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Director
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Public File

Dear Director,

Hollow structural sections from China, Korea, Malaysia, Taiwan – Continuation No. 710

Introduction

Orrcon makes this submission in relation to the above-noted inquiry (**CON 710**), as an applicant for the continuation of the measures, and with specific regard to the measures applicable to China.

CON 710 concerns measures on HSS exported from China, Korea, Malaysia and Taiwan. This submission does not address the continuation of the measures as they apply to Korea, Malaysia or Taiwan, except to the extent necessary to explain the broader CON 710 context. The focus of this submission is the relevance of Accelerated Reviews 711 to 715 and 717 (**ARs**) to the Commission's assessment of the measures applicable to China.

Although the ARs are separate from CON 710, Orrcon submits that their number, timing and subject matter, and any findings or verified information arising from them that the Commission may properly consider, are relevant to the Commissioner's assessment of whether the expiration of the measures would be likely to lead to a continuation or recurrence of dumping, subsidisation and material injury.

Orrcon does not submit that the initiation of an AR establishes dumping, subsidisation, injury, or the volume or commercial significance of the applicant's trade. An AR is a confined, exporter-specific process through which a new exporter may seek the determination of variable factors applicable to that exporter. Orrcon submits that the ARs are relevant to CON 710 for the following limited purposes:

- as evidence of the number and range of exporters seeking applicant-specific treatment following REP 685 and, therefore, exporter participation in the modified HSS trade;
- as information concerning the production, trading and export structures through which the amended goods are supplied;
- as a potential source of exporter-specific information covering a period that overlaps and extends beyond the CON 710 inquiry period; and
- as information concerning the practical operation and administration of the amended measures.

The relevance of the ARs must be assessed consistently with their confined statutory purpose and the evidentiary limitations discussed below.

Orrcon's application position

In its application to CON 710, Orrcon claimed that:¹

- exporters have maintained distribution channels to Australia and continue to export the goods;

¹ Orrcon Manufacturing Pty Ltd, application for continuation of measures, EPR 710, folio no. 2.

- global steel overcapacity, export dependence and trade-defence measures in other jurisdictions may divert trade to Australia if the measures expire;
- a particular market situation (**PMS**) exists in China, distorting hot rolled coil (**HRC**) input costs and hence the normal value of Chinese HSS;
- exports occurred at dumped prices during the inquiry period and dumping was likely to continue or recur;
- Chinese HSS producers continue to benefit from countervailable subsidy programs;
- Australian HSS prices are directly influenced by import prices, including through import-parity pricing; and
- if the measures expire, material injury would continue or recur in the form of price depression and suppression, lost sales volume and market share, and reduced revenue, profit and profitability.

Orrcon maintains these claims and supplements them by reference to the ARs initiated since Orrcon lodged its application, subject to the qualifications set out in this submission concerning the nature and evidentiary significance of those reviews.

The Commission's CON 710 Consideration Report

The Commissioner decided not to reject the Australian industry applications, being satisfied that there appeared to be reasonable grounds for asserting that the expiration of the measures might lead, or might be likely to lead, to a continuation or recurrence of the material injury the measures are intended to prevent.²

In relation to exports, the Commissioner found that the goods had continued to be exported to Australia from the subject exporting markets in each year since the 2021 continuation inquiry (**CON 590**).³ That finding supports Orrcon's submission that distribution links have been maintained and that exports are likely to continue if the measures expire.

In relation to dumping and subsidisation, the Commissioner noted that REP 590 confirmed continued dumped exports from the subject exporting markets⁴, and that Chinese exporters continued to receive countervailable subsidies. The Commissioner also noted more recent Commission findings concerning countervailable subsidies in HRC and HRC-input products. On that basis, the Commissioner considered it likely that subsidisation would continue.⁵

In relation to material injury, the Commissioner considered the applicants' claims that the Australian HSS market is price-sensitive and that Australian prices are set by reference to import prices. The Commissioner also considered it reasonable that established supply channels may facilitate continued or increased exports if the measures expire, with likely downward pressure on domestic prices and adverse effects on Australian sales volumes and market share.⁶

For CON 710, the Commission will examine the period from 1 April 2025 to 31 March 2026 (**the CON 710 inquiry period**) to determine whether dumping and subsidisation have occurred and whether the relevant variable factors have changed,⁷ before making a recommendation concerning whether the notices should remain unaltered, cease to apply in specified respects, operate as if different variable factors had been ascertained, or expire on the specified expiry day.

