



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No.2000/19

Public Notice under s269ZZI of *Customs Act 1901*

**REVIEW OF A MINISTERIAL DECISION TO TAKE ANTI-DUMPING ACTION
AGAINST IMPORTS OF CERTAIN GALVANISED STEEL PIPE
EXPORTED FROM THAILAND**

The Trade Measure Review Officer (the Review Officer) proposes to conduct a review under section 269ZZK of the *Customs Act 1901* (the Act) of the decision of the Minister for Justice and Customs (the Minister), notified on 17 February 2000 to publish a notice under subsection 269TG(1) and subsection 269TG(2) of the Act in respect of imports of certain galvanised steel pipe exported from Thailand.

The applicants: First Steel Industry Co Ltd (First Steel); Pacific Pipe Co Ltd (Pacific Pipe) of Thailand; Thyssen Mannesmann Trading Pty Ltd; SAHA Thai Steel Pipe Co Ltd (SAHA Thai) of Thailand; and CMC (Australia) Pty Ltd, seek a review of certain findings of the Australian Customs Service (Customs) which led the Minister to take anti-dumping action in this matter.

First Steel challenges Customs' findings in relation to dumping and causal link and proffers as grounds for review the following:

- the Minister could not be satisfied that there was a causal link between the material injury experienced by the Australian industry and exports from Thailand at export prices less than the normal value;
- the Minister could not be satisfied that it was appropriate to cumulate the effect of First Steel's exports with the exports of the other two Thai exporters vide paragraph 269TAE(2)(c) of the Act.; and
- the Minister could not be satisfied that there may be future exports by First Steel at export prices which may be less than normal values.

Pacific Pipe and Thyssen Mannesmann Trading Pty Ltd challenges Customs' findings in relation to the causation of material injury and threat of material injury by Thai imports and proffer as grounds for review the following:

- Customs failed to examine other causes of injury and as such could not have been satisfied that dumped imports from Thailand were the demonstrable cause for material injury to the Australian industry;
- Customs failed to project any currency trends beyond March 1999 and as such Customs could not have been satisfied that imports from Thailand would continue to be dumped and would threaten to cause material injury to the Australian industry; and
- Customs erred by not allowing Pacific Pipe due allowance for a duty drawback and as such the dumping margins for Pacific Pipe are factually wrong.

SAHA Thai and CMC (Australia) Pty Ltd challenges Customs' findings in relation to the determination of export prices and normal values, threat of material injury and causal link. SAHA Thai and CMC (Australia) Pty Ltd proffer as grounds for review the following:

- that Customs ascertained export prices should have been either:
 - truly comparable with determined normal value for SAHA Thai; or
 - consistent with Customs' finding on invoice price being FAS and Customs' practice on composing actual FOB price
- Customs made a presumption that dumping will continue without sufficient evidence;
- the Minister erred in law by not considering a price undertaking proposal offered by SAHA Thai;
- Customs failed to have regard to other causes of material injury, including the trade restrictive practices of the Australian Industry;
- Customs erred in its calculation of a non-injurious price; and
- Customs should have used paragraph 269TAC (2)(c) for determining normal values and sections 269TAC (8) and (9) should have been applied.

Interested parties are invited to lodge with the Review Officer, within 30 days starting from the date of this publication of this Notice, submissions concerning the applications for review in this matter. Section 269ZZY of the Act provides that submissions containing confidential material should be accompanied by

another version, omitting the confidential material but containing a non-confidential summary for inclusion in the public record. Submissions may be lodged by post with the Trade Measures Review Officer, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600; by facsimile to (02) 6250 5914; by email to tmrs@ag.gov.au; or at reception of the Attorney-General's Department at the above address by 1 May 2000.

Non-confidential versions of the applications and submissions will be maintained by public file which will be made available for inspection upon request. The public file is maintained by the Trade Measures Review Secretariat and is available from Robert Garran Offices, National Circuit, Barton ACT 2600.

For further information please contact Peter Jonath of the Trade Measures Review Secretariat on (02) 6250 6046.

(Paul O'Connor)
National Manager, Trade Measures
Australian Customs Service
FOR CHIEF EXECUTIVE OFFICER
CANBERRA ACT

31 March 2000