



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2004/09

CUSTOMS ACT 1901 - PART XVB

INITIATION OF AN INVESTIGATION INTO ALLEGED DUMPING

CERTAIN ELECTRIC RESISTANCE WELDED CIRCULAR HOLLOW SECTIONS OF IRON OR STEEL EXPORTED FROM THE REPUBLIC OF KOREA

The application

The Australian Customs Service (Customs) has initiated an investigation into an application lodged by OneSteel Trading Pty Ltd on behalf of the Australian industry for a dumping duty notice in respect of certain electric resistance welded circular hollow sections of iron or steel (ERW CHS) exported to Australia from the Republic of Korea (Korea).

The application alleges that the goods have been exported to Australia at prices less than the normal values and that the resultant dumping has caused material injury to the Australian industry through:

- a substantial reduction in market share;
- price suppression;
- price depression;
- price undercutting;
- a significant loss of sales;
- a significant loss of profits;
- decline in profitability;
- decline in average profits; and
- a substantial negative impact on manufacturing and unit cost efficiencies through lost sales.

The public version of the application, available to interested parties on request, contains the basis of the alleged dumping.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in *The Australian* on 5 March 2004. Interested parties are invited to provide written submissions in response to that notice.

The goods

The goods under investigation are electric resistance welded (ERW) circular hollow sections (CHS) of iron or steel coated (excluding concrete-weight coating) or uncoated with outside diameters of 168mm up to and including 457mm and wall thicknesses of 4.8mm up to and including 12.7mm.

These goods are classified within the following headings in Schedule 3 of the *Customs Tariff Act 1995*:

Tariff Classification	Description	Current Duties (if any)
7305	Other tubes and pipes (for example welded, riveted or similarly closed), having circular cross sections, the external diameter of which exceeds 406.4mm, of iron or steel	5%
7306	Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel	5%

Investigation process

The investigation period is 1 October 2002 to 31 December 2003. Customs will examine exports to Australia of the goods under consideration during that period to determine whether dumping has occurred. Customs will examine details of the Australian market from January 2001 to December 2003 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of ERW CHS that have already been exported to Australia is less than the normal value of those goods; and
- (b) the export price of ERW CHS that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

Lodgement of submissions

Interested parties are advised to lodge submissions no later than the close of business on 14 April 2004, addressed to:

The Director
Trade Measures, Operations 2
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Interested parties may be granted an extension of time for lodgement of a submission provided the request is in writing and is reasonable and practical given the circumstances. Parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties. The due date for any supplementary submissions is 29 April 2004.

All interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

Customs must maintain a public record of each investigation. The public record must contain, among other things, a copy of all submissions from interested parties (letters and

electronic mail are generally regarded as "submissions" if they contain information relevant to the investigation).

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

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information; 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".

Parties may lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case parties must provide two copies of each for the public record.

The public record may be examined at:

Trade Measures Branch
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

To access the public record, contact Trade Measures office management on telephone number (02) 6275 6547.

Provisional measures

A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures may be imposed after the preliminary determination has been made.

Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 23 June 2004 (or by such later date as the Minister may allow). The statement will set out the material findings of fact on which Customs intends to base its recommendation to the Minister. That statement will invite interested parties to respond, within 20 days, to the issues raised.

Report to the Minister

Submissions received in response to the statement 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 due on or before 7 August 2004 (or such later date as the Minister may allow).

Customs contact

Enquiries about this notice may be directed to the contact officers on telephone 02 6275 6379 or 02 6245 5433, fax 02 6275 6888, or email tmops2@customs.gov.au. All dumping notices are available on the Customs home page of the Internet.

SUE PITMAN
National Manager
Trade Measures Branch
5 March 2004