate related or third-party production entity is involved.[2]

The application identifies tariff subheading 7308.90.00 as the expected tariff reference for Yihua's goods, but states that the applicable Australian statistical code and individual import declaration references remain to be confirmed from the import records.[2]

In this submission, Orrcon addresses:

1. the analytical approach relevant to determining the variable factors applicable to Yihua;
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 No. 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.[3] REP 590 therefore provides a relevant analytical starting point for determining the variable factors applicable to Yihua, subject to the Commission's assessment of reliable information relating to Yihua, any separate producer and the current review period, being 1 July 2025 to 30 June 2026, including verified information where available.

[1] Anti-Dumping Notice No. 2026/112, 10 August 2026, pp. 1 to 3 and 6.
[2] Yueqing Yihua New Energy Technology Co., Ltd, Non-Confidential Application for Accelerated Review No. 714, responses to questions 1, 4 and 8, pp. 4, 5, 7 and 8.
[3] Anti-Dumping Commission Report No. 590, 27 May 2022, chapters 1, 7, 8 and 12 and non-confidential Appendices A to D.

In REP 590, the Commission found that a particular market situation (**PMS**) existed in the Chinese domestic market for the goods.[4] 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.[5] The Commission concluded that the relevant domestic sales were unsuitable for that purpose.

The Commission accordingly 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.[6] HRC is the principal material input in the production of HSS, including HSS used to manufacture torque-tube elements.

REP 590 also found that certain Chinese producers of the goods received countervailable subsidies. These included benefits 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.[7] The Commission had regard to those findings when determining the relevant countervailing variable factors.

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.[8] 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.[9]

The PMS finding in REP 658 may provide more recent contextual evidence relevant to the Commission's assessment of any HRC input costs incurred in producing Yihua's goods. The Commission should separately assess any countervailable subsidisation applicable to Yihua, any separate producer and other relevant entities, having regard to entity-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 Yihua as if different variable factors had been fixed, and must set out the reasons for that recommendation.[10] In performing that task, the Commission should determine the variable factors by reference to reliable information relevant to Yihua, any separate producer, the complete production and export chain 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.

Yihua's reserved position that its goods may not be subject to the measures does not, by itself, establish any basis for departing from the REP 590 PMS finding or HRC benchmarking methodology. The reservation concerns the application of the goods description, whereas the REP 590 findings concern the economic conditions affecting Chinese production and domestic sales of the goods.

Yihua's application does not presently address whether the conditions examined in REP 590 remain relevant to Yihua, any separate producer or the production of the goods under review. The application also does not identify the entity that manufactured the goods or establish which entity holds the relevant domestic sales, procurement, production, cost and subsidy information.

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[4] REP 590, non-confidential Appendix A, especially sections A1, A3 and A7.
[5] REP 590, non-confidential Appendix B, especially sections B1, B2 and B6.
[6] REP 590, chapter 7 and non-confidential Appendices A and C, especially sections A6.1, A6.2 and C2 to C4.
[7] REP 590, chapter 8 and non-confidential Appendix D, section D2.1.
[8] REP 658, 2 April 2026, EPR 658, document no. 44, non-confidential Appendix A, especially sections A1, A2 and A4.
[9] REP 658, chapter 7, especially sections 7.1 and 7.6, and non-confidential Appendix D, including the findings concerning Programs 178 and 179.
[10] Customs Act 1901 (Cth), subsection 269ZG(1).

The absence of publicly identified producer information does not determine the outcome of the review. It does, however, make identification and verification of the complete production and export chain necessary before reliable applicant-specific variable factors can be determined.

