



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Hollow Structural Sections containing other alloys exported from the People's Republic of China, Republic of Korea and Malaysia

The Anti-Dumping Review Panel (ADRP) received applications from Atpac Group Pty Ltd (ACN 146 575 724), GP Marketing International Pty Ltd (ACN 363 015 232), Steelforce Trading Pty Ltd (ABN 40 110 146 515), Steelforce Australia Pty Ltd (ACN 093 284 078, Dalian Steelforce Hi-Tech Co Ltd, Austube Mills Pty Ltd (ABN 21 123 666679) (Administrator appointed) for a review of a decision by the Parliamentary Secretary to publish a notice under s 269ZDBH(1) of the *Customs Act 1901* (the Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 18 March 2016.

The subject matter of the Reviewable Decision was previous decisions made by the Parliamentary Secretary (the Original Decisions), notice of which was published in the Australian Government Gazette, on 3 July 2012. The effect of the Original Decisions was to impose dumping and countervailing duties in respect of Hollow Structural Sections imported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan.

The effect of the Reviewable Decision was to modify the descriptions of the goods to which the Original Decisions applied so as to extend the scope of the Original Decisions to certain additional classifications of goods exported by specified exporters from the People's Republic of China and Malaysia.

The ADRP is satisfied that the following grounds are reasonable grounds for the reviewable decision not being the correct or preferable decision:

- (a) the Commission erred in a material way in relation to findings which were relied on by the Parliamentary Secretary;
- (b) the goods were slightly modified before export from China;
- (c) the circumvention goods were not modified before they were exported within Reg. 48(2)(e) of the *Customs (International Obligations) Regulations 2015* (Regulations);
- (d) the Parliamentary Secretary should not have exercised her discretion to backdate the alteration to the Original Decisions to 11 May 2015;
- (e) the Commission wrongly found that the Boron added Hollow Structural Sections were a "circumvention good" within Reg 48(2) because the alleged circumvention goods were not "slightly modified" before export;
- (f) the Commission wrongly found that the circumvention activity had occurred, when the Regulations only came into force on 1 April 2015 and the Commission stated at page 24 of its Final Report that no circumvention activity had occurred prior to 1 April 2015;
- (g) it was inappropriate to backdate the date on which the alterations to the Original Decisions take effect; and

- (h) the Parliamentary Secretary wrongly limited the variation to the scope of the Original Decisions to particular exporters and particular countries when it should have made that variation in respect of all exports of circumvention goods from all countries the subject of the Original Decisions.

The goods to which these applications relate are:

- (a) in respect of the Original Decision under s 269TG(2) of the *Customs Act 1901*:

certain hollow structural sections classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10); and

certain hollow structural sections 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, Tianjin Friend Pipe Co., Ltd, Tianjin Ruitong Iron and Steel Co., Ltd and Roswell SARL Limited and from Malaysia by Alpine Pipe Manufacturing SDN BHD; and

- (b) in respect of the Original Decision under s 269TJ(2) of the *Customs Act 1901*:

certain hollow structural sections classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10); and

certain hollow structural sections 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, Tianjin Friend Steel Pipe Co., Ltd, Tianjin Ruitong Iron and Steel Co., Ltd and Roswell SARL Limited.

The ADRP 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, or posted to:

The Anti-Dumping Review Panel
c/o ADRP Secretariat
Legal, Audit & Assurance 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 grounds for seeking review in full, 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

Scott Ellis
Panel Member
Anti-Dumping Review Panel