



Australian Government
Anti-Dumping Review Panel

Application for review of a Commissioner's decision

Customs Act 1901 s 269ZZQ

This is the approved- form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 2 March 2016 for a review of a reviewable decision of the Commissioner of the Anti - Dumping Commission.

Section 269ZZO *Customs Act 1901* sets out who may make an application for review to the ADRP of a review of a decision of the Commissioner.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after the applicant was notified of the reviewable decision.

Conferences

You or your representative may be asked to attend a conference with the Panel Member appointed to consider your application before the Panel begins to conduct a review (by public notice in the case of termination decisions and by notice to the applicant and the Commissioner in the case of negative prima facie decisions, negative preliminary decisions and rejection decision). Failure to attend this conference without reasonable excuse may lead to your application being rejected. The Panel may also call a conference after the Panel begins to conduct a review. Conferences are held between 10.00am and 4.00pm (AEST) on Tuesdays or Thursdays. You will be given five (5) business days' notice of the conference date and time. See the ADRP website for more information.

¹ By the Acting Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

Further application information

You or your representative may be asked by the Panel Member to provide further information to the Panel Member in relation to your answers provided to questions 10, 11 and/or 12 of this application form (s269ZZQA(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by following the withdrawal process set out on the ADRP website.

If you have any questions about what is required in an application, refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: Capral Limited

Address: Level 4, 60 Phillip Street, Parramatta NSW 2150

Type of entity (trade union, corporation, government etc.): Public company.

2. Contact person for applicant

Full name: Mr Luke Hawkins

Position: General Manager Supply and Industrial Solutions

Email address: Luke.Hawkins@capral.com.au

Telephone number: (02) 8222 0113

3. Set out the basis on which the applicant considers it is entitled to apply for review to the ADRP under section 269ZZO

Capral Limited ("Capral") was the applicant company that requested the anti-dumping and subsidy measures to be applied to exports of aluminium extrusions from Malaysia and Vietnam.

4. Is the applicant represented?

Yes No

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

This application for the review of a decision by the Commissioner has been prepared with the assistance of Mr John O'Connor of John O'Connor and Associates Pty Ltd.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

PART B: REVIEWABLE DECISION TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decision was made under

- Subsection 269TC(1) or (2) – *a negative prima facie decision*
- Subsection 269TDA(1), (2), (3), (7), (13), or (14) – *a termination decision*
- Subsection 269X(6)(b) or (c) – *a negative preliminary decision*
- Subsection 269YA(2), (3), or (4) – *a rejection decision*
- Subsection 269ZDBEA(1) or (2) – *an anti-circumvention inquiry termination decision*

6. Provide a full description of the goods which were the subject of the reviewable decision

The goods the subject of the Commissioner's termination decision include:

"Aluminium extrusions that:

- *Are produced by an extrusions process;*
- *Are 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);*
- *Having finishes being:*
 - *As extruded (mill);*
 - *Mechanically worked;*
 - *Anodized; or*
 - *Painted or otherwise coated, whether or not worked;*
- *Have a wall thickness or diameter greater than 0.5mm;*
- *Have a maximum weight per metre of 27 kilograms; and*
- *Have a profile or cross-section fitting within a circle having a diameter of 421 mm."*

The Table below provides examples of the coverage of the goods and like goods (and intended end-use applications). Examples of goods and like goods are outlined in columns 1 – 4 and non-subject goods are outlined in columns 5 – 7.

< GUC >				< Non GUC >		
1	2	3	4	5	6	7
Aluminium extrusions	Aluminium extrusions with minor working	Aluminium extrusions that are parts intended for use in intermediate or finished products	Aluminium extrusions that are themselves finished products	Unassembled products containing aluminium extrusions, e.g. 'kits' that at time of import comprise all necessary parts to assemble finished goods	Intermediate or partly assembled products containing aluminium extrusions	Fully assembled finished products containing aluminium extrusions
< Examples >						
Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions	Precision cut, machined, punched or drilled aluminium extrusions	Aluminium extrusions designed for use in a door or window	Carpet liner, fence posts, heat sinks	Shower frame kits, window kits, unassembled unitised curtain walls	Unglazed window or door frames	Windows, doors