Orrcon submits that the ARs may supplement the information available for that assessment. The ARs concern Chinese exporters seeking applicant-specific variable factors for goods now covered by the measures. The review period adopted for each AR overlaps the CON 710 inquiry period and extends for three months beyond it. Subject to the Commission's assessment of relevance and reliability, information obtained through the ARs may therefore inform the forward-looking aspects of CON 710.

² CON 710 Consideration Report, section 8; subsection 269ZHD(2)(b) of the Customs Act 1901 (Cth).

³ CON 710 Consideration Report, section 7.

⁴ CON 710 Consideration Report, section 7; Anti-Dumping Commission Report No. 590.

⁵ CON 710 Consideration Report, section 7.

⁶ Ibid.

⁷ CON 710 Consideration Report, section 9.

Accelerated Reviews 711 to 715 and 717

Since the commencement of CON 710, the Commissioner initiated six ARs for new exporters from China: ARs 711 to 715 and AR 717.⁸ Each concerns solar-tracker torque tubes or steel torque-tube goods which the relevant initiation notice treats as goods subject to the amended description of the measures following Anti-Circumvention Inquiry No. 685.⁹

The six ARs are summarised below.

Accelerated review	Initiating notice	Applicant
AR 711	ADN 2026/109	Jiangsu JinRun Intelligent Equipment Co., Ltd
AR 712	ADN 2026/110	Jiangsu Youli Intelligent Equipment Co., Ltd
AR 713	ADN 2026/111	China Custom Manufacturing, Ltd (CCMFG) ¹⁰
AR 714	ADN 2026/112	Yueqing Yihua New Energy Technology Co., Ltd
AR 715	ADN 2026/113	Suzhou Baojia New Energy Technology Co., Ltd
AR 717	ADN 2026/128	Jiangsu Zhenjiang New Energy Equipment Co., Ltd ¹¹

Each AR was initiated on the application of a Chinese exporter seeking an exporter-specific outcome in respect of goods now covered by the HSS measures. Only a new exporter may seek an accelerated review. For this purpose, a new exporter is relevantly an exporter that did not export the goods, or like goods, to Australia during the original investigation period. Initiation therefore reflects the Commission's preliminary satisfaction, on the information then available, that the statutory circumstances for seeking an accelerated review were met and that the application should not be rejected. It does not constitute a final determination of new-exporter eligibility or of any applicant-specific variable factor.

The accelerated-review process is confined in both purpose and time. If the Commission does not reject the application or terminate the review, the Commissioner must report to the Minister as soon as practicable and no later than 100 days after lodgement. The Commissioner must recommend either that the relevant notices remain unaltered or that the notices apply to the applicant as if different variable factors had been fixed. The Commission must undertake the necessary applicant-specific inquiries within that legislated period.

The significance of the ARs is therefore not merely that the Commission initiated them. Six separate exporters sought applicant-specific treatment shortly after REP 685 resulted in the alteration of the goods description. While that fact does not establish the volume of trade associated with those exporters, it provides information about the number and range of exporters and production arrangements associated with the supply of goods now covered by the amended measures. That information is relevant, together with verified import and market evidence, to the Commission's assessment of the availability of supply to Australia if the measures expire.

