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## **ANTI-DUMPING NOTICE NO. 2022/111**

### **Copper tube**

### **Exported to Australia from the People's Republic of China and the Republic of Korea**

### **Update on Investigation No. 557, following ADRP Decision No. 146-150**

*Customs Act 1901 – Part XVB*

#### **Purpose**

I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission, advise all interested parties that the investigation in relation to the alleged dumping of copper tube (the goods) exported to Australia from the People's Republic of China (China) and the Republic of Korea (Korea) will be resumed after the publication of a new Statement of Essential Facts (SEF).

#### **Background**

On 12 November 2021, I terminated the investigation into the alleged dumping and subsidisation of the goods exported to Australia from China and Korea. Further details of the reasons for those termination decisions can be found in Anti-Dumping Notice (ADN) No. 2021/144 and *Anti-Dumping Commission Termination Report No. 557*.<sup>1</sup>

The applicant for the investigation, Metal Manufactures Pty Ltd trading as MM Kembla (MM Kembla) subsequently lodged an application with the Anti-Dumping Review Panel (ADRP) for a review of my termination decisions. Section 269ZZN(b) of the *Customs Act 1901* (the Act) provides for the ADRP to review my decisions, and section 269ZZT(1) of the Act provides for the ADRP to either affirm or revoke my termination decisions.

On 24 June 2022, the ADRP revoked my termination decisions in relation to MM Kembla's application seeking a dumping duty notice in respect of exports of the goods from China and Korea.<sup>2</sup> The ADRP's reasons for revoking the termination decisions are available at [www.industry.gov.au](http://www.industry.gov.au).

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<sup>1</sup> Available via [www.industry.gov.au/anti-dumping-commission](http://www.industry.gov.au/anti-dumping-commission).

<sup>2</sup> However, the ADRP affirmed my decision that there was no particular market situation and that Chinese exporters had not benefited from a countervailable subsidy.

## **Resumption of Investigation**

Section 269ZZT(2) of the Act states that, as soon as practicable after the reviewable decision to terminate an investigation has been revoked, I must publish a SEF.<sup>3</sup> Following the publication of the SEF, the investigation resumes. I will provide 20 days within which to make submissions in response to the SEF. I will subsequently provide a report to the Minister for Industry and Science with my recommendations on whether to publish a dumping duty notice (unless the resumed investigation is terminated earlier).

The date of the publication of the SEF will depend on the outcome of my consideration of ADRP Decision No. 146-150 (the ADRP Report) and any further work necessary to address the issues identified in the ADRP Report.

## **Contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2418, or by e-mail at: [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au)

Dr Bradley Armstrong PSM  
Commissioner  
Anti-Dumping Commission

21 December 2022

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<sup>3</sup> A SEF will be published on the electronic public record for Case No. 557 available via [www.industry.gov.au/anti-dumping-commission](http://www.industry.gov.au/anti-dumping-commission).