7. Provide the tariff classifications/statistical codes of the imported goods

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

Tariff Code	Statistical Code	Unit	Description
7604.10.00	06	Kg	Non-alloyed aluminium bars, rods and profiles
7604.21.00	07	Kg	Aluminium alloy hollow angles and other shapes
7604.21.00	08	Kg	Aluminium alloy hollow profiles
7604.29.00	09	Kg	Aluminium alloy non-hollow angles and other shapes
7604.29.00	10	Kg	Aluminium alloy non-hollow profiles
7608.10.00	09	Kg	Non-alloyed aluminium tubes and pipes
7608.20.00	10	Kg	Aluminium alloy tubes and pipes
7610.10.00	12	Kg	Doors, windows and their frames and thresholds for doors
7610.90.00	13	Kg	Other

8. If applicable, provide the Anti-Dumping Notice (ADN) number of the reviewable decision If your application relates to only part of a decision made in an ADN, this must be made clear in Part C of this form.

Australian Dumping Notice No. 2017/74 of 24 May 2017 notified of the Commissioner's decision to terminate part of an investigation (refer Non-Confidential Attachment 1).

9. Provide the date the applicant received notice of the reviewable decision

Capral received notification of the Commissioner's decision to terminate part of the investigation (Investigation No. 362) on 24 May 2017.

****Attach a copy of the notice of the reviewable decision to the application****

PART C: GROUNDS FOR YOUR APPLICATION

If this application contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the grounds that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so:

10. Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision

10.1 The Commissioner has failed or refused to consider Capral's representations that goods sold by Press Metal Aluminium (Australia) Pty Ltd ("PMAA") were sold at a loss during the investigation period.

In the importer verification report for Press Metal Aluminium (Australia) Pty Ltd ("PMAA") the Commission stated:

"At an exporter visit to PMAA's related party exporter Press Metal Berhad (PMB), the Commission was able to collect a significant amount of verified information relating to PMAA's imports. As such, in this instance, the Commission elected not to conduct an on-site verification visit to PMAA and verified the remaining aspects of PMAA's RIQ remotely."

The Commission determined that PMAA's affiliate company, Press Metal Berhad ("PMB") was the exporter of goods sold by PMAA, however, as PMB sells to PMAA on a delivered duty paid basis, the beneficial owner of the goods at the time of importation was PMAA. The Commission determined that the import transactions between PMAA and PMB were arms-length transactions.

The PMAA import verification report did not address serious concerns raised by Capral² that PMAA was selling aluminium extrusions at prices which undercut the Australian industry and were at levels that matched prices from Vietnam. Rather, the PMAA importer verification report merely indicates that PMB was both the exporter and the importer, and that the sales could be considered arms-length.

Capral made further representations³ to the Commission concerning the reliability of declared export prices. The Commission provided details of an offer for PMB product for mill finish product at A\$█ per kg for a distributor customer. Capral further indicated that declared A\$FOB prices for Vietnam at that time were at A\$█ per kg, confirming that the PMB price was at levels matching the dumped Vietnamese export prices.

² Capral's application, Section A-9.2.

³ Investigation No. 362, EPR document No. 45.

It should be noted that this March 2016 offer for PMB mill finish product was lower than the examples highlighted at Section A-9.2 of Capral's application.

In further support of Capral's claim that the PMAA's selling prices in the Australian market were not reflective of declared export prices (i.e. made at a loss), Capral referred to PMAA's annual financial records submitted with ASIC⁴. The financial statements demonstrated that in the reported years (2013 to 2014) PMAA recorded losses before income tax. Capral further asserted that PMAA was selling imported aluminium extrusions at a loss and that the export sales between PMB and PMAA could not be considered 'arms-length'.

The Commission responded to Capral's claims in Termination Report No. 362. The Commission noted that Capral raised the following concerns:

- Information shown in PMAA's ASIC returns showed consecutive net losses from 2012 to 2014;
- PMAA's income statement showed a large trade-creditor liability owed by PMAA to PMB;
- There were common directorships between PMB and PMAA raising doubts about the payment of the trade-creditor liability;
- It appears that extended credit terms were available to PMAA from its parent; and
- the goods sold by PMB to PMAA were not likely to recover full cost.

The Commission stated that it had regard to Section 269TAA of the *Customs Act* and the policies in the Anti-Dumping Commission Dumping and Subsidy Manual. The Commission determined that the sales between PMB and PMAA were at arms-length, and stated it relied upon the following evidence:

- PMB and PMAA's questionnaire responses;
- PMB's price setting practices;
- Commercial invoices and other source documents between PMB and its Australian customers;
- Proof of payment source documents in relation to a sample of export sales selected by the verification team;
- PMB's accounts receivable ledgers; and
- PMB and PMAA's financial statements, including PMB and PMAA's sales and cost ledgers.

