



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Hollow Structural Sections exported from the Kingdom of Thailand

The Anti-Dumping Review Panel (Review Panel) received applications from Austube Mills Pty Ltd (Austube Mills) and Orrcon Manufacturing Pty Ltd (Orrcon) seeking a review of a decision by the Minister for Industry, Science and Technology not to secure the continuation of the anti-dumping measures under section 269ZHG(1)(a) of the *Customs Act 1901* in respect of Hollow Structural Sections exported from the Kingdom of Thailand (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 27 July 2020 (ADN 2020/70).

The Review Panel is satisfied that the following grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision:

Austube Mills

- i. The Commissioner failed to provide the Minister with a sufficient and reasonable explanation of the reason why the degree of the negative dumping margin found during the inquiry period was likely to continue beyond the expiry of the measures;
- ii. The Commissioner failed to provide the Minister with a sufficient and reasonable explanation of the reason why other exporters, not examined, are unlikely to recommence dumping if the measures are allowed to expire;
- iii. The Commissioner's analysis of price competition in the Australian market is flawed;
- iv. The Commissioner's recommendation to the Minister failed to apply the correct meaning to the prospective nature of the term "likely" using past or present evidence in relation to the assessment of the 'prevailing economic conditions in Thailand of the Thai domestic market' and the likelihood of dumped exports from Thailand recurring;
- v. The Commissioner erred in his recommendation to the Minister with respect to the determination of normal values and dumping margins for all exporters from Thailand by failing to take into account the higher cost of Hot Rolled Coil ("HRC") used for domestic sales.

Orrcon

- i. The Commissioner cannot be satisfied that future HSS exports from Thailand are likely to be at undumped prices;
- ii. The expiry of the anti-dumping measures would lead, or be likely to lead, to a continuation of, or a recurrence of, the injury that the anti-dumping measure is intended to prevent.

The Review Panel proposes to conduct a review of the Reviewable Decision in relation to the above grounds.

The goods to which these applications relate are:

Certain electric resistance welded pipe and tube made of steel, comprising circular and noncircular hollow sections in galvanised and non-galvanised finishes, whether or not including alloys. 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 pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those exceeding 21 mm up to and including 165.1 mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 950.0 mm. CHS with other than plain ends (such as threaded, swaged and shouldered) are also included within the goods coverage.

The following categories of HSS are excluded from the goods:

- *conveyor tube made for high speed idler rolls on conveyor systems, with inner and outer fin protrusions removed by scarfing (not exceeding 0.1 mm on outer surface and 0.25 mm on inner surface) and out of round standards (i.e. ovality) which do not exceed 0.6 mm in order to maintain vibration free rotation and minimum wind noise during operation;*
- *precision RHS with a nominal thickness of less than 1.6 mm (i.e. not used in structural applications); and*
- *stainless steel CHS and RHS sections.*

The goods include all electric resistance welded pipe and tube made of steel meeting the above description of the goods (and exclusions), regardless of whether or not the pipe or tube meets a specific structural standard or is used in structural applications

Submissions

Interested parties have **30 days** from the date on which this notice is published to provide the Review Panel with a submission. Your submission should indicate your eligibility to make a submission as either an interested party to the Reviewable Decision or as one of the specified entities under section 269ZZJ of the Act.

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

You may either email your submission to 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

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Leora Blumberg
Panel Member
Anti-Dumping Review Panel
11 September 2020