



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZRC(3)

CERTAIN HOLLOW STRUCTURAL SECTIONS exported from India and the United Arab Emirates

The Anti-Dumping Review Panel has accepted an application from Austube Mills Pty Ltd (ATM) for a review of the decision by the Commissioner of the Anti-Dumping Commission (the Commissioner) to terminate an anti-dumping investigation in respect of Certain Hollow Structural Sections exported to Australia from India and the United Arab Emirates (UAE) (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 25 July 2016.

The grounds raised in the application for the Reviewable Decision not being the correct or preferable decision include:

- a. Understated normal values ascertained under s.269TAC of the Customs Act as a result of the unlawful allowance of certain downward adjustments and the failure to apply certain upward adjustments (including Indian duty 'drawback' adjustment, UAE customs duty adjustment, specification tolerance adjustment and weight tolerance adjustment);
- b. Incorrectly calculated normal values in respect of two exporters from India and two exporters from the UAE formed the basis for the incorrect decision to terminate the investigation in relation to those exporters;
- c. Incorrectly calculated normal values resulted in an underestimation of the volume of exports with dumping margins of 2% or more which formed the basis for the incorrect decision to terminate the investigation in relation to all other exporters from both countries on the grounds that any injury caused by their exports was negligible;
- d. Error in concluding that dumped imports did not cause any material injury, based on, amongst other things: understated normal values, understated dumped volumes, understated lost volumes of galvanised HSS produced by the Australian industry, incorrectly attributed price undercutting to non-dumped goods, incorrectly attributed price suppression and depression to non-dumped goods, failure to consider the inability for ATM to maintain / regain lost galvanised CHS volume and closure of the Somerton facility.

The goods to which the application relates are:

Certain electric resistance welded pipe and tube made of steel, comprising circular and noncircular hollow sections in galvanised and non-galvanised finishes, whether or not including alloys. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include pre-galvanised, hot-dipped galvanised (HDG), and non-galvanised HSS.

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. CHS with other than plain ends (such as threaded, swaged and shouldered) are also included within the goods coverage.

The goods covered by this application include all electric resistance welded pipe and tube, whether or not including alloys, meeting the above description of the goods (and exclusions), regardless of whether or not the pipe or tube meets a specific structural standard or is used in structural applications.

Goods excluded from this application include:

- conveyor tube (made for high speed idler rolls on conveyor systems, with inner and outer fin protrusions removed by scarfing (not exceeding 0.1mm on outer surface and 0.25mm on inner surface), and out of round standards (i.e. ovality) which do not exceed 0.6mm in order to maintain vibration free rotation and minimum wind noise during operation);
- precision RHS with a nominal thickness of less than 1.6 mm (i.e. not used in structural applications); and
- Stainless steel CHS and RHS sections.

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

Copies of the application 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 ADC website at www.adcommission.gov.au

Leora Blumberg
Anti-Dumping Review Panel
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