



ADRP Conference Summary

2018/88 Certain Hollow Structural Sections - Review of Measures

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| Panel Member | Paul O'Connor |
| Review type | Review of Minister's Decision - Certain Hollow Structural Section exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan |
| Date | 15 January 2019 |
| Participants | Mr Rhys Piper and Mr Adam Hourigan, Anti-Dumping Commission (Commission) |
| Time opened | 11:30 AEDT |
| Time closed | 12:00 AEDT |

Purpose

The purpose of this conference was to discuss relevant information pertaining to Tianjin Youfa's second ground of review before the Anti-Dumping Review Panel (Review Panel) in relation to Certain Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan.

The Conference was held pursuant to section 269ZZHA of the *Customs Act 1901*¹ (the Act).

In the course of the Conference, I may have asked the Anti-Dumping Commission Representatives (Commission Representatives) to clarify an argument or specific detail contained in a party's application or submission. The Conference was not a formal hearing of the review.

I have only had regard to information provided at this Conference as it relates to relevant information (within the meaning of section 269ZZK(6) of the Act. Any conclusions reached at this Conference are based on that relevant information. Information that relates to some new argument not previously put in an application is not something that the Review Panel has regard to, and is therefore not reflected in this Conference summary.

¹ Unless otherwise stated, all statutory references are to the *Customs Act 1901*.



Discussion

In the Conference, I asked the Commission Representatives to respond to relevant information contained with Tianjin Youfa's Review Application and in a letter, dated 13 December 2018, received by the Review Panel from Tianjin Youfa's legal Representatives.

I invited comment from the Commission in conference on two issues, the Commission's justification for its decisions to:

1. not limit its examination of the Hot Rolled Coil (HRC) cost to those entities within the group who had exported the goods to Australia; and
2. aggregate and then average the group's cost of structural and non-structural HRC without adjustment.

In relation to the two issues on which I sought comment, the Commission Representatives agreed, if Tianjin Youfa's arguments were accepted the second issue would not arise.

In relation to the first issue, on reflection, the Commission agrees it would be appropriate to limit consideration to those entities that did purchase raw materials that were consumed to make the goods exported to Australia. This is appropriate in determining a constructed normal value, especially when undertaking a benchmark comparison with a view to making adjustments for competitive market costs.

Accepting this approach, the Commission would limit its focus to those entities within the group that did produce the goods exported to Australia.

The Commission Representatives confirmed there was sufficient relevant information before the Commission to undertake the recalculation. The Commission has undertaken to provide recalculated figures for the consideration of the Review Panel on or before 31 January 2019.

Paul O'Connor
Panel Member
Anti-Dumping Review Panel
18 January 2019