



**Australian Government**  
**Anti-Dumping Review Panel**

*Customs Act 1901*

Notice under section 269ZZRC

**Copper Tube exported from the People's Republic of China and  
the Republic of Korea**

The Anti-Dumping Review Panel ("Review Panel") received five applications from Metal Manufactures Pty Ltd trading as "MM Kembla" ("MM Kembla") seeking review of decisions made by the Commissioner of the Anti-Dumping Commission ("ADC") under subsections 269TDA(1)(b)(i), 269TDA(2), 269TDA(13), 269TDA(1)(b)(ii) and 269TDA(3) of the *Customs Act 1901* ("Reviewable Decisions").

The Reviewable Decisions were to terminate Investigation No. 557 ("the Investigation"):

- in respect of the goods exported by all exporters from China, on the basis that there has been no dumping by those exporters, in accordance with s.269TDA(1)(b)(i) ("Reviewable Decision 1");
- in respect of China on the basis that the total volume of dumped goods from China is negligible, in accordance with sections 269TDA(3) and (4) ("Reviewable Decision 2");
- in respect of Nungwon Metal Ind. Co., Ltd ("Nungwon") from the Republic of Korea ("ROK"), on the basis that there has been dumping but the dumping margin by that exporter of the goods is less than 2 per cent, in accordance with s.269TDA(1)(b)(ii) ("Reviewable Decision 3");
- in respect of Daejin Copper Pipe & Tube Manufacturing Co., Ltd ("Daejin"), residual exporters and uncooperative exporters from the ROK on the basis that the injury to the Australian industry that has been caused by dumped exports is negligible, in accordance with s.269TDA(13) ("Reviewable Decision 4");
- in respect of all exporters from China on the basis that there has been a countervailable subsidy received in respect of some or all of the goods but it never, at any time during the investigation period, exceeded the negligible level of countervailable subsidy under s.269TDA(16), in accordance with s.269TDA(2)(b)(ii) ("Reviewable Decision 5").

The effect of the above decisions was to terminate Investigation No. 557 in its entirety.

The Reviewable Decisions were published on the Anti-Dumping Commission (ADC) website on 12 November 2021 (ADN 2021/144).

The Review Panel is satisfied that the grounds upon which the reviews are to be conducted, as set out in the review applications, are reasonable grounds for the Reviewable Decisions

not being the correct or preferable decisions. The grounds may be summarised as follows in respect of each application:

1. Application 1: In respect of Reviewable Decision 1 (under s.269TDA(1)(b)(i))
  - a. The Commissioner's decision concerning the selection of invoice date for fair comparison purposes, for all Chinese exporters, is not the correct or preferable decision;
  - b. The Commissioner's decision concerning the determination of normal values under s.269TAC(1), for all Chinese exporters, is not the correct or preferable decision;
  - c. The Commissioner's decision concerning arm's length sales between Hailiang Hong Kong and Hailiang Australia, is not the correct or preferable decision;
  - d. The Commissioner's decision involving the determination of material injury, for all Chinese exporters, is not the correct or preferable decision.
  
2. Application 2: In respect of Reviewable Decision 5 (under s.269TDA(2)(b)(ii))
  - a. The Commissioner's decision that a particular market situation did not exist and that Chinese exporters did not benefit from a countervailable subsidy where the Government of China influences the selling price of copper in China, is not the correct or preferable decision.
  
3. Application 3: In respect of Reviewable Decision 4 (under s.269TDA(13))
  - a. The Commissioner's decision concerning the selection of invoice date for fair comparison purposes, for Daejin, residual and uncooperative Korean exporters, is not the correct or preferable decision;
  - b. The Commissioner's decision concerning the determination of normal values under s.269TAC(1), for Daejin, residual and uncooperative Korean exporters, is not the correct or preferable decision;
  - c. The Commissioner's decision that dumping (and subsidisation) did not cause material injury to the Australian industry, is not the correct or preferable decision.
  
4. Application 4: In respect of Reviewable Decision 3 (under s.269TDA(1)(b)(ii))
  - a. The Commissioner's decision concerning the selection of invoice date for fair comparison purposes, for Nungwon, is not the correct or preferable decision;
  - b. The Commissioner's decision concerning the determination of normal values under s.269TAC(1) for Nungwon, is not the correct or preferable decision;
  - c. The Commissioner's decision that dumping (and subsidisation) did not cause material injury to the Australian industry, is not the correct or preferable decision.
  
5. Application 5: In respect of Reviewable Decision 2 (under s.269TDA(3))
  - a. The Commissioner's decision concerning the selection of invoice date for fair comparison purposes, for all Chinese exporters, is not the correct or preferable

- decision;
- b. The Commissioner's decision concerning the determination of normal values under s.269TAC(1), for all Chinese exporters, is not the correct or preferable decision;
  - c. The Commissioner's decision concerning arms length sales between Hailiang Hong Kong and Hailiang Australia, is not the correct or preferable decision;
  - d. The Commissioner's decision involving the determination of material injury, for all Chinese exporters, is not the correct or preferable decision.

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

The goods to which these applications relate are:

*Round seamless copper tube complying with Australian Standards AS 1432, Australian and New Zealand Standard AS/NZ 1571, or Australian Standard AS 1572 with an outside nominal diameter between 9.52 mm and 53.98 mm, and a nominal wall thickness between 0.71 mm and 1.83 mm, including coated tube.*

*Goods specifically excluded from the goods description are:*

- *Thermally insulated copper tube, such as Pair Coil*
- *Annealed coils*
- *Layer Wound Packs/Level Wound Coils*
- *Copper alloy tube.*

Persons wishing to make further inquiries about these reviews 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](http://www.adreviewpanel.gov.au)

The reports of the original investigation are available on the ADC website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

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Anti-Dumping Review Panel  
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