

ADRP Conference Summary¹

Review No. 88A – Reconsideration of Certain Hollow Structural Sections exported from the People’s Republic of China by Tianjin Youfa Steel Pipe Group Co Ltd.

Panel Member	Paul O’Connor
Review type	Review of Minister’s decision
Date	2 February 2021
Participants	Messrs. Piper, Hourigan & Isaac (Anti-Dumping Commission Representatives) and Mr Waincymer (Tianjin Youfa’s Representative)
Time opened	14:00 AEDT
Time closed	14:45 pm AEDT

Purpose

The purpose of this conference was to obtain further information in relation to the review before the Anti-Dumping Review Panel (Review Panel) in relation to Certain Hollow Structural Sections exported from the People’s Republic of China by Tianjin Youfa Steel Pipe Group Co Ltd.

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

In the course of the conference, I was able to consider the matters raised by Mr Waincymer in communications from him and which were relayed to me via the Secretariat. The communications were received on 22 January and 27 January 2021. Additionally, on 12 January 2021 I received a communication from the Commission which addressed the appropriate denominator used in the calculation of the uplift factor. This communication was also considered during the conference.

I have only had regard to information provided at this conference to the extent that it relates to relevant information within the meaning of section 269ZZK of the Act. Any conclusions reached at this conference are based on that relevant information. Information that relates to any new argument not previously put in an application or submission is not something that the Review Panel may have regard to and, therefore, is not reflected in this conference summary.

¹ This Summary does not purport to be a verbatim transcript of the discussion between the parties to the conference.

At the time of the conference, I advised the participants that:

- The conference was being recorded and transcribed by Express Virtual Meetings Pty Ltd, and that the recording would capture everything said during the conference.
- The conference was being recorded for the Review Panel to have regard to when preparing a conference summary. The conference summary would then be published on the Review Panel's website.
- Any confidential information discussed during the conference would be redacted from the conference summary prior to publication.

Prior to the conference, the participants had been referred to the Review Panel's Privacy Statement. The Privacy Statement outlines who the conference recording and transcript may be disclosed to. The Privacy Statement is available on the Review Panel's website [here](#).

The participants indicated they understood the Privacy Statement and consented to:

- The recording of the conference; and
- The recording being dealt with as set out in the Privacy Statement.

Discussion

1. Mr Waincymer stated that the 27 January 2021 email listed all the matters which he felt needed to be addressed by the Review Panel.
2. He renewed his request, detailed in his communication received on 22 January 2021, that the Commission ought to be asked by the Review Panel to calculate normal value on the assumption that it would be determined following the methodology outlined in section 269TAC(1). This request was made so as to ensure that the Minister had before her all factual matters pertaining to the determination of normal values under either subsections 269TAC(1) or (2). It was said that the provision of the "TAC1" calculations would avoid unnecessary delay should ultimately a court decide that the normal value be determined through the application of that methodology.
3. The Review Panel declined to accept Mr Waincymer's request.

4. The Review Panel noted that Mr Waincymer's arguments as to what he refers to as "gateway principles" were not addressed to the Commission nor were they relied upon in the application for review. Nevertheless, the Review Panel indicated that such principles would be addressed in the report submitted to the Minister upon completion of the review.

Paul O'Connor
Member
Anti-Dumping Review Panel
17 February 2021