



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

CERTAIN HOLLOW STRUCTURAL SECTIONS exported from THE KINGDOM OF THAILAND

The Anti-Dumping Review Panel has received applications from SAHATHAI STEEL PIPE PUBLIC COMPANY LIMITED (“Sahathai”) and PACIFIC PIPE PUBLIC COMPANY LIMITED (“Pacific Pipe”) for review of a decision by the Parliamentary Secretary to the former Minister for Industry and Science (“Parliamentary Secretary”) to publish a dumping duty notice in respect of certain HOLLOW STRUCTURAL SECTIONS (“HSS”) exported from THE KINGDOM OF THAILAND. Notice of the decision was published in the Commonwealth Gazette on 19 August 2015.

The grounds raised by Sahathai’s application for the decision under review not being the correct or preferable decision are:

- (a) The Commissioner of the Anti-Dumping Commission (“Commissioner”), and the Parliamentary Secretary wrongly failed to take into account, when determining the normal value of the goods, the availability to Sahathai of a duty drawback in respect of materials used by Sahathai in manufacturing goods for export to Australia;
- (b) The Parliamentary Secretary was precluded from publishing a retrospective dumping duty notice under s 269TG(1) by reason of the non-cancellation of securities required to be provided by Sahathai on and after 16 March 2015; and
- (c) The Commissioner and the Parliamentary Secretary wrongly failed to treat the place of containerisation as the place of export in respect of full container loads of the goods exported by Sahathai to Australia.

The grounds raised by Pacific Pipe’s application for the decision under review not being the correct or preferable decision are:

- (a) The Commissioner used prices of ineligible or unsuitable domestic sales in its assessment of the normal value of Pacific Pipe’s exports of AS 1163-C350/350CO standard grade pipe;
- (b) The Commissioner did not make negative adjustments to domestic prices used in assessment of the normal value for:
 - (i) commissions paid by Pacific Pipe in different amounts in respect of export and domestic sales; and
 - (ii) drawback of import duty paid on imported hot rolled coil used in the production of HSS for export to Australia.

The goods to which this application relates are certain electric resistance welded pipe and tube made of steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes, whether or not including alloys. Finish types for the goods include pre-galvanised, hot-dipped galvanised, and non-galvanised sections. Sizes of the goods are, for circular products, those exceeding 21 mm up to and including 165.1 mm in outside

diameter and, for oval, square and rectangular products those with a perimeter up to and including 950.0 mm. Circular hollow sections with other than plain ends (such as threaded, swaged and shouldered) are included within the goods coverage.

The Anti-Dumping Review Panel proposes to conduct a review of the decision. Interested parties may make submissions to the Panel within **30 days** after the date of publication of this notice.

Submissions may be emailed to [ADRP @industry.gov.au](mailto:ADRP@industry.gov.au) Submissions may also be posted to:

The Anti-Dumping Review Panel, c/o ADRP Secretariat, Legal Services Branch,
Department of Industry, Innovation and Science, GPO Box 9839 ACT 2600
Australia.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the full grounds for seeking review and other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the Anti-Dumping Commission website at www.adcommission.gov.au

Scott Ellis, Member
Anti-Dumping Review Panel