



ADRP Conference Summary

Review No. 143 Precision pipe and tube steel exported to Australia from the People's Republic of China and the Socialist Republic of Vietnam

Panel Member	Paul O'Connor
Review type	Review of Minister's decision
Date	4 November 2021
Participants	[REDACTED] (Orrcon's representatives)
Time opened	14:00 AEDT
Time closed	14:30 AEDT

Purpose

The purpose of this conference was to obtain clarification from the Applicant for Review, Orrcon Manufacturing Pty Ltd (Orrcon), as to the scope of the Ground for Review currently under consideration by the Anti-Dumping Review Panel (Review Panel) in relation to Precision Pipe and Tube Steel exported to Australia from the People's Republic of China and the Socialist Republic of Vietnam (the goods under consideration hereinafter referred to as (GUC).

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 ask Orrcon to clarify the scope of the Ground for Review detailed in the Application for Review currently under consideration. The conference was not a formal hearing of the review, and was not an opportunity for parties to argue their case before me.

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 some 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.

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.



- That 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, participants were provided with a copy of 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 that 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. In answer to Question 5 on the Application Form, Orrcon stated that the reviewable decision, the subject of the application, is a decision of the Minister to publish a countervailing duty (CVD) notice under s.269TJ(1) or (2) (ADN 2021/110 refers). The only exports subject to such a notice, are *"all exports of the goods and like goods from China excluding exports"* from two nominated Chinese exporters (nominated exporters).
2. The Panel Member noted Orrcon's CVD application was terminated with respect to those Chinese exporters on 27 August 2021 (ADN 2021/111 refers). Accordingly, such decisions cannot now be captured by the current application. However, during the investigation Orrcon had argued that all Chinese exporters of the goods under consideration, and in particular one of the nominated exporters, had benefited from what it described as *"Program 20 – Hot rolled steel provided by government at less than for market value."*
3. The Panel Member advised Orrcon's representatives that any decision on the review, currently under consideration by the Review Panel, therefore cannot impact on any future exports of the GUC by the nominated exporters.



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4. The Panel Member drew Orrcon's representatives' attention to the discretionary powers within s.269ZZG of the Act to reject an application in whole or in part.
5. Orrcon's representatives confirmed my understanding of the limitation consequent on the focus of the application on the exports of the GUC from other than the nominated exporters.
6. Orrcon views the Anti-Dumping Commission's (ADC) shift from its long-standing practice of acceptance of Program 20 as impacting upon all steel prices of HRC in China as giving rise to a systemic issue as to what constitutes a countervailing subsidy. Further, Orrcon's representatives consider that the ADC's rationale for its deviation from past practice was not adequately reasoned or outlined in Report 550.
7. Orrcon's representatives maintained that the Ground of Review outlined in the Application focused upon a reviewable decision and, if successful, would produce a "materially different" outcome. Accordingly, the application should be accepted by the Review Panel.

Paul O'Connor
Member
Anti-Dumping Review Panel
10 November 2021