Orrcon submits that a consistent approach supports treating relevant earlier Commission findings and methodologies as a starting point unless evidence from Yihua, any separate producer 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. Yihua'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 REP 590 PMS finding and the effect of any PMS on the suitability of relevant domestic sales, including domestic sales by Yihua, any separate producer or another relevant entity;
2. determine whether the HRC and other input costs recorded by the entity that manufactured the goods reasonably reflect competitive conditions;
3. examine whether Yihua, any separate producer, any related entity or any relevant input supplier received countervailable subsidies; and
4. apply the methodologies adopted in REP 590 where verified evidence relating to Yihua, any separate producer, the complete production and export chain and the review period supports their application.

Any material departure from the relevant REP 590 findings or methodologies should be supported by sufficient reliable evidence relating to the production and export chain and the review period, together with a clear explanation for that departure.

Exporter and producer information

Yihua's application identifies it as the exporter and supplier but does not confirm whether it is also the producer or manufacturer. Instead, the application states that supporting material will confirm whether Yihua manufactured the goods or whether a separate related or third-party production entity was involved.[2] This uncertainty makes complete identification and reconciliation of information across the production and export chain particularly important.

The Commission should examine and verify:

- the identity and role of every producer, manufacturer, exporter, supplier, trading entity and other entity involved in producing or exporting the goods;
- whether Yihua manufactured the goods exported to Australia or whether another entity performed that function;
- the ownership, control and relationship between Yihua and any separate producer;
- which entity negotiates Australian sales and sets the export price;
- which entity contracts with and invoices the Australian customer;
- whether Yihua acts as principal, trader, commission agent or in another capacity;
- the terms of any transactions between Yihua and a separate producer and whether those transactions occurred at arm's length;
- Yihua's complete export sales data and any domestic sales data relevant to determining normal value;
- the domestic sales and production costs of the entity that manufactured the exported goods;
- which entity purchases HRC and other material inputs and incurs manufacturing costs;
- the identity and ownership status of the relevant HRC suppliers and their relationships with Yihua, any separate producer or another relevant entity;
- the relevant entity's HRC purchase prices and terms of supply;
- whether the recorded HRC and other input costs reasonably reflect competitive conditions;

- the reconciliation of production costs to the relevant accounting, purchasing and production records; and
- any subsidies received by Yihua, any separate producer, 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. Information held by Yihua cannot, by itself, provide a reliable basis for determining normal value or relevant production costs if another entity manufactured the goods and holds the relevant domestic sales, procurement, production and accounting records.

If Yihua cannot provide complete and verifiable information, including information held by any separate producer or another relevant entity, the Commission should determine the applicable 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 Yihua, any separate producer 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 description currently in force 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.[11]

Yihua's application reserves its position that its solar-tracker torque-tube components may fall outside the proper scope of the HSS measures, may not be like goods to standard HSS products and should not be exposed to retrospective alteration of the measures.[2] Orrcon submits that those reservations 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 Yihua 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.

The Commission must nevertheless confirm that the goods to which Yihua's application relates satisfy every element of the complete goods description currently in force. Yihua describes the goods relevant to the application as made-to-order steel torque tubes, or torque-tube elements, produced in China for utility-scale solar-tracker systems and supplied for Australian solar projects. The application states that product features may include the profile, hole pattern, cut lengths, end-forming, coating or galvanising, marking and inspection requirements dictated by the relevant project specification.[2] On the basis of that description, and subject to verification of all elements of the operative goods description, the goods appear capable of falling within the notices.

Orrcon submits that the Commission should verify:
- the identity of the producer;
- the goods' material composition;
- the method of manufacture and weld process;
- the cross-sectional form and dimensions;
- the finish and coating;
- the hole pattern, location and method of creation;
- any end-forming;

[11] Anti-Dumping Notice No. 2026/064, 5 June 2026, pp. 2 to 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.

- the tariff classification and Australian statistical code; and
- whether any exclusion or exemption applies.

Manufacture to project-specific requirements or intended use in solar-tracker systems does not, by itself, remove goods that otherwise satisfy the complete goods description currently in force from the scope of the notices.

For and on behalf of Orrcon Manufacturing Pty Ltd