



Australian Government
Australian Customs and
Border Protection Service

PUBLIC
FILE 141

Customs House
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Canberra ACT 2601

Mr Mohd Radhi ABD Razak
Director, Trade Practices Division
Ministry of International Trade and Industry, Malaysia
Blok 10, Kompleks Pejabat Kerajaan Jalan Duta,
50622 Kuala Lumpur
Malaysia

Dear Mr Mohd Radhi ABD Razak,

**INVESTIGATION INTO THE ALLEGED DUMPING OF
HOLLOW STRUCTURAL SECTIONS (HSS) EXPORTED FROM THE PEOPLE'S
REPUBLIC OF CHINA (CHINA), THE REPUBLIC OF KOREA (KOREA), MALAYSIA,
TAIWAN AND THE KINGDOM OF THAILAND (THAILAND)**

AND

**INVESTIGATION INTO THE ALLEGED SUBSIDISATION OF
HSS EXPORTED FROM CHINA**

I refer to your correspondence on 13 February 2012, regarding the preliminary dumping assessment for Malaysian exporters notified in the Preliminary Affirmative Determination (PAD), in respect of the above identified investigation.

Customs and Border Protection confirms that it has received information in the form of responses to the Exporter Questionnaire in respect of this investigation from two Malaysian exporters of HSS to Australia; Alpine Pipe Manufacturing Sdn Bhd (Alpine) and Southern Steel Pipe Sdn Bhd (Southern Steel).

The Australian Customs and Border Protection Service (Customs and Border Protection) appreciates the Malaysian Ministry of International Trade and Industry (MITI) bringing the matters identified in this letter to our attention and has given consideration to the issues raised. Customs and Border Protection notes MITI's opinion on the application of Article 6.10 of the WTO Anti-dumping Agreement (ADA) and Section 269TD of the Customs Act 1901.

Customs and Border Protection highlights the fact that the findings made within PAD are preliminary in nature and may not reflect Customs and Border Protection's final findings or recommendations to the Minister for Home Affairs in this investigation. In noting this, Customs and Border Protection advises that, since the publication of the PAD in this investigation, it has sought to individually assess whether there has been any dumping by the responding Malaysian exporters.

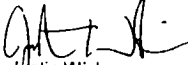
Customs and Border Protection has conducted a verification visit to Alpine and is in the process of analysing information submitted by Alpine and verified at that visit.

Customs and Border Protection conducted an assessment of the information provided by Southern Steel and identified a number of critical deficiencies within its response, such that it determined that Southern Steel's response to the Exporter Questionnaire did not warrant verification, and that the data as submitted should not be relied upon by Customs and Border Protection. Customs and Border Protection wrote to Southern Steel on the 13 January 2012, identifying the deficiencies in its Exporter Questionnaire response, and requesting Southern Steel address these deficiencies by 25 January 2012. Customs and Border Protection did not receive a response from Southern Steel by that date. Customs and Border Protection wrote to Southern Steel on 6 February 2012 advising of its view that Southern Steel was not cooperating fully with the investigation and that it was withholding relevant information. Customs and Border Protection has since been advised by the appointed representative of Southern Steel that it does not intend to provide the required information.

In line with the legislative requirements, and consistent with Article 6.8 of the WTO ADA Customs and Border Protection will have regard to all relevant information when assessing export prices and normal values for Southern Steel, and for other Malaysian exporters that did not cooperate with the investigation.

Should you have any questions concerning this matter, please do not hesitate to contact Ms Andrea Stone, the HSS Case Manager, directly on (+612) 6275 6173 or andrea.stone@customs.gov.au.

Yours sincerely



Justin Wickes
A/g National Manager
International Trade Remedies Branch
Australian Customs and Border Protection

13 March 2012