

# RESPONSE TO AN APPLICATION FOR EXEMPTION FROM DUTY UNDER THE *CUSTOMS TARIFF (ANTI-DUMPING) ACT 1975*

Exemption inquiry EX0090 – response requested by 28 January 2022.

## 1 Introduction

The Anti-Dumping Commission (the commission) requests your response to an application for exemption from anti-dumping measures under the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act).

Sections 8(7)(b) and 10(8)(b) of the Dumping Duty Act provide discretion for the Minister for Industry, Science and Technology (the Minister) to exempt goods from anti-dumping measures, where they are satisfied that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the goods is in force.

The commission has received an application for exemption from anti-dumping measures in respect of certain precision pipe and tube for the goods described at section 5 of this form (“the exemption goods”).

Your company has been identified as an Australian producer of the goods.

The commission seeks your assistance in this exemption inquiry by responding to this questionnaire. The commission will use the information you provide in its assessment as to whether an exemption from dumping duties may be recommended to the Minister of Industry, Science and Technology.

## 2 Current anti-dumping measures

The anti-dumping measures were initially imposed by public notice on 29 September 2021 by the Anti-Dumping Notice (ADN) No. 2021/109 and Anti-Dumping Notice (ADN) No. 2021/110 following consideration of the *Anti-Dumping Commission Report No. 550* (REP 550). All exporters of precision pipe and tube from The People’s Republic of China (China) and the Republic of Korea are subject to the dumping duty notice, with exporters of precision pipe and tube from China also subject to the countervailing duty notice.

Certain electric resistance welded pipe and tube made of carbon steel, whether or not including alloys, comprising circular, rectangular and square hollow sections in metallic coated and non-metallic coated finishes. Metallic finish types for the goods include galvanised and aluminised. Non-metallic finishes include hot-rolled and cold-rolled.

Sizes of the goods are, for circular products, equal to or less than 21 millimetres (“mm”) in outside diameter. Also included are air heater tubes to Australian Standard (AS) 2556, up to and including 101.6 mm outside diameter. For rectangular and square products, with a nominal thickness of less than 1.6 mm (being a perimeter up to and including 260 mm).

Included within the goods are end-configurations such as plain, square-faced and other (e.g. threaded, swaged and shouldered). The goods include all electric resistance welded pipe and tube made of steel meeting the above description of the goods (and inclusions),

including whether the pipe or tube meets a specific structural standard or is used in structural applications.

### **Exempted goods**

There are currently no exemptions from the anti-dumping measures.

## **3 Application for Exemption from Measures**

An application for an exemption has been made to the commission by K&R Ladle Co Pty Ltd. The commission has considered the application and after consultation with the applicants accepted the application and will now undertake an examination to determine whether it should recommend the requested exemption.

## **4 Exemption Provisions**

The Dumping Duty Act provides discretion for the Minister to exempt goods from dumping duties if one of the criteria in section 8(7)(b) is met, or to exempt goods from countervailing duties if one of the criteria in section 10(8)(b) is met.

### **Section 8(7)(b)**

The Minister may, by notice in writing, exempt goods from interim dumping duty or dumping duty if he or she is satisfied:

- (b) that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the goods is in force.

### **Section 10(8)(b)**

The Minister may, by notice in writing, exempt goods from interim countervailing duty or countervailing duty if he or she is satisfied:

- (b) that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the goods is in force.

The exemption provisions are subject to the discretion of the Minister and an exemption is not automatically granted, even where the criteria in the provision is met.

## 5 The Goods Subject to this Exemption Application

The goods the subject of this exemption inquiry were defined by the applicant as:

Tubes, welded, non alloy steel, being either of the following:

(a) single wall resistance welded to specification SAE J526, having ALL of the following:

- (i) carbon content NOT greater than 0.13%;
- (ii) outside diameter NOT greater than 11.50 mm;
- (iii) wall thickness NOT less than 0.5 mm and NOT greater than 1.0 mm;

(b) double wall copper brazed to specification SAE J527, having ALL of the following:

- (i) carbon content NOT greater than 0.13%;
- (ii) outside diameter NOT greater than 13 mm;
- (iii) wall thickness NOT less than 0.5 mm and NOT greater than 1.0 mm.

The exemption goods are classified to the tariff subheading 7306.30.00 (statistical code 30) of Schedule 3 to the *Customs Tariff Act 1995*.