The Commission claimed that PMAA paid PMB the value of the commercial invoices. It further stated that PMAA paid PMB amounts during the investigation period that exceeded the total invoice values, which the Commission viewed as "*demonstrating that PMAA had paid all of its imports during the investigation period*". The Commission further observed "*that PMAA separately reduced its trade creditor liability owed to PMB from prior to the investigation period*".

⁴ Investigation No. 362, EPR document 45.

It was further stated by the Commission that it had observed that PMB's exports to PMAA were profitable, and that *"This supports a finding that PMB's exports to PMAA have been sold at full cost recovery"*.

In respect of sales by PMAA in Australia, the Commission confirmed⁵ *"PMAA was also found to have sold goods sourced from PMB at a profit in Australia during the investigation period and in the 2015 financial year. This means that PMAA's sales of aluminium extrusions sourced from PMB have been sold at profitable levels for at least an 18- month period from 1 January 2015 to 30 June 2016."*

The Commission stated that PMB's export price was comparable with other Malaysian exporters.

On the basis of this assessment, the Commission concluded:

- *There was no consideration payable for or in respect of the goods other than their price;*
- *The price of the goods exported by PMBB to PMAA does not appear to be influenced by the relationship between PMB and PMAA, despite both companies sharing common directors;*
- *An examination of the exporter's and importer's records does not show any compensation or reimbursement mechanisms in operation;*
- *The transactions between PMB and PMAA appear to be the result of real bargaining based on a comparison between the prices and profit margins reported by PMB and other Malaysian exporters;*
- *Trade creditor liabilities owed to PMB by PMAA appear to relate to historical sales from prior to the investigation period and do not appear to have influenced the price paid by PMAA to PMB during the investigation period; and*
- *PMAA's sales of aluminium extrusions sourced from PMB during the investigation period were not sold by PMAA in Australia at a loss.*

The Commission has relied on data verified with PMB during the exporter verification visit to the Malaysian exporter. The Commission did not conduct a verification visit at PMAA's premises despite the Australian entity being a large importer of aluminium extrusions. The Commission's findings are heavily premised on the findings following the PMB verification visit, whereas Capral's concerns about the profitability of sales in Australia relate to the final selling prices by PMAA to Australian customers. These final selling prices by PMAA were heavily influenced by the dumped export prices from Vietnam and, on the basis that PMB prices its exports based upon LME aluminium⁶ ingot plus alloy premium plus MJP, the identified sales were at a loss.

By not undertaking a verification visit with PMAA, the Commission cannot confidently confirm whether the prices referred to in Capral's application (and submission dated 24 November 2016) were prices for imported aluminium extrusions sold at a loss by PMAA, as the Commission only had access to PMAA's high level financial account extracts and was not able to validate costs incurred for each transacted sale by PMAA during the investigation period.

Capral submits that the failure of the Commission to undertake a verification visit at the premises of the largest importer of Malaysian aluminium extrusions casts significant doubt as to the accuracy of

⁵ Termination Report No. 362, P. 19.

⁶ Termination Report No. 362, P. 23.

the claims that sales between the related party exporter and its Australian customer could have been accepted as 'arms-length' in light of the comparable selling prices evident with dumped imports sourced from Vietnam. It would further seem possible that PMAA was in receipt of rebates from its parent PMB to compete with declining dumped prices from Vietnam throughout the investigation period.

10.2 The Commissioner has failed or refused to adequately test whether export prices by Superb Aluminium Industries Sdn Bhd were arms-length by not validating with its sole Australian customer whether rebates were paid (or some other form of compensation was remitted) during the investigation period to enable the customer to compete with dumped prices from Vietnam.

The Commission conducted a verification visit with the Malaysian exporter Superb Aluminium Sdn Bhd ("Superb"). The Commission did not visit Superb's importer in Australia (as Superb sells on a delivered, duty paid basis, the Commission considered Superb to be the importer). The Commission concluded that Superb's export sales were arms-length on the grounds that it did not find any evidence that Superb compensated the Australian customer in any way.

Capral understands that [REDACTED] is Superb's sole Australian customer. It is assumed (in the absence of verification with the customer) that as [REDACTED] paid the invoiced value for the goods supplied by Superb, the sale could be considered arms-length. The Commission, however, has not validated in a falling market across the investigation period where the LME and MJP declined substantially whether [entity] received any rebates for purchases from Superb. This would not be unexpected in light of the aggressive pricing behaviour of suppliers in Vietnam exporting at dumped prices.

