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# **ANTI-DUMPING NOTICE NO. 2022/049**

*Customs Act 1901 – Part XVB*

## **Hollow structural sections**

**Exported to Australia from the People’s Republic of China,  
the Republic of Korea, Malaysia and Taiwan**

## **Findings of Continuation Inquiry No. 590 into Anti-Dumping Measures**

***Public Notice under section 269ZHG(1) of the Customs Act 1901 and  
sections 8 and 10 of the Customs Tariff (Anti-Dumping) Act 1975***

The Commissioner of the Anti-Dumping Commission (**the Commissioner**) has completed an inquiry, which commenced on 22 September 2021, into whether the continuation of the anti-dumping measures applying to hollow structural sections (**HSS**) exported to Australia is justified. The anti-dumping measures are in the form of a dumping duty notice for HSS exported to Australia from the People’s Republic of China (**China**), the Republic of Korea (**Korea**), Malaysia and Taiwan (collectively, **the subject countries**) and a countervailing duty notice for HSS exported to Australia from China.

Exports from Korea by Kukje Steel Co., Ltd (**Kukje**) are not covered by that inquiry as it relates to the dumping duty notice, as the notice currently in place does not apply to that company’s exports of HSS. Exports from China by Dalian Steelforce Hi-Tech Co. Ltd (**Dalian Steelforce**) and Huludao City Steel Pipe Industrial Co. Ltd (**Huludao**) are not covered by that inquiry as it relates to the countervailing duty notice, as the notice currently in place does not apply to those companies’ exports of HSS.

The Commissioner’s recommendations resulting from that inquiry, reasons for the recommendations, and material findings of fact and law in relation to the inquiry are contained in *Anti-Dumping Commission Report No. 590 (REP 590)*.

I, ED HUSIC, Minister for Industry and Science, have considered REP 590 and have decided to accept the recommendation and reasons for the recommendation, including all the material findings of fact and law set out in REP 590.

Under section 269ZHG(1)(b) of the *Customs Act 1901 (the Act)*, I declare that I have decided to secure the continuation of the anti-dumping measures:

- in the form of a dumping duty notice applying to HSS exported to Australia from China, Korea, Malaysia and Taiwan, and
- in the form of a countervailing duty notice applying to HSS exported to Australia from China.

In accordance with subsections 269ZHG(ii) and (iii) of the Act, I determine that the dumping duty notice continues in force after 3 July 2022 but that, after that day:

- the notice ceases to apply to Hi-Steel Co., Ltd (**HiSteel**), and
- with the exception of exporters not subject to the existing measures and HiSteel, the notice has effect as if different specified variable factors relevant to the determination of duty had been fixed in relation to all exporters from China, Korea, Malaysia and Taiwan.

In accordance with subsections 269ZHG(i) and (iii) of the Act, I determine that the countervailing duty notice continues in force after 3 July 2022 but that, after that day:

- with the exception of exporters not subject to the existing measures and Tangshan Youfa Steel Pipe Manufacture Co. Ltd (**Tangshan Youfa**), Tangshan Zhengyuan Steel Pipe Co. Ltd (**Tangshan Zhengyuan**), Tianjin Youfa Steel Pipe Group Co. Ltd. No.1 Branch Company (**Youfa Steel Pipe No.1**) and Tianjin Youfa Steel Pipe Group Co. Ltd. No.2 Branch Company (**Youfa Steel Pipe No.2**), the notice has effect as if different variable factors relevant to the determination of duty had been fixed in relation to all exporters from China, and
- the notice continues in force unchanged in relation to exporters Tangshan Youfa, Tangshan Zhengyuan, Youfa Steel Pipe No.1 and Youfa Steel Pipe No. 2.

### **Interim dumping and countervailing duty**

I determine that in accordance with section 8(5) and 8(5BB) of the *Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act)*, and the *Customs Tariff (Anti-Dumping) Regulation 2013 (the Regulation)*, the amount of interim dumping duty (**IDD**) payable on goods, the subject of the dumping duty notice, is an amount worked out in accordance with the following methods:

- for all Chinese, Korean, Malaysian and Taiwanese exporters (except Taiwanese exporters Ta Fong Steel Co. Ltd (**Ta Fong**), Tension Steel Industries Co. Ltd (**Tension Steel**) and Shin Yang Steel Co. Ltd (**Shin Yang**)), a combination of fixed and variable duty method as specified in section 5(2) of the Regulation, and
- for Taiwanese exporters Ta Fong, Tension Steel and Shin Yang, a floor price duty method as specified in section 5(4) of the Regulation.