### **Goods produced in Australia**

The applicant claims that there are no Australian manufacturers of the exemption goods as described.

## 6 Instructions on Completing this 'Response to the Exemption Application'

The commission has identified your company as a producer of precision pipe and tube.

Consequently, the commission has forwarded you this 'response to exemption application' (the response) to provide you with the opportunity to participate in this exemption inquiry.

The commission seeks your assistance with this exemption inquiry by responding to the questions in this form. The commission will use the information you provide to make a recommendation as to whether an exemption from dumping and/or countervailing duty should be granted by the Minister for Innovation, Science and Technology.

Specifically, the information provided by Australian precision pipe and tube producers will assist the commission in determining whether the Minister should exercise his discretion to exempt the goods when a Tariff Concession Order is in force.

### **Due date for the response**

We request that you complete your response and return it to the commission by **28 January 2022**.

Please email your response to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au)

### **Verification of the information that you supply**

The commission may seek to verify some or all of the information supplied in the response. The commission may request evidence to support the claims such as quotations and offers of sale.

An onsite visit by the commission may be required in some cases. A report will be prepared of visits conducted and a non-confidential version will be placed on the public record.

**OFFICIAL: Sensitive / PUBLIC RECORD**

There is no legislative timeframe for completion of an exemption inquiry, however a recommendation to the Minister will be made as soon as practicable after obtaining all relevant information.

**Confidential and non-confidential submissions**

We request that you also lodge a non-confidential version of your response suitable for placement on the public record. The commission puts greater weight on submissions that are available to other interested parties for comment.

Please ensure that each page of information you provide is clearly marked either: “SENSITIVE: Official” or “PUBLIC RECORD”.

All information provided to the commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

**Outline of information required by the response**

<b>Part A</b>	Company contact information
<b>Part B</b>	Response to exemption application
<b>Part C</b>	Tariff Concession Order (TCO)
<b>Part D</b>	Revocation of TCO
<b>Part E</b>	Additional comments
<b>Part F</b>	Your declaration

## Response to Exemption Application

### PART A – Company Information

A.1 Please provide the following company contact information:

Name:	
Position in company:	
Address:	
Telephone:	
Facsimile number:	
E-mail address of contact person:	

### PART B – Response to Exemption Application

#### B.1

Does your company oppose or not consent to the request for an exemption?

- Oppose
- Not oppose

**NOTE: If your company does not oppose the request for an exemption, you do not need to complete all parts of the questionnaire. Please indicate that you do not oppose the request (stating the reasons why), answer the questions that are relevant to your reasons for not opposing the request, sign and return the form as soon as possible.**

#### B.2

Please state the reasons why you do not oppose the request for an exemption to the goods.

### PART C – Tariff Concession Order (TCO)

C.1 Is your company aware that the TCO is applicable to the goods?

If **no**, go to Part D – Revocation of TCO.

C.2 Did your company object to the making of the TCO?

If **yes**, please include a copy of your objection made to the Australian Department of Home Affairs.

Please also include any available product literature in respect of the substitutable goods on which your objection was based.

If **no**, go to Part D – Revocation of TCO.

C.3 If you answered **yes** at C.2, please outline why your objection to the TCO was unsuccessful.

**PART D – Revocation of TCO**

**D.1** Does your company intend to seek revocation of the TCO?

If no, go to Part E – Additional Comments.

For more information, please see the Department of Home Affairs website (<https://www.homeaffairs.gov.au/Busi/domestic-manufacturers-and-importers>), which includes the approved form required for seeking revocation.

**D.2** Please include a copy of your request for revocation made to the Department of Home Affairs.

Please also include any available product literature in respect of the substitutable goods on which your revocation request is based.

**PART E – Additional Comments**

**E.1** Even with the TCO in force, are there other reasons which you consider relevant to the Minister exercising his or her discretion to not exempt the goods?

**E.2.** Provide any additional comments including any other information that will assist the commission in making a recommendation to the Parliamentary Secretary regarding this application for exemption.

**PART F – Declaration**

I hereby declare that.....(company)  
has completed the attached response to application for exemption and, having made due inquiry,  
certify that the information contained in this submission is complete and correct to the best of my  
knowledge and belief.

**Name** :.....

**Signature** :.....

**Position in  
Company** :.....

**Date** :.....