Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

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

The Anti-Dumping Review Panel (Review Panel) received applications from Nextpower Australia Pty Ltd and Gransolar Construction Australia Pty Ltd seeking a review of a decision by the Minister for Industry and Innovation and Minister for Science under section 269ZDBH(1) of the *Customs Act 1901* in respect of Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 5 June 2026 (ADN 2026/064).

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

<u>Nextpower Australia Pty Ltd</u>

Ground 1
Torque Tubes have never been covered by the HSS measures [i.e., notices under s.269TG(2) and s.269TJ(2)] and there is no evidence of circumvention to warrant the extension of the measures to them.

Ground 2
There was no circumvention [i.e., slight modification] by the Applicant or its exporters to the goods the subject of the relevant s.269TG(2) notice and the Minister's decision to alter the notice should have been limited to only apply to particular exporters, from particular countries, who had engaged in circumvention activity.

Ground 3
Torque Tubes are a specialised product that is not manufactured in Australia at any commercial scale and the extension of the anti-circumvention measures to such a product will impose substantial and disproportionate commercial burdens on the Applicant and other downstream users without providing any corresponding benefit to an Australian industry.

Ground 4
In the alternative, if Grounds 1, 2 and 3 above are not accepted, the Minister ought not to have declared that the alterations to the notice should take effect from the date of the publication of the notice initiating the anti-circumvention investigation.

Ground 5
The Applicant has been denied procedural fairness as the final alteration to the notice adopted by the Minister was materially broader than the alteration proposed in the published Statement of Essential Facts, and the Applicant was thereby not afforded a fair opportunity to address that expanded formulation.

Ground 6
The Statement of Essential Facts contains inaccuracy and miscategorises the engineered drilling as having no impact upon the essential purpose of the tube as a structural component or upon the essential character of the goods. Further, there is no indication in the published material that the Commissioner tested the Australian industry's claims regarding the additional costs associated with drilling process.

<u>Gransolar Construction Australia Pty Ltd</u>

Ground 1
It was unreasonable for the Commissioner to refuse to take into account Gransolar's submissions of 17 April 2026 notwithstanding that it was received after the end of the period referred to in s.269ZDBG(2)(a)(iv).

Ground 2
The Commissioner's analysis under s.48(2) and 48(3) of the *Customs International Obligations Regulation 2015* is infected by an error of law in that the Commissioner made a comparison between the circumvention goods and a narrow subset of the goods that are the subject of the original notices.

Ground 3
The Commissioner's analysis improperly alters the good's description in the notices in that the scope of the notices is now so broad as to capture *any* electric resistance welded pipe and tube made of steel classified to subheading 7308.90.00 (statistical code 65) whether or not any particular pipe and tube has ever been the subject of any investigation or inquiry by the Commissioner as to whether the products were dumped and/or subsidised; whether there is a domestic industry for a like product; and/or whether any such dumping/subsidisation causes injury to that domestic industry.

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:

> *Certain hollow structural sections (the goods) classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61.00 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10) in Schedule 3 of the Customs Tariff Act 1995.*
>
> *and*
>
> *Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:*

- *China by Dalian Steelforce Hi-Tech Co.*
- *China by Tianjin Friend Steel Pipe Co., Ltd*
- *China by Tianjin Ruitong Iron and Steel Co., Ltd*
- *China by Roswell S A R L Limited*
- *Malaysia by Alpine Pipe Manufacturing SDN BHD.*

and

Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).

Submissions

Interested parties have **30 days** after 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. All information that is confidential or commercially sensitive must be highlighted in yellow in the confidential version of your submission.

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

Interested parties may wish to subscribe to receive email updates when new content is published on the Review Panel website (above) in relation to this and other reviews. Information on how to subscribe is on the Review Panel website in the section ‘Subscribe for updates’.

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
7 August 2026