



ANTI-DUMPING NOTICE NO. 2014/46

Certain aluminium extrusions

Exported from the People's Republic of China

Initiation of a Review of Anti-Dumping Measures

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain aluminium extrusions exported to Australia from the People's Republic of China (China).

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice are certain aluminium extrusions ("the goods"). The applicant provided further details as follows:

Aluminium extrusions produced via an extrusion process, of alloys having metallic elements falling within the alloy designations published by The Aluminium Association commencing with 1, 2, 3, 5, 6 or 7 (or proprietary or other certifying body equivalents), with the finish being as extruded (mill), mechanical, anodized or painted or otherwise coated, whether or not worked, having a wall thickness or diameter greater than 0.5 mm., with a maximum weight per metre of 27 kilograms and a profile or cross-section which fits within a circle having a diameter of 421 mm.

The goods include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. For example, aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods.

The goods are currently classified to the tariff subheadings 7604.10.00 (statistical code 6), 7604.21.00 (statistical codes 7 and 8), 7604.29.00 (statistical codes 9 and 10), 7608.10.00 (statistical code 9), 7608.20.00 (statistical code 10), 7610.10.00 (statistical code 12) and 7610.90.00 (statistical code 13) in Schedule 3 of the *Customs Tariff Act 1995*. These goods are subject to a 5% Customs duty.

The goods do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.

The review will examine whether the variable factors relevant to the taking of the anti-dumping measures have changed.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 28 October 2010 by the Attorney-General following consideration of *Trade Remedies Branch Report No. 148* (REP 148).

Following a review by the Trade Measures Review Officer, Customs and Border Protection conducted a reinvestigation into certain findings made in REP 148. *International Trade Remedies Report No. 175* sets out the findings affirmed and new findings made by Customs and Border Protection as a result of the reinvestigation.

To give effect to this decision the Attorney-General published new notices under section 269ZZM of the *Customs Act 1901* (the Act). These notices, which came into effect on 27 August 2011, replaced the dumping and countervailing duty notices published on 28 October 2010.

The current measures are applicable to all exporters from China with the exception that interim dumping duties and countervailing duties do not apply to Tai Ao Aluminium Tai Shan Co., Ltd and interim dumping duties do not apply to Guangdong Zhongya Aluminium Company Limited.

The current review

An application has been made under section 269ZA of the Act for a review of the dumping and countervailing duty notices in relation to the goods exported to Australia from China. The application was lodged by PanAsia Aluminium (China) Co., Ltd, an exporter of the goods.

During the consideration of the application, I considered it appropriate to extend the scope of the review to all exporters of the goods currently subject to the anti-dumping measures. The Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) accepted my recommendation pursuant to subsection 269(4)(b) and accordingly, the review has been extended to all exporters of the goods from China.

A notice indicating that it is proposed to review the measures was published in *The Australian* on 12 June 2014. The review period is 1 April 2013 to 31 March 2014. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Parliamentary Secretary that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer

warranted, that party may lodge an application¹ no later than 22 July 2014 to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **22 July 2014**, addressed to:

The Director
Operations 4
Anti-Dumping Commission
1010 La Trobe St
Docklands VIC 3008

or email operations4@adcommission.gov.au, or fax to + 61 3 9244 8902.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

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:

- (i) 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
- (ii) satisfy me 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 "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

¹ In accordance with s.269ZCB of the Act.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts will be placed on the public record by 1 October 2014, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZH1 of the Act. The statement will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Report to the Parliamentary Secretary

Submissions received in response to the statement of essential facts will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before 17 November 2014 (or such later date as the Parliamentary Secretary may allow).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 6544, fax number + 61 3 9244 8902 or +61 2 6275 6888 (outside Australia) or operations4@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

12 June 2014