Importantly, the significance of the six ARs lies not simply in the existence of six applications, but in what those applications reveal about the operation of the amended measures. REP 685 was necessarily decided on the basis of the evidentiary record then before the Commission. The subsequent emergence of six applications for exporter-specific treatment suggests that the amended goods description engages a broader range of exporters and production arrangements than were identifiable from that record. While the applications do not establish the scale of the relevant trade, they provide additional information concerning the exporters, supply channels and commercial structures associated with goods now covered by the measures. That information is capable of informing the Commission's assessment of the likely availability of supply to the Australian market and, therefore, the likelihood of continued or increased dumped or subsidised exports if the measures expire.

⁸ Anti-Dumping Notices Nos 2026/109 to 2026/113 and 2026/128.

⁹ Anti-Dumping Commission Report No. 685 (REP 685), 7 May 2026; measures amended by ADN 2026/064.

¹⁰ The application of CCMFG also identifies Jiayang Pacific Solar Tech. Inc. as the factory/manufacturer of the goods the subject of the application.

¹¹ The application for AR 717 identifies Jiangsu Zhenjiang New Energy Equipment Co., Ltd as the exporter and states that the goods are manufactured by a subcontract manufacturer.

While the ARs are separate statutory processes, the Commissioner may have regard to relevant information arising from those processes when assessing whether the HSS measures should continue.¹² Orrcon accepts that the Commission must assess the relevance, reliability and proper use of any such information in the context of CON 710. Orrcon submits that the ARs are relevant for the following reasons.

i. The ARs provide information about exporter participation in the modified HSS trade

In REP 685, the evidence of circumvention available to the Australian industry was necessarily limited. The Commission identified the circumvention goods principally by reference to imports described as “torque tube” and recognised that this captured a narrow subset of potentially modified HSS and understated the total volume of such goods.¹³

The subsequent initiation of six ARs concerning Chinese exporters of solar-tracker torque tubes or steel torque-tube goods provides evidence that multiple Chinese exporters sought applicant-specific treatment in relation to goods now covered by the amended measures. The applications identify, or purport to identify, exports, sales or supply arrangements involving the Australian market. Although the applications do not establish the volume or value of the relevant trade, they support the proposition that participation in the supply of modified HSS goods was not confined to the exporter and importer arrangements principally identified in the public record for REP 685.

The applications and initiation notices also disclose differing arrangements for manufacturing, exporting and supplying the relevant goods. Those arrangements include an exporter using a separately identified factory or manufacturer, a producer supplying through a trading entity and, in AR 717, an exporter stating that a subcontract manufacturer produces the goods. Subject to verification, those structures provide information about the range of production and export chains through which goods covered by the amended measures may be supplied to Australia.

Initiation does not establish that the arrangements described by an applicant have been verified. The applications nevertheless provide contemporaneous evidence that multiple exporters claim to have participated in, or established arrangements for, supplying goods of the relevant description to Australia. That claimed participation is consistent with their asserted status as new exporters because the statutory criterion concerns exports during the original investigation period, rather than exports occurring subsequently. Taken together, the applications indicate that exporter participation in the modified HSS trade was not confined to the arrangements identifiable from the REP 685 public record, even though the applications do not establish the scale of that participation. The fact that those exporters sought applicant-specific treatment under the amended measures is consistent with those exporters attaching commercial significance to the Australian market for the relevant goods.

Accordingly, Orrcon relies on the six ARs as evidence of the number and range of exporters seeking individual treatment in relation to the amended measures, not as a proxy for import volume or as independent proof of dumping, subsidisation or injury.

The Commission should consider this evidence of exporter participation together with verified import data and the other evidence before it when assessing whether established or readily available supply channels could facilitate continued or increased dumped or subsidised exports if the measures expire.

ii. The Accelerated Reviews may provide exporter-specific information relevant to dumping and subsidisation during and immediately after the CON 710 inquiry period

In each AR that proceeds to completion, the Commissioner must recommend whether the applicable dumping duty notice and countervailing duty notice should remain unaltered or be altered so that different variable factors apply to the applicant. Those variable factors may include normal values, export prices and, where relevant, subsidy-related amounts.

