



Customs Act 1901 – Part XVB

**Certain Hollow Structural Sections
Exported from the Kingdom of Thailand**

Findings in Relation to a Dumping Investigation

Public notice under subsections 269TG (1) and (2) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of certain hollow structural sections (the goods) exported to Australia from the Kingdom of Thailand (Thailand).

The goods are classified to the following tariff subheadings in Schedule 3 of the *Customs Tariff Act 1995*:

- 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37);
- 7306.50.00 (statistical code 45);
- 7306.61.00 (statistical codes 21, 22, 25 and 90); and
- 7306.69.00 (statistical code 10).

A full description of the goods is available in Anti-Dumping Notice No. 2014/59, which is available on the internet at www.adcommission.gov.au

The Commissioner reported his findings and recommendations to me in Anti-Dumping Commission Report No. 254 (REP 254). REP 254 outlines how the Anti-Dumping Commission (the Commission) carried out the investigation and recommends the publication of a dumping duty notice in respect of certain goods.

I have considered REP 254 and have accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings.

The method used to compare export prices and normal values to determine whether dumping has occurred and to establish the dumping margin was to compare the weighted average of export prices with the weighted average of corresponding normal values over the investigation period pursuant to subsection 269TACB(2)(a) of the *Customs Act 1901* (the Act).

Particulars of the dumping margins that have been established in respect of the goods exported from Thailand are set out in the table below.

Exporter / Manufacturer	Dumping Margins	Duty Method
Sahathai Steel Pipe Public Company Limited	5.7%	Ad valorem
Pacific Pipe Public Company Limited	15.1%	Ad valorem

Samchai Steel Industries Public Company Limited	19.8%	Ad valorem
Uncooperative and all other exporters	29.7%	Ad valorem

The effective rate of duty that has been determined is an amount worked out in accordance with the ad valorem duty method, as detailed in the table above.

I, KAREN ANDREWS, Parliamentary Secretary to the Minister for Industry and Science, have considered, and accepted, the recommendations of the Commissioner, including the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 254.

I am satisfied, as to the goods that have been exported to Australia from Thailand, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TG(1) of the Act, I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) like goods that were exported to Australia after 16 March 2015 (when the Commissioner made a preliminary affirmative determination under section 269TD of the Act that there appeared to be sufficient grounds for the publication of a dumping duty notice) but before the publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from Thailand. Measures apply to goods that are exported to Australia after publication of this notice. Measures also apply to goods that were exported to Australia after the Commissioner made a preliminary affirmative determination to the day before this notice was published. The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on Australian industry prices and the consequent impact on the Australian industry including reduced domestic revenues, price suppression, reduced profits, reduced profitability, reduced capital investment, reduced return on investment, write-down of goodwill associated with the HSS business, reduced research and development expenditure, reduced production and capacity utilisation, and reduced employment.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

Interested parties may seek a review of my decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures are applied to 'goods on the water' is available in Australian Customs Dumping Notice No. 2012/34, available at www.adcommission.gov.au.

REP 254 and other documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2409, fax number +61 3 8539 2499 or email at operations4@adcommission.gov.au.

Dated this 12th day of August 2015

KAREN ANDREWS

Parliamentary Secretary to the Minister for Industry and Science