



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/07

Certain Hollow Structural Sections

Exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan

Reinvestigation of certain findings

CUSTOMS ACT 1901 – PART XV B

The Minister for Home Affairs (the Minister) has accepted recommendations made by the Trade Measures Review Officer (TMRO) and has requested the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) to reinvestigate certain findings relating to Customs and Border Protection's investigation into alleged dumping of certain hollow structural sections (HSS) exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia and Taiwan and the alleged subsidisation of HSS from China as detailed in International Trade Remedies Report No. 188.

The TMRO's recommendations arose from a review conducted by the TMRO of the Minister's decision to publish a notice in respect of HSS from China, Korea, Malaysia and Taiwan. Notice of the review was given on 12 September 2012. The applicants for review were Alpine Manufacturing SDN BHD, the Australian Steel Association, Dalian Steelforce Hi-tech Co., Ltd, Orrcon Operations Pty Ltd, Palmer Steel Trading Pty Ltd, Qingdao Xiangxing Steel Pipe Co., Ltd and Stemcor Australia Pty Ltd.

As a result of the TMRO's recommendations, the CEO has been directed to reinvestigate certain findings in relation to the decision to publish a dumping duty notice:

- 1) the finding that there was a particular situation in the Chinese iron and steel market such that sales in that market were not suitable for use in determining a normal value under s 2369TAC(1) of the *Customs Act 1901* (the Act);
- 2) the calculation of the benchmark used to construct a normal value for Chinese HSS producers under s 269TAC(2)(c) of the Act;
- 3) the calculation of the export price, and, if necessary the dumping margin, for Alpine and all other relevant exporters such as those from whom Stemcor imports HSS; and
- 4) the calculation of the dumping margin for 'selected non-cooperating exporters'.

In relation to the decision to publish a countervailing duty notice, the CEO has been directed to reinvestigate:

- 1) the finding that State-invested enterprises providing hot rolled coil steel to HSS producers under Program 20 are 'public bodies'; and
- 2) the finding that hot rolled coil supplied under Program 20 was provided for less than adequate remuneration.

The CEO must conduct an investigation in accordance with the Minister's requirements and give the Minister a report of the investigation concerning the finding or findings within the specified period.

The Minister has directed the CEO to report the result of the reinvestigation to him by 14 April 2013.

In the report the CEO must:

- (a) if the CEO is of the view that the finding or any of the findings the subject of reinvestigation should be affirmed – affirm the finding or findings; and
- (b) set out any new finding or findings that the CEO made as a result of the reinvestigation; and
- (c) set out the evidence or other material on which the new finding or findings are based; and
- (d) set out the reasons for the CEO's decision.

Procedures for the reinvestigation

The officers conducting the reinvestigation will not be those who undertook the original investigation.

As noted above, the CEO is required to conduct the reinvestigation in accordance with the Minister's requirements and, as such, must only have regard to the information and conclusions to which the TMRO was permitted to have regard.

No new information or conclusions may be considered in a reinvestigation. All relevant information is available to interested parties through the public record of the original investigation maintained by Customs and Border Protection and the public record of the review maintained by the TMRO.

There is no legislative requirement to publish a statement of essential facts (SEF) in a reinvestigation. As such, Customs and Border Protection will not publish a SEF prior to reporting the results of the reinvestigation to the Minister.

Customs and Border Protection contact

Administrative enquiries about this notice may be directed to the reinvestigation team by telephone on +61 2 6275 6729. Interested parties wishing to provide submissions in relation to the reinvestigation must do so by 8 February 2013. Where a submission contains confidential information, interested parties must also provide a non-confidential version. Further information regarding the preparation of non-confidential submissions is in Australian Customs Dumping Notice 2012/42 - *Provision of Information for the Public Record* available on the Customs and Border Protection website at www.customs.gov.au.

Submissions may be lodged by facsimile on +61 2 6275 6990, or by e-mail to tmops1@customs.gov.au.

KIM FARRANT
National Manager
International Trade Remedies Branch
CANBERRA ACT

18 January 2013