I determine that, in accordance with section 10(3B)(a) of the Dumping Duty Act, the amount of interim countervailing duty (**ICD**) payable on goods the subject of the countervailing duty notice in respect of Chinese exporters be ascertained as a proportion of the export price of those particular goods.

### **Consideration of the lesser duty rule**

#### **China**

In relation to Dalian Steelforce, pursuant to section 8(5BAAA) of the Dumping Duty Act, I am not required to have regard to the desirability of fixing a lesser amount of duty. This is because the normal value of the goods for this exporter was not ascertained under section 269TAC(1) of the Act because of the operation of section 269TAC(2)(a)(ii) of the Act.

In relation to Huludao, pursuant to section 8(5B) of the Dumping Duty Act, I have had regard to the desirability of specifying a method such that the sum of:

- the export price of goods of that kind as so ascertained

- the interim dumping duty payable on the goods,

does not exceed the non-injurious price of goods of that kind, as ascertained for the purposes of the notice. For Huludao, these amounts do not exceed the non-injurious price of the goods. Therefore, a lesser amount of duty has not been applied.

In relation to all other exporters of the goods from China, pursuant to section 8(5BA) of the Dumping Duty Act, I have had regard to the desirability of specifying a method, such that the sum of:

- the export price of goods of that kind as so ascertained
- the interim dumping duty payable on the goods
- the interim countervailing duty payable on the goods,

does not exceed the non-injurious price of goods of that kind, as ascertained for the purposes of the notices. For the following exporters of the goods, these amounts do not exceed the non-injurious price, and therefore, a lesser amount of duty has not been applied:

- Hengshui Jinghua Steel Pipe Co. Ltd (**Hengshui Jinghua**)
- Tianjin Ruitong Huaxing International Trade Co. Ltd (**Tianjin Ruitong**)
- Tangshan Youfa
- Tangshan Zhengyuan
- Youfa Steel Pipe No.1
- Youfa Steel Pipe No.2.

For all other exporters of the goods from China, these amounts do exceed the non-injurious price, and therefore, a lesser amount of duty has been applied.

### ***Korea, Malaysia and Taiwan***

In relation to all exporters from Korea, Malaysia and Taiwan, pursuant to section 8(5B) of the Dumping Duty Act, I have had regard to the desirability of specifying a method such that the sum of:

- the export price of goods of that kind as so ascertained
- the interim dumping duty payable on the goods,

does not exceed the non-injurious price of goods of that kind, as ascertained for the purposes of the notice. For all exporters from all exporters from Korea, Malaysia and Taiwan, these amounts do not exceed the non-injurious price of the goods. Therefore, a lesser amount of duty has not been applied.

## Effective duty rates

Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are also set out in the following table.

Country	Exporter	IDD method	Effective IDD rate	ICD <sup>1</sup>
China	Dalian Steelforce	Combination	9.4%	N/A
	Hengshui Jinghua		9.4%	0.0%
	Tianjin Ruitong		1.0%	8.4%
	Youfa Steel Pipe No.1		6.1%	3.3%
	Youfa Steel Pipe No.2		6.1%	3.3%
	Tangshan Youfa		6.1%	3.3%
	Tangshan Zhengyuan		6.1%	3.3%
	Huludao		30.4%	N/A
	All other exporters		22.0%	26.3%
Korea	All other exporters <sup>2</sup>	Combination	13.8%	N/A
Malaysia	All other exporters	Combination	20.8%	
Taiwan	Shin Yang	Floor price	0.0%	
	Ta Fong	Floor price	0.0%	
	Tension Steel	Floor price	0.0%	
	All other exporters	Combination	23.5%	

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel ([www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au)), in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

REP 590 has been placed on the public record, available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

Enquiries about this notice may be directed to the Case Manager by phone on +61 3 8539 2527 or by email [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au)

30 day of JUNE 2022.

ED HUSIC  
Minister for Industry and Science

<sup>1</sup> Dalian Steelforce and Huludao, and all exporters from Korea, Malaysia and Taiwan are not subject to the countervailing duty notice.

<sup>2</sup> I am ceasing the dumping duty notice against HiSteel and the Korean exporter Kukje is not subject to the dumping duty notice.