



31 July 2020

The Director - Investigations 2
Anti-Dumping Commission
GPO BOX 2013
CANBERRA ACT 2600

Dear Director,

**Continuation Inquiry No. 562 and Review of Measures No. 564
Rod in coil exported from China**

This submission is made on behalf of InfraBuild (Newcastle) Pty Ltd (**InfraBuild Steel**) in response to the recent decision of the Commonwealth Administrative Appeals Tribunal (**Tribunal**) in *Smoothflow Australia Pty Ltd and Comptroller-General of Customs* [2020] AATA 1890.

In that case, the issue was whether steel pipes imported for building fire sprinkler systems should be classified to 7306 (general steel pipes) or 7308 (structures and parts of structures). The Tribunal found that the goods would be put to use in fire sprinkler systems in buildings, and that the pipe could fit into either heading 7306 or heading 7308. The Tribunal then applied the interpretation rules and classified the goods to pipes to 7308 being the more specific of the two headings.

We believe that importers of rod in coils are importing the goods under heading 7308. Although, unlike hollow structural sections, dumping duties still apply to goods meeting the description contained in the relevant dumping duty notice, such goods may nevertheless be entering undetected - as it does not appear from the dumping commodity register that goods classified to heading 7308 are prompted to enter a DSN (dumping specification number) on entry.

The “expanded” interpretation of goods assessed to heading 7308 may also have affected the Commission’s ability to identify rod in coils that ought to be the subject of the continuation inquiry. This would arise where the Commission has not included entries for goods classified to 7308 in its import listing extracted from the Australian Border Force import database for verification of its completeness with importers.

Accordingly, we submit that for the purpose of this and future inquiries concerning rod in coils, the Commission must re-examine goods entered to heading 7308, to ensure that any entries meeting the goods description the subject of measures has been included in the Commission’s assessment of export volumes and values. We would also suggest that the Commission’s dumping commodity register be updated to include goods classified to heading 7308.

FOR AND ON BEHALF OF

THE AUSTRALIAN INDUSTRY