



**Australian Government**  
**Anti-Dumping Review Panel**

*Customs Act 1901*

Notice under section 269ZZI

**Hollow Structural Sections Exported from the People's Republic of China,  
Republic of Korea, Malaysia and Taiwan**

The Anti-Dumping Review Panel (ADRP) has received applications for a review of a decision by the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Minister) to publish a notice regarding the continuation of anti-dumping measures in respect of Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan (the Reviewable Decision).

Notice of the Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 26 June 2017 ([ADN 2017/70](#)).

The ADRP has accepted applications for review from:

- Dalian Steelforce Hi-Tech Co., Ltd;
- Ursine Steel Co., Ltd;
- Croft Steel Traders Pty Ltd; and
- Tianjin Youfa Steel Pipe Group Co., Ltd.

The ADRP is satisfied that the following grounds are reasonable grounds for the reviewable decision not being the correct or preferable decision:

**Dalian Steelforce Hi-Tech Co., Ltd:**

- The ADC erred in determining a deductive export price;
- The ADC erred in treating free-trade zone (FTZ) sales as domestic sales for the purposes of calculating profit;
- The ADC erred in not treating HSS downgrade domestic sales as like goods and excluding those sales from the calculation of profit;
- The ADC erred by not determining SG&A costs on the basis of information from the records of the exporter or producer of like goods;
- The ADC erred by not determining profit on the basis of domestic sales of the same general category of goods by the exporter or producer; and
- The ADC erred in not determining costs in the country of export.

**Ursine Steel Co., Ltd:**

- The ADC erred in determining normal values on the basis of domestic sales pursuant to subsection 269TAC(1) of the Act; and

- In determining normal value on the basis of domestic sales of like goods, the ADC erred in excluding certain domestic sales which were also considered to be like goods.

#### **Croft Steel Traders Pty Ltd:**

The ADC model selection criteria does not provide fair comparison for due allowance and distorts the suitability of sales for normal value.

#### **Tianjin Youfa Steel Pipe Group Co., Ltd:**

- The ADC failed to engage in a proper investigation in failing to analyse whether State Invested Enterprises were "public bodies", wrongly concluded that Tianjin Youfa did not respond to information requests, failed to ask proper questions, failed to give timely notice of unanswered questions posed to the Government of China, placed undue reliance on previous investigations and relied inappropriately on its own overly general market research report;
- The ADC wrongly concluded that there was a subsidy from a "public body";
- The ADC wrongly concluded that there was a "benefit" by reason of less than adequate remuneration from domestic suppliers of narrow strip and hot rolled coil, in so far as it adopted the wrong geographical benchmark; considered the wrong product and failed to apply the de minimis rule;
- The ADC wrongly concluded that any benefit was "specific".
- The calculations applied by the ADC were erroneous, even if a countervailable subsidy otherwise existed, by reason of applying the wrong benchmark country, the wrong product, utilising the wrong income denominator and failing to limit its accounting to the alleged differential between actual prices and the benchmark and instead counting the entire benchmark figure as the benefit;
- The ADC improperly double counted for the alleged LTAR input materials, adjusting both as to a constructed normal value and as to a countervailable subsidy;
- The ADC failed to adequately consider whether there would likely be material injury caused if the measures were revoked; and
- The ADC wrongly based a number of assessments on an erroneous finding of a market situation in the Peoples Republic of China.

The goods to which these applications relate are:

*Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include in-line galvanised (ILG), pre-galvanised or hot-dipped galvanised (HDG) and non-galvanised HSS.*

Sizes of the goods are, for circular products, those –exceeding 21mm up to and including 165.1mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 1277.3mm. Categories of HSS excluded

from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6mm; and air heater tubes to Australian Standard (AS) 2556.

The ADRP proposes to conduct a review of the decision.

### Submissions

Interested parties have 30 days from the date this notice is published to provide the ADRP with a submission.

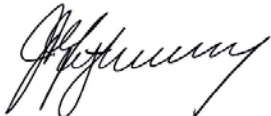
If your submission contains confidential information you must provide a public version that can be published on the ADRP website. Failure to do so will result in your submission not being considered.

You may either email your submission to [adrp@industry.gov.au](mailto:adrp@industry.gov.au) or mail the submission to –

Anti-Dumping Review Panel Secretariat  
GPO Box 2013  
Canberra City ACT 2601

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the grounds for seeking review in full, and other documents are available on the public record of the review at [www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au)

The reports of the original investigation are available on the ADC website at [www.adcommission.gov.au](http://www.adcommission.gov.au)



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Anti-Dumping Review Panel  
23 August 2017