The Commission did not conduct a verification visit with [entity] and it therefore could not accurately confirm whether Superb did (or did not) provide rebates to [REDACTED] during the period of investigation. Capral was concerned by the increasing export volumes of Superb toward the end of the investigation period.

10.3 The Commissioner has failed or refused to adequately test whether export prices by LB Aluminium were arms-length by not validating with its Australian customers whether rebates were paid (or some other form of compensation remitted) during the investigation period (as per 10.2 above).

As per 10.2 above, the Commission did not conduct verification visits with LB Aluminium's Australian importers understood to be [REDACTED] and [REDACTED] to establish whether any other form of compensation (including rebates) was paid to lower the invoice price paid by the importer in order for it to compete with reducing export prices at dumped levels from Vietnam.

It should be noted that LB Aluminium "explained to the Commission that it did not recognise a difference in packaging costs between the goods exported to Australia and the goods it sells on the domestic market". This explanation was accepted by the Commission, however, following representations made in response to SEF 362, the Commission amended LB Aluminium's normal value to account for the higher packing costs for export which included the cost of stillages.

The Commission did not conduct a verification visit with LB Aluminium's Australian customers to validate whether any other form of compensation was made available to the importers to compete with declining import prices during the investigation period.

10.4 The re-assessment of normal values for PMB, Superb and LB Aluminium to take account of the matters the subject of review at 10.1, 10.2 and 10.3, will influence the normal values, export prices and dumping margins determined for Malaysian exporters termed 'residual exporters'.

Following account of the matters identified by Capral in 10.1, 10.2 and 10.3 above, the normal values, export prices and dumping margins for Malaysian "residual" exporters (i.e. Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd) require re-assessment. Following this re-assessment, Capral submits that revised dumping margins will exceed negligible levels.

10.5 The Commissioner has failed to adequately investigate whether any of the goods exported from Malaysia were 'transhipped' goods originating from China.

Capral raised with the Commission its concerns⁷ that aluminium extrusions exported from Malaysia to Australia were of Chinese origin (i.e. Chinese exports transhipped through Malaysia). The Commissioner has not adequately investigated transshipping activities involving exports of the goods from Malaysia to establish the correct origin of the goods.

10.6 The Commissioner has erred in his decision concerning the determination of the subsidy amount(s) calculated under programs 4 and 6 for LB Aluminium, Superb Aluminium Industries Sdn Bhd and residual Malaysian exporters of the goods.

The Commission has calculated benefits received by exporters (LB Aluminium, Superb and 'residual' exporters) under the following programs:

- Program 4 Double deductions for freight charges relating to goods originating from Sabah and Sarawak; and
- Program 6 Reinvestment allowance.

The Reinvestment Allowance ("RA") is a program operated by the Government of Malaysia ("GOM") that seeks to encourage reinvestment by existing manufacturing companies, and for select agricultural projects. Where a company qualifies for RA, the subsidy benefit is provided *"in respect of capital expenditure incurred in the basis periods for fifteen consecutive years of assessment beginning from the year of assessment for the basis period in which a claim for that RA is made by the company or the person"*⁸.

LB Aluminium and Superb both qualified for benefits received under Program 6. The respective benefits received by each exporter under this program was calculated by the Commission as 0.82 per cent and 0.90 per cent for LB Aluminium and Superb respectively. Neither company received a benefit under Programs 1 to 5 investigated by the Commission.

⁷[Capral representations] .

⁸ Government of Malaysia Supplementary Questionnaire, EPR Document No. 73, P.11.

The Commission confirmed that LB Aluminium's tax year was from 1 May to 30 April. Superb's tax year is 1 August to 31 July. The Commission did not have either company's tax return for the full investigation period and relied upon tax "computation" records for calculating the benefits received by the respective exporters under Program 6.

Termination Report No. 362 provides limited detail as to how the Commission calculated benefits received under Program 6 for LB Aluminium and Superb. The Report does not indicate whether the Commission used the 2016 tax computation records for each exporter to determine an equivalent benefit received for the whole investigation period or, whether the Commission was provided with information by LB Aluminium and Superb for the final months of the investigation period to calculate a subsidy benefit under Program 6 (i.e. information from the subsequent period to the 2016 tax computation period).