¹² CON 710 Consideration Report, section 7 (the Commissioner had regard to the applications, ABF import data, the findings of REP 590, “as well as other information relevant to the application”).

¹³ REP 685, section 4.2.2.12 and Figure 2.

An accelerated review does not reconsider whether measures should continue generally, determine injury to the Australian industry or reopen the basis on which the notices were published. Its immediate function is to determine whether the notices should remain unaltered in relation to the applicant or should apply to the applicant as if different variable factors had been fixed. Any relevance to CON 710 must therefore arise from the underlying information or findings, not merely from the statutory character of the AR proceeding.

Each of the six ARs was initiated with a review period from 1 July 2025 to 30 June 2026.⁸ That period overlaps the CON 710 inquiry period for the nine months from 1 July 2025 to 31 March 2026 and extends beyond it to 30 June 2026. Although AR 713 has been terminated and will not produce an exporter-specific determination, the remaining ARs may provide relevant information covering the overlapping period and the three months immediately following the CON 710 inquiry period.

A continuation inquiry is forward-looking. The Commissioner must assess whether the expiration of the measures would be likely to lead to a continuation or recurrence of dumping, subsidisation and material injury after the inquiry period. That assessment requires the Commission to draw inferences from current and historical information.

The five ARs that remain on foot may provide contemporaneous, exporter-specific information concerning Chinese exporters of the relevant goods covering the overlapping period and three months immediately following the CON 710 inquiry period. If the Commission completes any of those reviews before making its continuation recommendation, the resulting findings may provide probative information about whether, and to what extent, dumping or subsidisation occurred during or immediately following the CON 710 inquiry period.

The Commission should, however, take account of the confined purpose and compressed statutory timetable of the ARs when determining the weight to place on their outcomes. The AR findings will therefore turn on the applicant-specific information provided within that process, the extent to which the Commission can verify that information and whether the applicant and other relevant entities cooperate fully.

Orrcon does not ask the Commission to prejudge the AR outcomes. Rather, Orrcon submits that any findings or verified information arising from those reviews should be treated as relevant information when assessing the likelihood of continued or recurrent dumping or subsidisation and the corresponding risk of material injury if the measures expire, to the extent that the Commission considers that information reliable, relevant and capable of proper use in CON 710.

Conversely, the mere fact that an applicant obtains a lower exporter-specific rate would not, without further analysis, establish that dumping or subsidisation is unlikely to continue or recur more generally. Each accelerated-review outcome concerns the particular applicant and the information available for the applicable review period. The Commission should therefore avoid extrapolating an applicant-specific finding across Chinese exporters generally unless the evidentiary record supports that inference.

The potential evidentiary value of information arising from the ARs must therefore be considered together with the practical limitations of the accelerated-review process, including whether the information can be verified within the applicable timeframe. AR 713 provides a practical example of those limitations.

iii. The administration and outcome of the Accelerated Reviews may provide relevant information about the production and export structures associated with the amended goods

The reliability of an applicant-specific outcome depends on the applicant providing complete and verifiable information. Where the applicant is not the sole participant in the production and export chain, that process may also require information held by producers, subcontract manufacturers, trading entities, input suppliers or other relevant participants.

The AR applications disclose a range of production and export structures. For example, the AR 713 application identified CCMFG as the exporting or trading entity and Jiaying Pacific Solar Tech. Inc. as the factory or manufacturer. The AR 715 application identified Baojia as manufacturer or producer and Hao Yuan Sheng as the exporter or trading entity. The AR 717 application states that a subcontract manufacturer produces the goods.

Those arrangements do not establish dumping or circumvention. They do, however, illustrate why the Commission may need information from several entities to determine reliable applicant-specific variable factors.

AR 713 provides a practical example of this issue. The Commissioner terminated that review after CCMFG did not submit a response to the exporter questionnaire. PV Hardware Solutions SLU, which described itself as a third-country intermediary that purchased the goods from CCMFG, submitted a response, but the Commission found that the response contained material deficiencies, including incomplete and conflicting information. The Commissioner concluded that CCMFG was refusing to cooperate with an aspect of the review and terminated the review under subsection 269ZE(3).

