



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia, Taiwan and the Kingdom of Thailand

The Anti-Dumping Review Panel (Review Panel) received an application from Orrcon Manufacturing Pty Ltd (Orrcon) seeking review of a decision by the then Minister for Industry, Science and Technology made under subsection 269ZDB(1) of the *Customs Act 1901* (the Act) to fix different variable factors in respect of the dumping duty notice and countervailing duty notice applying to Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia, Taiwan and the Kingdom of Thailand and to revoke the anti dumping notice applying to Kukje Steel Co., Ltd (Kukje) (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 12 March 2021 (ADN 2021/011).

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

Orrcon

- 1) The decision of the Minister to revoke the anti-dumping measures applying to HSS exported to Australia from Korea by Kukje is not the correct or preferable decision as the Commissioner failed to provide the Minister with a sufficient and reasonable explanation why the negative dumping margin found during the inquiry was likely to continue beyond the revocation of the measures.
- 2) The decision of the Minister to revoke the anti-dumping measures applying to HSS exported to Australia from Korea by Kukje is not the correct or preferable decision as the Commissioner failed to provide the Minister with a sufficient and reasonable explanation why the revocation of the measures would not lead, or be likely to lead, to a continuation of, or recurrence of, material injury.
- 3) The Reviewable Decision is not the correct or preferable decision because for the purposes of ascertaining normal values for Chinese exporters under section 269TAC, the composition of the HRC competitive cost adjustment excluded only Chinese originating and other unknown HRC sources, and failed to exclude all other HRC import sources.

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:

Exported from: China, Korea, Malaysia and Taiwan

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 inline galvanised (ILG), pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those exceeding 21 millimetres (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 1277.3 mm. Categories of HSS excluded from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6 mm and air heater tubes to Australian Standard (AS) 2556.

Exported from: Thailand

Certain electric resistance welded pipe and tube made of steel, comprising circular and non-circular 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.

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.

Paul O'Connor
Panel Member
Anti-Dumping Review Panel
16 April 2021