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## **ANTI-DUMPING NOTICE NO. 2017/155**

*Customs Act 1901 – Part XVB*

Application for an accelerated review of a dumping duty notice

Submitted by Atlantic Pipe Company Limited

Applying to certain hollow structural sections exported to  
Australia from the Kingdom of Thailand

9 November 2017

## Introduction

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain hollow structural sections (HSS or 'the goods') exported to Australia from the Kingdom of Thailand (Thailand), in so far as they relate to a new exporter, Atlantic Pipe Company Limited (Atlantic or 'the applicant').

The lodgement date of the application, 20 October 2017, is the commencement date of the accelerated review.<sup>1</sup>

## The goods

The goods subject to anti-dumping measures (the goods), in the form of a dumping duty notice (the notice), are outlined in the table below.

<b>Full description of the goods the subject of the application</b>
<p><i>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. 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.</i></p> <p><i>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.</i></p> <p>The goods covered by this application include all electric resistance welded pipe and tube made of steel 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.</p> <p>The goods are classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.50.00 (statistical code 45), 7306.61.00 (statistical codes 21, 22, 25 and 90), 7306.69.00 (statistical code 10) and 7306.90.00 (statistical code 12) in Schedule 3 of the <i>Customs Tariff Act 1995</i>.</p>
<b>Further information</b>
<p>The following categories of HSS are excluded from the application:</p> <ul style="list-style-type: none"><li>• <i>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);</i></li><li>• <i>precision RHS with a nominal thickness of less than 1.6 mm (i.e. not used in structural applications); and</i></li><li>• <i>stainless steel CHS and RHS sections.</i></li></ul>

Further details on the goods and existing measures is available on the Dumping Commodity Register on the Anti-Dumping Commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

<sup>1</sup> Subsection 269ZF(2) states that an application for accelerated review is taken to have been lodged when the application is first received by a Commission staff member doing duty in relation to applications for accelerated reviews. Subsection 269ZF(3) states that the day on which an application is taken to be lodged must be recorded on the application.

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### Accelerated reviews

The legislative framework that underpins the making of, and my consideration of, an application for accelerated review of dumping duty and countervailing duty notices is contained in Divisions 1 and 6 of Part XVB of the *Customs Act 1901*.<sup>2</sup>

If I do not reject an application or terminate an accelerated review, pursuant to subsections 269ZG(1) and (2) I must, no later than 100 days after the application is lodged, provide the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science<sup>3</sup> (Parliamentary Secretary) a report recommending:

- (a) that the dumping duty notice the subject of the application remain unaltered; or
- (b) that the dumping duty notice the subject of the application be altered so as to apply to the applicant as if different variable factors had been fixed;

and set out my reasons for so recommending.

In relation to this application, this recommendation must be made no later than 29 January 2018.<sup>4</sup>

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of transparency, a public record will be maintained. This notice, along with a non-confidential version of the application, response to the exporter questionnaire and any non-confidential submissions that are received, will be published on the public record, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

### Submissions

Written submissions concerning this accelerated review must be lodged by 11 December 2017 via email to [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "**FOR OFFICIAL USE ONLY**" on each page. A non-confidential version, or a summary, of the submission must also be lodged, clearly marked "**PUBLIC RECORD**" on each page.

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<sup>2</sup> Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901*.

<sup>3</sup> On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this accelerated review, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

<sup>4</sup> It is noted that the due date is 28 January 2018, however as this falls on a Sunday, the effective due date is 29 January 2018.

## Circumstances in which an accelerated review may be sought

Section 269ZE sets out the circumstances in which an accelerated review may be sought. If the circumstances of subsection 269ZE(2) are met, I may reject the application.

