

RIGBY COOKE LAWYERS

Level 11, 360 Elizabeth Street
Melbourne Victoria 3000

GPO Box 4767
Melbourne Victoria 3001

T +61 3 9321 7888
F +61 3 9321 7900

www.rigbycooke.com.au

ABN 58 552 536 547
DX 191 Melbourne

Our ref: **ATH:20191896**
Your ref:

Direct dial: 03 9321 7851
Direct email: ahudson@rigbycooke.com.au
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PUBLIC RECORD

2 June 2020

The Director
Investigations 3
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601

By Email: investigation3@adcommission.gov.au

Dear Director,

M&H Vietnam

Submission to Investigation 550 into alleged dumping and subsidisation of precision pipe and tube steel exported to Australia from the People's Republic of China, the Republic of Korea, Taiwan and the Socialist Republic of Vietnam (Investigation) NON-CONFIDENTIAL VERSION

We act for M&H. [REDACTED] [INFORMATION IN RELATION TO M&H'S CUSTOMER] We refer to the submission

We are instructed to make the submissions set out below on behalf of M&H in response to the initiation of this Investigation. We submit that M&H is an "interested party" as defined in paragraph 269T(1)(b) of the Act on the basis that it was an exporter of the relevant Goods as discussed below during the Investigation Period and as such is entitled to provide this Submission to the ADC pursuant to paragraph 269TC(4)(c) of the Act.

For the purposes of this Submission all defined terms have the meaning set out in the attached Schedule of Definitions.

1 Previous submissions

[REDACTED] [INFORMATION IN RELATION TO M&H'S CUSTOMER]

1.2 M&H reiterates and [REDACTED] [INFORMATION IN RELATION TO M&H'S CUSTOMER] In particular we are instructed that M&H wishes to emphasise the position that it is a minor exporter to Australia and that both it and [REDACTED] [M&H CUSTOMER] could not be causing any alleged material injury the Australian industry may be suffering.

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1.3 We have expanded briefly on M&H's position below.

2 M&H's business

2.1 M&H is a supplier of steel products. [REDACTED] [M&H CUSTOMER] M&H's main export customer in Australia. M&H supplies [REDACTED] [M&H CUSTOMER] in Australia and does not export to other importers in Australia. M&H is a trading company and is not the manufacturer of the Goods however, it sources the Goods directly from the manufacturer.

2.2 M&H is a small producer of steel products in Vietnam and only exports a minor volume of steel products to Australia. M&H is owned by a single director and shareholder and specialises in trade and services.

2.3 M&H provides [REDACTED] [M&H'S CUSTOMER] with Goods which are produced to [REDACTED] [M&H'S CUSTOMER] specific standards [REDACTED] INFORMATION IN RELATION TO PRODUCTION PROCESS]

3 Preliminary Affirmative Determination

3.1 [REDACTED] [M&H CUSTOMER] stated in its submission, M&H does not consider it reasonable or appropriate for a PAD to be made in this matter.

3.2 We consider that to date the information in support of dumping measures being put in place is not sufficient to justify the publication of a PAD. Orrcon's application and the submissions published to date do not contain sufficient material to support the conclusion that the alleged material injury is being suffered or that it is being caused by alleged dumping.

3.3 Accordingly, M&H does not consider it appropriate for a PAD to be issued in this case. Further, if a PAD is issued, it does not consider it appropriate for securities to be taken in relation to its Goods due its small and specialised volume of exports which could not be causing the alleged material injury to the Australian industry.

4 Material Injury

4.1 We refer to section 4 of [REDACTED] [M&H'S CUSTOMER]. We are instructed that M&H agrees with the submissions made in relation to the alleged material injury and its causation.

4.2 Further, M&H submits that its exports could not be considered a cause of the alleged material injury the Australian industry claims to be suffering (which it disputes) as its export volume to Australia and its market share in the Australian import market is so small.

4.3 The ADC will note based on the detailed information provided by both M&H and [REDACTED] [M&H CUSTOMER] the minor and specialised role M&H plays in the Australian import market. The ADC will also note that M&H has provided significant amounts of data on which the ADC can rely and verify in relation to its business and export sales. These

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sales are made on a negotiated and competitive basis and should be considered by the ADC when calculating any dumping margin.

4.4 The ADC will also note based on M&H's responses to the Exporter Questionnaire that [REDACTED] [INFORMATION IN RELATION TO M&H'S BUSINESS] The likelihood that these exports and M&H's business could be having any significant impact on the Australian industry, let alone causing the alleged material injury, is extremely low.

4.5 Accordingly, M&H requests that the Investigation be terminated in relation to it and [REDACTED] [M&H CUSTOMER]

5 Subsidisation

5.1 We note that in previous investigations the ADC has found that any subsidisation has been negligible in the Vietnamese market. We refer to the Vietnamese Government's Submission. We are instructed that M&H agrees with and reiterates that submission.

[REDACTED] We refer to Section L of the Exporter Questionnaire which has been completed by M&H. As the ADC will see, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[INFORMATION IN RELATION TO SUBSIDISATION]

5.3 Accordingly, no countervailing rate should be imposed on M&H as it does not receive the benefit of any subsidisation in Vietnam.

As discussed above, due to M&H's low export volume and the specialisation of its Goods for [REDACTED] [M&H CUSTOMER] purposes, it could not be causing any alleged material injury to the Australian industry. As such M&H requests that the Investigation, be terminated as against it and [REDACTED] [M&H CUSTOMER]

As also discussed further above, M&H runs a small business and has provided all of the information it has available in its response to the Exporter Questionnaire. However, due to the size of the business, the information is limited, this should not be construed in any way as lack of cooperation on M&H's part. M&H is fully committed to cooperating with the ADC and will provide any further information the ADC may require.

We would be pleased to provide the ADC with any further information it may require.

If you have any queries, please do not hesitate to contact our office.

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Yours faithfully

Andrew Hudson
Partner

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Schedule of Definitions

- (a) **Act** means the *Customs Act 1901*
- (b) **ADC** means the Anti-Dumping Commission
- (c) **Application** means the application made by Orrcon for the publication of dumping and/or countervailing duty notices for precision pipe and tube steel from China, Korea, Taiwan and Vietnam
- (d) **China** means the People's Republic of China
- (e) **Consideration Report** means Consideration Report Number 550
- (f) **Exporter Questionnaire** means the Exporter Questionnaire to be submitted by M&H.
- (g) **Goods** means the goods imported by [REDACTED] [M&H CUSTOMER]
- (h) **GUC** means the Goods Under Consideration in this Investigation
- (i) **Importer Questionnaire** means [REDACTED] [M&H CUSTOMER]
- (j) **Investigation** means this Investigation number 550 into dumping and subsidisation of precision pipe and tube steel imported to Australia from China, Korea, Taiwan and Vietnam
- (k) **Investigation Period** means the period between 1 January 2019 and 31 December 2019
- (l) **M&H** means M&H Vietnam Co., Ltd
- (m) **Orrcon** means Orrcon Manufacturing Pty Ltd
- (n) **Particular Market Situation** means particular market situation as defined in the Act
- (o) **PAD** means Preliminary Affirmative Determination
- (p) [REDACTED] [M&H CUSTOMER]
- (q) [REDACTED] [M&H CUSTOMER]
- (r) **Submission** means the submission [REDACTED] [M&H CUSTOMER]

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- (s) **Vietnamese Government's Submission** means the submission made by the Vietnamese Government to the Investigation published on the Electronic Public Record on 14 April 2020