



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/18**

### **Certain aluminium extrusions exported from the People's Republic of China**

#### **Initiation of a review of dumping and countervailing duty notices**

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has commenced a review of the variable factors relevant to the dumping and countervailing duty notices applying to certain aluminium extrusions (aluminium extrusions) exported to Australia by Wuxi Xisha Photoelectric Aluminium Products Co., Ltd from the People's Republic of China (China).

The review will commence on 21 May 2012. Customs and Border Protection will not be examining revocation of the anti-dumping measures during this review.

#### **The goods**

The goods the subject of the current anti-dumping measures (the goods) are

*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 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 goods may be classified to 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*.

In most cases where goods are correctly classifiable to tariff codes with the prefix 7604 or 7608, those goods would be the goods subject of this investigation and subject to any resulting securities or duties.

#### Background to the measures

On 28 October 2010, following consideration of the recommendations in Trade Measures Report No. 148, the Attorney General published dumping and countervailing duty notices applying to aluminium extrusions exported to Australia from China. Notification of the Attorney General's decision was published in *The Australian* newspaper and in Australian Customs Dumping Notice No. 2010/40.

Following a review by the Trade Measures Review Officer, Customs and Border Protection conducted a reinvestigation into certain findings made in Trade Measures Branch Report No. 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 substitute the dumping and countervailing duty notices published on 28 October 2010. The new notices came into effect on 27 August 2011 replacing the earlier notices.

The effect of the new notice is that the level of the measures have changed and that the dumping duty notice no longer applies to Zhaoqing New Zhongya Aluminium Co Ltd which has subsequently changed its name to Guangdong Zhongya Aluminium Co. Ltd.

#### The current review

On 29 March 2012, B&D Aluminum (Aust) Pty Ltd, an importer of aluminium extrusions from China, lodged an application requesting a review of the variable factors relevant to the dumping and countervailing duty notices applying a particular exporter of aluminium extrusions exported to Australia from China.

Following consideration of the application the CEO decided not to reject the application. A notice indicating that Customs and Border Protection has commenced a review was published in *The Australian* on 21 May 2012.

#### Lodgement of submissions

Interested parties are invited to lodge written submissions concerning the review not later than **29 June 2012** with:

The Director Operations1  
International Trade Remedies Branch  
Australian Customs and Border Protection Service  
5 Constitution Avenue  
CANBERRA ACT 2601

or by email [tmops1@customs.gov.au](mailto:tmops1@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 is not obliged 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, prevent the timely placement of the statement of essential facts on the public record.

Interested parties may reply to matters raised by other parties during the course of the review and in response to the statement of essential facts.

The CEO must maintain a public record of each inquiry. 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 inquiry).

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. In either case, interested parties must provide two copies of each for the public record.

Documents included in the public record are available at <http://adpr.customs.gov.au/Customs/>. Alternatively, the public record may be examined at the office address below during business hours by contacting International Trade Remedies Branch on 02 6275 6547.

International Trade Remedies Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

#### Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable Customs and Border Protection to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 10 September 2012, or by such later date as the Minister may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which the CEO proposes to base a recommendation to the Minister. 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 Minister

Submissions received in response to the statement of essential facts 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 23 October 2012 (or such later date as the Minister may allow), unless the CEO terminates the investigation.

Customs and Border Protection contact

Enquiries about this notice may be directed to the case team on telephone number 02 6274 4948 or email [tmops1@customs.gov.au](mailto:tmops1@customs.gov.au).

Kim Farrant  
National Manager  
International Trade Remedies Branch

18 May 2012