



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

*Customs Act 1901*

Notice under section 269ZZRC

**Certain Copper tube exported from the Socialist Republic of Vietnam**

The Anti-Dumping Review Panel (“Review Panel”) received an application from Metal Manufacturers Pty Ltd trading as MM Kembla (“MM Kembla”) seeking a review of the decisions by the Commissioner of the Anti-Dumping Commission (“the Commissioner”) to terminate the investigation in accordance with section 269TDA(1) of the *Customs Act 1901* (“the Act”) into the alleged dumping of Certain Copper Tube (“the goods”) exported from the Socialist Republic of Vietnam (“Vietnam”) (“the Reviewable Decisions”).

The Reviewable Decisions were to terminate Investigation No. 580 (“the Investigation”):

- in respect of the goods exported by Hailiang (Vietnam) Copper Manufacturing Company Limited from Vietnam, on the basis that there has been no dumping, during the investigation period, in accordance with s.269TDA(1)(b)(i) of the Act;
- in respect of the goods exported by uncooperative exporters from Vietnam, on the basis that there has been dumping but the dumping margin of the goods is less than 2 per cent, in accordance with s.269TDA(1)(b)(ii) of the Act;

The effect of the above decisions was to terminate Investigation No. 580 in its entirety.

The Reviewable Decisions were published on the Anti-Dumping Commission (“ADC”) website on 4 March 2022.<sup>1</sup>

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

1. The Commissioner’s decision concerning the selection of invoice date for fair comparison purposes, is not the correct or preferable decision;
2. The Commissioner’s decision concerning the determination of normal values without the appropriate adjustments, is not the correct or preferable decision, in particular in relation to:
  - i. model control codes and international standards;
  - ii. Cleaning and capping costs;

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<sup>1</sup> ADN 2022/024.

- iii. Copper volatility; and
  - iv. drawing thin.
3. The Commissioner's decision concerning arm's length sales between Hailiang Hong Kong and Hailiang Australia, is not the correct or preferable decision;
  4. The Commissioner's decision involving the determination of material injury, is not the correct or preferable decision.

The Review Panel proposes to conduct a review 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 Standard AS 1432, Australian and New Zealand Standard AS/NZ 1572 with an outside nominal diameter between 9.52 mm and 53.98mm, 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; and*
- *Copper alloy tube.*

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781.

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

Leora Blumberg  
Panel Member  
Anti-Dumping Review Panel  
21 April 2022