

## Attachment A

Template: Application letter to the Commission seeking an exemption

Set out below is a suggested letter you can send to the Commission

### Instructions

1. Applicant to enter details into the square brackets “[ ]”.
2. The italicised text in the round brackets “( )” is guidance material for the applicant. Delete this guidance material prior to sending the letter to the Commission.
3. The guidance material below includes references to the Dumping Commodity Register (DCR). To access the relevant DCR select the imported good/commodity from the left hand side of the Commission’s Measures page.

The Commissioner of the Anti-Dumping Commission

By email: [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Dear Commissioner of the Anti-Dumping Commission

### **Application seeking an exemption from anti-dumping measures**

Emro Products Pty Ltd would like to seek an exemption from anti-dumping measures that apply to certain chrome plated steel tubing. Our details are as follows:

Emro Products Pty Ltd  
46-48 Claude Boyd Parade, Corbould Park, Qld, 4551  
(Postal address as above)

The details for the contact person for this application are as follows:

Graeme Douglas  
Inventory and Warehouse Manager  
07 5491 3566  
Graeme@emro.com.au

### **The exemption goods**

Chrome plated steel tube in 16mm and 19mm outside diameters.

The exemption goods are generally classified to the following tariff classifications and statistical codes:

Classification: 7306.30.00      Statistical codes: 30 & 31

### **Applicant’s interest as an affected party**

Emro Products Pty Ltd is an importer and manufacturer/supplier of complimentary brackets and fixtures and uses the exemption goods because they are required as part of a complete product that they market and sell to retail stores.

**Details of other parties likely to have an interest in this exemption application and their interests in this application**

None.

**Grounds on which we are seeking the exemption**

Ground One – Like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade

**Evidence that all known Australian producers have been contacted in writing and asked whether, or not, they can manufacture and supply goods, the terms of supply**

**Attached email from Orrcon Manufacturing Pty Ltd**



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**Details of the current investigation or the anti-dumping and countervailing measures applying to the goods**

The goods subject to measures are:

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:

- 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.
- 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.

The countries subject to measures are the Peoples Republic of China & the Republic of Korea.

### **Detailed statement setting out reasons for seeking an exemption**

Emro has previously requested (and received) a formal Tariff advice from Australian Border Force for these tubes so the classification of the goods, under 7306.30.00, should be correct. The statistical codes are keyed to the tube dimensions and wall thickness, so the various tubes sizes must be taken into account.

This tubing is steel and predominantly iron in nature. There are some other elements included however the amounts are quite low, so it is not classified as an alloy steel (as per Tariff Chapter notes).

It is worth noting that the Carbon content is extremely low and it could be argued that this tubing cannot be classified as Carbon Steel (as per the Dumping Commodity Register (DCR) description) and therefore may be exempt from Dumping for this reason alone. The ABF were unable to provide a definition of Carbon Steel to assist accurately assessing the steel type.

Emro's supplier advises that the full production process is as follows:

1. Cold steel sheet (strips) are loaded into a rolling machine.
2. This sheet longitudinally welded whilst being rolled by wheel jigs to form a welded tube.
3. Tube is cut to the required length.
4. Tube is polished.
5. Tube is Electro chrome plated.

This tubing is non-structural and predominately used as a fixing in wardrobes (to hang clothing), towel rails, and curtain rails. Emro imports different circular-hollow tubes in  $\varnothing$ 16mm and  $\varnothing$ 19mm. Although there are different diameters, each tube has a wall thickness of 1.0mm. These tube dimensions have a working tolerance of +/- 0.2mm diameter on all tubing, and based on their application (wardrobe, shower, curtain, or towel rail) they need not be precise.

Please see images showing diameter variations for 16mm tube below:



As an Australian Manufacturer, Emro also locally manufactures the fittings required to mount this tubing either in a wardrobe, as a towel rail, or as a curtain rail. They manufacture these fittings from EZDA-3 zinc sourced from Tasmania in a hot chamber high pressure diecast machine. The fittings are then run through Emro's electroplating line, located in their factory on the Sunshine Coast, QLD, to achieve a chrome plated finish.

The fittings which they manufacture are pillar ends and centres, round end supports, and oval end supports:



Photos of chrome tubing as used for curtain rails:



## Conclusion

Emro recently contacted several of the largest steel manufacturers in Australia, including Orrcon Steel (mentioned in REP550), and when asked if 'chrome plated steel tubing' is a product that they manufacture locally, all have said no. Emro was advised that the cost alone to manufacture chrome plated steel tubing in Australia is too prohibitive. Due to the particular use of this tubing, it is imperative that the product is chrome plated, not only for the aesthetic and appearance, but providing a coating resistant to corrosion and friction which is paramount. It is our belief that there aren't any Australian Manufacturers who manufacture the chrome plated steel tubing which Emro imports, and therefore importing these tubes does not cause injury to local industry.

We also contend that our goods are not 'like goods' as described in Section 3.2 of REP550. They do not have:

- a. Physical likeness – REP550 specifically mentions the tube is either plain steel or a metallic finish. These metallic finishes include galvanised or aluminised. Emro's goods are neither of these finishes as they are chrome plated.
- b. Commercial likeness – Emro's products are sold into retail stores (and often sold with the locally made componentry). Emro's products are not welded, or permanently fixed to other elements to form a larger structure, as opposed to the goods described in REP550.
- c. Functional likeness – Section 3.3.1 of REP550 defines the goods subject to dumping as: 'a light gauge steel product with tight dimensional tolerances used in structural customised applications, such as gates and fencing, furniture, racking and shelving, automotive components, conduit and heat exchangers'. Emro's goods are non-structural and do not have 'tight dimensional tolerances'... considering that a 0.2mm variance on a 16mm tube is quite a big difference.
- a. Production likeness - The production process for Emro's goods is significantly different to the production process as described in Section 4.5 of REP550.

Based on the above information, it is our belief that the chrome plated steel tube that Emro imports does not meet the criteria under which Dumping Duty should be applied and should therefore be exempt.

Yours sincerely,



Graeme Douglas  
Emro Products  
Inventory and Warehouse Manager

10/12/2021