Requirement	Finding
<p>Applicant meets the definition of new exporter<sup>5</sup> (subsection 269ZE(1)).</p> <p>To fall within the definition of a new exporter, the period within which the applicant must not have exported the goods to Australia is 1 July 2013 to 30 June 2014 (the investigation period for the original investigation – <i>Investigation No. 254</i>).</p>	<p>There is no evidence of exports by the applicant during the investigation period for the original investigation. A search of the Australian Border Force’s (ABF) import database did not reveal the applicant as a supplier of the goods during this period.</p> <p>Accordingly, at this point, I consider that the applicant should be considered a new exporter.</p>
<p>Declaration has not already been made in respect of the applicant under subsection 269ZG(3)(b) (subsection 269ZE(1)).</p>	<p>No such declaration has been made.</p>
<p>The applicant did not refuse to co-operate, in relation to the application for publication of the notice (subsection 269ZE(2)(a)).</p>	<p>There is no evidence of exports by the applicant during the investigation period for the original investigation and, therefore, cooperation was not sought from the applicant during the original investigation as the applicant would not have been identified as an exporter. Accordingly, the applicant did not refuse to cooperate with the original investigation.</p>
<p>The applicant is not related to an exporter whose exports were examined in relation to the application for publication of the notice (subsection 269ZE(2)(b)).</p> <p>Subsection 269ZE(4) provides that, for the purposes of section 269ZE, an exporter is taken to be related to another exporter if the two exporters are associates of one another under subsection 269TAA(4).</p>	<p>The Commission has examined the information from the original investigation and the ABF’s import data for the investigation period for the original investigation. This data does not show any exports of the goods by the applicant or any known related companies.</p> <p>There is no evidence to suggest that the applicant is related to an exporter whose exports were examined during the original investigation.</p>

For the reasons set out above, I consider that the application complies with subsection 269ZE(1). As there are presently no grounds to reject the application under subsection 269ZE(2), I have not rejected it.

## Application for accelerated review – compliance with section 269ZF

Subsection 269ZF(1) requires that an application for accelerated review must:

- be in writing and be lodged in a manner approved under section 269SMS (subsection 269ZF(1));
- contain a description of the goods to which the dumping duty notice relates (subsection 269ZF(1)(a)); and
- contain a statement of the basis on which the exporter considers that the particular notice is inappropriate so far as the exporter is concerned (subsection 269ZF(1)(b)).

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<sup>5</sup> A new exporter is defined in subsection 269T(1) as, in relation to the goods the subject of the application for a dumping or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application. Subsection 269T(1) also defines ‘application’ in relation to a dumping duty notice or a countervailing duty notice as meaning an application for the publication of such a notice.

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Requirement	Finding
Lodged with the Commissioner in writing and in a manner approved under section 269SMS	The application was in writing and lodged in a manner approved in an instrument made under section 269SMS, being by email to the Commission's nominated email address.
Contains a description of the goods to which the dumping duty notice relates	The application contained a description of the goods to which the dumping duty notice relates.
Contains a statement of the basis on which the applicant considers that the particular notice is inappropriate in so far as the exporter is concerned	The applicant contains a statement from the applicant (the exporter) that outlines the reason why it believes the current dumping duty notice is inappropriate in so far as the notice affects it. As a new exporter, the applicant requested to have its own variable factors assessed for the purpose of being excluded from the "all other exporters" rate.

Based on the information submitted by the applicant, I consider that the application complies with subsection 269ZF(1).

### Conclusion

I am satisfied that, on the basis of information in the application, information from the original investigation and information in the ABF's import data:

- the circumstances in which an accelerated review can be sought under subsection 269ZE(1) have been satisfied;
- the conditions for rejection under subsection 269ZE(2) are not satisfied; and
- the application satisfies the requirements of section 269ZF.

In view of the above, I have decided that the application should not be rejected. My decision has been made on the basis of all currently available information. If, during the accelerated review, evidence becomes available that satisfies me that the requirements of either subsection 269ZE(2) or subsection 269ZE(3) are met, I may reject the application or terminate the accelerated review.

The review period for the accelerated review is set as **1 October 2016 to 30 September 2017**.

### Securities

When an application for an accelerated review of a dumping duty notice or countervailing duty notice is lodged, subsection 269ZH(a) provides that no interim duty can be collected from the applicant in respect of consignments of goods, to which the application relates, entered for home consumption after the application is lodged and until the completion of the review.

However, pursuant to subsection 269ZH(b), the Commonwealth may require and take securities under section 42 in respect of interim dumping duty and interim countervailing duty that may be payable on importation of the goods to which the application relates.

I declare that the Commonwealth will require and take securities, as shown in **confidential Table 1**, under section 42 from 20 October 2017 in respect of interim dumping duty that may

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be payable on the importation of the goods to which the application under subsection 269ZE(1) relates.

The interim dumping duty that has been determined is an amount that has been worked out in accordance with the ad valorem method pursuant to subsection 5(7) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

### Contact

Enquiries about this notice may be directed to the Case Manager by email to [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au), or telephone number +61 3 8539 2462.

Dale Seymour  
Commissioner of the Anti-Dumping Commission  
9 November 2017

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**Appendices and attachments**

<b>Confidential Table 1</b>	Ascertained variable factors and rates of duty for the collection of securities
<b>Confidential Attachment 1</b>	ABF import data