



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2009/30**

### **Certain hollow structural sections exported from the People's Republic of China and Malaysia**

### **Resumption of investigations into alleged dumping and subsidisation**

#### **CUSTOMS ACT 1901 - PART XVB**

On 20 May 2009, the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) terminated an investigation into the alleged dumping of certain hollow structural sections (the goods) so far as it relates to the exporter, Alpine Pipe Manufacturing Sdn Bhd (Alpine) and so far as it relates to Malaysia. The investigation was terminated as the CEO was satisfied that there has been dumping by Alpine but the dumping margin is less than 2%. The CEO was also satisfied that the total volume of goods the subject of the application that have been, or may be, exported to Australia over a reasonable examination period from Malaysia and that have been, or may be, dumped is negligible.

On 5 June 2009, the CEO terminated investigations into the alleged dumping and subsidisation of the goods exported to Australia from the People's Republic of China (China). The CEO was satisfied that there has been, or may be, dumping and/or subsidisation of some or all of the goods the subject of the application that have been, or may be, exported to Australia from China, but the injury, if any, to the Australian industry, that has been, or may be, caused by that dumping and/or subsidisation is negligible.

#### **Applications to Trade Measures Review Officer**

On 19 June 2009, the Australian industry manufacturing like goods, comprising OneSteel Australian Tube Mills Pty Ltd (OneSteel) and Orrcon Operations Pty Ltd, lodged an application with the Trade Measures Review Officer (TMRO) for a review of Customs and Border Protection's decisions to terminate the investigation as it related to Alpine and Malaysia.

On 27 June 2009, the Australian industry lodged an application with the TMRO for a review of Customs and Border Protection's decisions to terminate the investigations as they related to China.

#### **TMRO decisions**

On 14 August 2009, the TMRO revoked Customs and Border Protection's decision to terminate the anti-dumping investigation as it relates to Alpine and Malaysia. The TMRO's decisions were publicly notified on 31 August 2009. The TMRO stated that, in relation to the appropriate date on which to compare domestic and export sales, it was open to Customs and Border Protection to conclude that the date of export or the date of issuing the shipping documents was the appropriate date for fair comparison of export sales to domestic sales. In the TMRO's view the resumption of the investigations would enable the question of the appropriate date for comparison of domestic and export sales, and other issues raised by the applicants in their application to the TMRO, to be further considered.

On 21 August 2009, the TMRO revoked Customs and Border Protection's decision to terminate the investigations as they relate to China. The TMRO's decision was publicly notified on 31 August 2009. The TMRO stated that insufficient consideration has been given to the submissions of OneSteel in arriving at the determination that dumping is not causative of material injury to the Australian industry. In the TMRO's view further consideration should be given to the submissions of the Australian industry and this would be best achieved by the publication of a statement of essential facts (SEF), in relation to which interested parties can make further submissions.

### **Resumption of investigations**

Section 269ZZT(2) of the *Customs Act 1901* states that as soon as practicable after the reviewable decision has been revoked, Customs and Border Protection must publish a SEF. Following the publication of the SEF, the normal investigation timeframes resume. Interested parties will have 20 days within which to make submissions in response to the SEF and Customs and Border Protection will then have a further 25 days to provide a report to the Minister for Home Affairs.

### **Customs and Border Protection contact**

Enquiries concerning this notice may be directed to the Case Manager on telephone number (02) 6275 6393, fax number (02) 6275 6990 or e-mail [tmops1@customs.gov.au](mailto:tmops1@customs.gov.au). All dumping notices are available on the Customs and Border Protection website, [www.customs.gov.au](http://www.customs.gov.au).

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9 September 2009