



Australian Government

Australian Customs and  
Border Protection Service

## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/26**

### **Hollow Structural Sections**

### **Exported from the People's Republic of China (China)**

### **Initiation of an Accelerated Review**

#### ***Customs Act 1901 – Part XVB***

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has commenced an accelerated review of the current anti-dumping duty notice and countervailing duty notice in respect of certain hollow structural sections (HSS) exported to Australia from China in so far as they relate to new exporter Jinan Iron & Steel Group Co., Ltd. Cold Roll-forming Steel Co. (Jinan Iron and Steel).

As the application for the accelerated review was not rejected by the CEO, the date of lodgement of 26 February 2013 is the initiation date of the accelerated review.

#### **The Goods**

The goods the subject of the current anti-dumping duty notice and countervailing duty notice (the goods) are:

*Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes. 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 in-line galvanised (ILG), pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.*

Sizes of the goods are, for circular products, those exceeding 21mm up to and including 165.1mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 1277.3mm. Categories of HSS excluded from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6mm and air heater tubes to Australian Standard (AS) 2556.

#### **Existing measures**

On 19 September 2011 Customs and Border Protection initiated an investigation into the alleged dumping and subsidisation of HSS exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia, Taiwan and Thailand.

On 6 June 2012, Customs and Border Protection terminated the countervailing investigation insofar as it related to the Chinese exporters Huludao City Steel Pipe Co., Ltd and Qingdao Xiangxing Steel Pipe Co., Ltd, and terminated the dumping investigation into Thailand.

The Minister accepted Customs and Border Protection's recommendations in relation to the alleged dumping of the goods from China, Korea, Malaysia and Taiwan and subsidisation of the goods exported to Australia from China contained in REP 177.

A dumping duty notice in respect of goods exported from China, Korea, Malaysia and Taiwan and countervailing duty notice in respect of goods exported from China was published on 3 July 2012.

### The current review

On 26 February 2013, Jinan Iron and Steel, a Chinese manufacturer of hollow structural sections, lodged an application requesting an accelerated review of the dumping and countervailing measures in so far as they relate to Jinan Iron and Steel.

Following consideration of the application the CEO decided not to reject the application. Further detail on the consideration of the application is contained in Customs and Border Protection Consideration Report Number 206.

Having regard to the expedited nature of an accelerated review and the requirement to furnish a report to the Minister within 100 days of the lodgement of the application for an accelerated review, Customs and Border Protection considers that it is not the relevant mechanism to reassess certain aspects of the anti-dumping measures applying to certain hollow structural sections. This accelerated review will not:

- reassess the finding of whether or not a market situation exists such that sales in that market are not suitable for use in determining normal value as specified in Trade Measures Branch Report No. 177, section 6.3.1.; or
- reassess the countervailable subsidies other than those already subject to the countervailing duty notice as specified in Trade Measures Report No. 177, Appendix B.

At the end of the accelerated review, the Minister will consider the CEO's report that will recommend:

- a) that the dumping duty notice or countervailing duty notice the subject of the application remain unaltered; or
- b) that the dumping duty notice or countervailing duty notice the subject of the application be altered:
  - i. so as not to apply to the applicant; or
  - ii. so as to apply to the applicant as if different variable factors had been fixed

in accordance with section 269ZG of the Act.

## Effect of the accelerated review

As the delegate did not reject the application, and continued the accelerated review, a declaration under paragraph 269ZH(b) was made to ensure securities in respect of anti-dumping duty and countervailing dumping duty that may be payable on exports of hollow structural sections are collected for the period of the review. The effective rates of duty are at the 'Selected non-cooperating exporters' rate and can be found at:

<http://www.customs.gov.au/anti-dumping/reference-material.asp#EffectiveRates>

## Public Record

There is no legislative requirement for Customs and Border Protection to maintain a public file for accelerated reviews. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public file for this accelerated review has been opened and is accessible at:

<http://www.customs.gov.au/anti-dumping/cases/default.asp#Thepublicrecord>

The public record will contain, among other things, a copy of the application, the Consideration Report and a copy of all submissions from interested parties (letters and electronic mail are generally regarded as submissions if they contain information relevant to the accelerated review).

## Lodgement of submissions

Interested parties are invited to lodge written submissions concerning the accelerated review not later than **29 April 2013** with:

The Director Operations 2  
International Trade Remedies Branch  
Australian Customs and Border Protection Service  
5 Constitution Avenue  
CANBERRA ACT 2601

or by email [itrops2@customs.gov.au](mailto:itrops2@customs.gov.au), or fax number 02 6275 6990.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that the CEO may not be able to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, delay the timely preparation of the final report to the Minister.

Interested 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:

- 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
- satisfy the CEO 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 "In-Confidence".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above.

Report to the Minister

Submissions received by 29 April 2013 will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 6 June 2013 (or such later date as the Minister may allow), unless the CEO terminates the accelerated review.

Customs and Border Protection contact

Enquiries concerning this notice may be directed to the case management team by email to [itrops2@customs.gov.au](mailto:itrops2@customs.gov.au), by telephone on (02) 6275 6968 or by fax on (02) 6275 6990.

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International Trade Remedies Branch

April 2013