

31 July 2020

Mr Corey Hawke  
Case Manager, Investigations 3  
Anti-Dumping Commission  
GPO Box 1632  
Melbourne Victoria 3001

**Public File**

Dear Mr Hawke,

**Anti-Dumping/Subsidisation Investigation No. 550 – Precision Pipe & Tube Steel exported from China, Korea, Taiwan, and Vietnam**

**1. Introduction**

Orrcon Manufacturing Pty Limited (“Orrcon”) is the applicant company for the above-noted Anti-Dumping and Subsidisation Investigation – refer ADC Notice No. 2020/030.

In the conduct of this inquiry, the Anti-Dumping Commission (“the Commission”) has published an “Issues Paper” seeking the views of interested parties as to the scope of the goods under consideration, and like goods.

This submission addresses Orrcon’s views.

**2. Issue – Description and scope of the goods under consideration**

Hollow Structural Sections Imports

The Issues Paper notes that the existing goods description for Hollow Structural Sections (“HSS”) excludes Precision Rectangular Hollow Sections (“RHS”) with a nominal thickness of less than 1.6 millimeter (“mm”).<sup>1</sup> By strict definition then, tariff classification 7306.61.00 (statistical code 21) (i.e. welded steel pipe and tube of non-circular cross section, of a wall thickness not exceeding 2 mm) would capture and assign anti-dumping duties (in accordance with the goods description the subject of the measures) against HSS in the full nominal thickness range up to and including 2mm.

Theoretically, this would include any imports of HSS-designated non-circular RHS of a nominal thickness of less than 1.6 mm. Australian Standard AS/NZS 1163:2016 (“AS 1163”) does not govern non-circular HSS of a nominal thickness of less than 1.6mm on the basis that such products are not considered appropriate for structural applications.

Irrespective, AS 1163 (Appendix D in relation thereto) states that the standard is not restrictive or exhaustive, and that:

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<sup>1</sup> [REDACTED]

*“Other SHSS shapes and sizes with different designations and dimensions may be produced to this standard. Manufacturers shall provide the designation, nominal dimensions, cross-sectional properties and mass for SHSS produced.”<sup>2</sup>*

For example, [commercially sensitive import pricing details].<sup>3</sup>

Technically then, RHS of a nominal thickness of less than 1.6mm may be imported and would hence be dutiable under the above-noted tariff classification and statistical code.

### Precision & Non-HSS imports

Likewise, imports of non-circular Precision pipe and tube and other non-structural RHS of a thickness equal to or greater than 1.6mm will attract dumping and/or countervailing duties under tariff classification 7306.61.00 (statistical code 21).

On importation these may be identified by, and certified to:

- AS1450:2007 – C350 – various RHS and SHS, including all standard cattle rails sections; and
- AS2556 – Electric resistance welded steel air heater tubes.

Import documents and certification may also refer to numerous similar and somewhat equivalent international standards, including but not limited to the following:

- Japan:
  - JIS G3445 Carbon steel tubes for machine structural purposes; and
  - JIS G4366 Rectangular and square welded precision steel tube or hollow sections.
- USA:
  - ASTM A53 Steel pipe, black and hot-dipped, zinc-coated, welded and seamless;
  - ASTM A135 Electric-resistance-welded steel pipe;
  - ASTM A513 Electric-resistance-welded carbon and alloy steel mechanical tubing; and
  - ASTM A787 Electric-resistance-welded metallic coated carbon steel mechanical tubing.
- Europe
  - EN 10297 Steel tubes for general mechanical applications and
  - EN 10305 Precision steel tubes series.
- ISO 3305: Plain end welded precision steel tubes - technical conditions for delivery.

Applications for “precision” and/or “mechanical” steel tubing will ultimately come down to “fit-for-purpose” attributes and strict compliance to the relevant standard can be a secondary consideration.

<sup>2</sup> Non-Confidential Attachment 1: AS/NZS 1163:2016 Appendix D – Section Designations, Dimensions and Cross-Section Properties.

<sup>3</sup> Confidential Attachment 2.

Orrcon submits that the issue then, should measures be recommended and imposed, is one related to the correct application (defined by product thickness) of dumping and/or countervailing measures to Precision and other non-structural RHS. Orrcon submits that the nominal thickness designation should be referenced in the goods description to provide clarity.

### 3. Issues Consideration

#### Thickness when Selling, Supplying, Declaring or Reporting RHS

Orrcon uses nominal thickness when selling and supplying RHS. The relevant standards and designations have been noted above.

#### Goods Description – Nominal or Actual Thickness

As above, the thickness referred to in the goods under consideration should be read as 'nominal'.

#### Clarity in Classifying RHS

Aside from the nominal thickness classification issue addressed above, Orrcon is not of the view that there are any further RHS classification issues regarding the goods description.

If you have any questions concerning this submission, please do not hesitate to contact me on [REDACTED] [REDACTED].

Yours faithfully,

[REDACTED]  
Manager – Trade Measures