Orrcon does not contend that the termination bears on whether CCMFG engaged in dumping, subsidisation or circumvention. Orrcon relies on the termination only as an illustration of the practical difficulties that may arise in obtaining and verifying information across a production and export chain involving several entities. It also illustrates the statutory consequence that may follow when an applicant does not provide the information necessary for the Commission to complete its assessment.

For CON 710, this context is relevant to the weight that the Commission should place on information arising from the remaining ARs. Where an AR produces complete and verified applicant-specific findings, the Commission may consider those findings for their proper evidentiary value. Where information remains incomplete, conflicting or unverified because of the number or structure of entities involved, the Commission should recognise those limitations and should not treat the absence of an affirmative applicant-specific finding as evidence that dumping or subsidisation is unlikely to continue or recur.

iv. Implications of the amended goods description for the continuation assessment

REP 685 resulted in the alteration of the measures to include 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 HSS, including sections with holes at the end of the section, along its length, or both.

Orrcon submits that the CON 710 assessment must account for this amended goods description. If the measures expire, the remedy would no longer apply to the historically covered HSS trade or to the modified torque-tube trade now covered by the amended measures.

Sections (i) to (iii) concern who has sought applicant-specific treatment, what information the ARs may provide, and what limitations may affect the reliability of that information. The significance of those matters for the continuation assessment is that the measures now cover modified HSS supplied, or proposed to be supplied, through a range of production, trading and export structures. The Commission must consequently assess the likely effects of expiration by reference to the full goods description currently in force, rather than by reference only to the trade identifiable before REP 685.

The Commission's continuation assessment must therefore consider the potential injury arising from the full trade covered by the notices as currently in force. That trade includes the HSS historically covered by the measures and the modified HSS now covered following REP 685. The ARs do not quantify the incremental injury exposure associated with the amended goods description. They nevertheless provide information concerning exporter participation and supply arrangements associated with the modified goods. Considered together with verified import volumes, prices, exporter capacity and other evidence before the Commission, that information may assist the Commission to assess the likely volume and price effects if the measures expire.

Conclusion

The six ARs constitute a relevant market development following REP 685. They provide evidence that multiple Chinese exporters sought applicant-specific treatment in relation to goods covered by the amended measures and disclose a range of production and export arrangements associated with those goods. The ARs do not, by their initiation alone, establish dumping, subsidisation, injury or trade volume.

To the extent that the remaining ARs produce reliable and verified exporter-specific information, that information may assist the Commission to assess whether dumping and subsidisation are likely to continue or recur and the

corresponding risk of material injury if the measures expire. The Commission should assess the significance of that information consistently with the confined purpose, applicant-specific nature and legislated timetable of the AR process.

Orrcon maintains that the dumping duty notice and countervailing duty notice should be continued in respect of China. In conducting the continuation assessment, the Commissioner should have regard to the number, timing and subject matter of the ARs, the production and export arrangements disclosed in the applications and, where available, any findings or verified information arising from them, as relevant to the likelihood of continued or recurrent dumping or subsidisation and the corresponding risk of material injury.

Orrcon therefore submits that the Commission should:

1. consider the six applications as evidence that multiple Chinese exporters sought applicant-specific treatment for goods covered by the amended measures, without treating initiation as proof of dumping, subsidisation or trade volume;
2. consider any reliable and verified exporter-specific information arising from the ARs, particularly information covering the period after 31 March 2026;
3. take account of the limitations arising from the confined purpose, applicant-specific nature and legislated timetable of each AR;
4. avoid extrapolating an applicant-specific outcome to Chinese exporters generally unless the evidentiary record supports that inference; and
5. assess the likelihood of continued or recurrent dumping, subsidisation and material injury by reference to the full goods description currently covered by the notices, including the modified HSS trade brought within the measures following REP 685.

For and on behalf of Orrcon Manufacturing Pty Ltd