



Australian Government

Anti-Dumping Review Panel

Anti-Dumping Review Panel
C/O Legal, Audit & Assurance
Department of Industry, Innovation and Science
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By EMAIL:

Mr Dale Seymour
Commissioner
Anti-Dumping Commission
55 Collins Street
Melbourne VIC 3000

Dear Mr Seymour

Hollow Structural Sections Containing other alloys exported from the Peoples Republic of China, Republic of Korea and Malaysia

- 1 As you know, the Anti-Dumping Review Panel is currently conducting a review of the decision of the Parliamentary Secretary to publish a notice under s 269ZDBH(1)(b) of the Act in relation to Hollow Structural Sections Containing other alloys exported from the People's Republic of China ("China"), Republic of Korea and Malaysia. Notice of the reviewable decision was published on 18 March 2016. Notice of initiation of the review was published on 10 May 2016. A copy of the notice is attached for your assistance.
- 2 Pursuant to s 269ZZL of the *Customs Act 1901* ("the Act"), I require reinvestigation of the findings in Anti-Dumping Commission Report 291 in relation to goods exported from China by Roswell SARL Ltd ("Roswell") that circumvention activity within regulation 48 of the *Customs (International Obligations) Regulation 2015* ("Regulation") occurred in relation to the alloyed HSS supplied to Australia by Roswell and, without prejudice to the generality of the foregoing, whether:
 - (a) before exportation from China, the circumvention goods were slightly modified;
 - (b) the use or purpose of the circumvention goods was the same before and after the slight modification; and
 - (c) had the goods not been slightly modified, they would have been subject to the notices published under s 269TG(2) and 269TJ(2) of the Act on 3 July 2012 ("Original Notice").
- 3 Without prejudice to the generality of the request made in the previous paragraph, I require the reinvestigation of the findings made by the Commission in relation to the circumvention goods and the goods the subject of the Original Notices dealing with:
 - (a) each good's general physical characteristics;

- (b) each good's end use;
 - (c) the interchangeability of each good;
 - (d) differences in the processes used to produce each good;
 - (e) differences in the cost to produce each good;
 - (f) the cost of modification;
 - (g) customer preferences and expectations relating to each good;
 - (h) the way in which each good is marketed;
 - (i) channels of trade and distribution for each good;
 - (j) patterns of trade for each good;
 - (k) changes in the pricing of each good;
 - (l) changes in the export volumes for each good;
 - (m) tariff classifications and statistical codes for each good; and
 - (n) any other factor the Commissioner considered relevant to the comparison between the circumvention goods and the goods the subject of the Original Notices.
- 4 Atpac Group Pty Ltd ("Atpac") is one of the entities which has applied for a review of the Reviewable Decision. Its application relates to the goods exported by Roswell and it may be able to assist you in the reinvestigation.
- 5 Please report the result of the reinvestigation as soon as practical and, in any event within 60 days, that is, 5 September 2016.
- 6 Thank you for your assistance.

Yours faithfully,



Scott Ellis
Member
Anti-Dumping Review Panel

7 July 2016