The Report does not indicate whether the Commission contrasted the tax 'computation' data for earlier periods with that confirmed in an annual tax return (i.e. 2015 year), so that the Commission could be satisfied as to the benefit received for the RA was consistent with the computation records and that affirmed by the GOM's tax agency for LB Aluminium and Superb.

The benefit received under the RA subsidy program is not insignificant. The correct calculation of the benefit received under Program 6 is critical to the assessment of the benefits received by the exporters themselves (and the subsequent subsidy margins calculated) but also the benefits (and margins) determined for the residual exporters.

11. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 10

The correct of preferable decisions ought to have been that the Commissioner concludes:

- 11.1 Exports of aluminium extrusions by PMB to Australia were not arms-length (subsection 269TAA(1) and that it was necessary to determine export prices based in accordance with subsection 269TAB(1)(b) based upon PMAA's selling prices less prescribed deductions as outlined in subsection 269TAB(2) (i.e. deductive export price).
- 11.2 Exports of aluminium extrusions by Superb and LB Aluminium were not arms-length transactions (due to applicability of subsection 269TAA(1)(c)) and export prices should have been assessed under subsection 269TAB(1)(b).
- 11.3 The normal values, export prices and dumping margins for the "residual" Malaysian exporters of aluminium extrusions would, subsequent to the decisions in 11.1 and 11.2, would require re-assessment and dumping margins determined would exceed negligible levels.
- 11.4 The correct origin of goods exported from Malaysia and whether transshipment activities were fully investigated.

11.5 The correct benefit received under Program 6 by LB Aluminium, Superb and the residual exporters in Malaysia, is calculated based upon reliable information for the complete investigation period that involves a reconciliation of the earlier period tax computation records with information in actual tax returns. The basis for pro-rata calculations for the complete investigation should also be disclosed.

12. Set out the reasons why the proposed decision provided in response to question 11 is materially different from the reviewable decision

Only answer question 12 if this application is in relation to a reviewable decision made under subsection 269X(6)(b) or (c) of the Customs Act.

The recommended decisions in 11.1, 11.2, and 11.3 are materially different to the reviewable decision as the identified exporters in Malaysia (i.e. PMB, LB Aluminium, Superb and residual exporters) would also be the subject of anti-dumping measures.

The recommended decision in 11.5 is materially different to the reviewable decision as the identified exporters would be the subject of countervailing measures where the determined aggregate subsidy for each exporter was above negligible levels.

PART D: DECLARATION

The applicant/the applicant's authorised representative [*delete inapplicable*] declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* beginning to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected;
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature:..... 

Name: Luke Hawkins

Position: General Manager Supply and Industrial Solutions

Organisation: Capral Limited

Date: 22 / 06 / 2017

PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative

Full name of representative: John O'Connor
Organisation: John O'Connor and Associates Pty Ltd
Address: P.O. Box 329, Coorparoo QLD 4151.
Email address: jmoconnor@optusnet.com.au
Telephone number: (07) 3342 1921

Representative's authority to act

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature:.....
(Applicant's authorised officer)

Name: Luke Hawkins
Position: General Manager Supply and Industrial Solutions
Organisation: Capral Limited
Date: 22 / 06 / 2017



Customs Act 1901 – Part XVB

ANTI-DUMPING NOTICE NO. 2017/74

Certain aluminium extrusions

Exported to Australia from Malaysia and

the Socialist Republic of Vietnam

Termination of part of an investigation

Public notice under subsection 269TDA(15) of the Customs Act 1901

On 16 August 2016, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, initiated an investigation into the alleged dumping and subsidisation of certain aluminium extrusions (the goods) exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam), following an application lodged by Capral Limited under subsection 269TB(1) of the *Customs Act 1901* (the Act).

Public notice of my decision not to reject the application and to initiate the investigation was published on the Anti-Dumping Commission's (the Commission) website on 16 August 2016 (Anti-Dumping Notice (ADN) No. 2016/77 refers). This ADN is available at www.adcommission.gov.au.

As a result of my investigation, I am satisfied that in relation to the dumping investigation:

- for the goods exported to Australia by Press Metal Berhad (PMB) and Superb Aluminium Industries Sdn Bhd (Superb) from Malaysia, there was no dumping. Therefore I have terminated the investigation in accordance with subsection 269TDA(1)(b)(i) of the Act in so far as it relates to these exporters; and
- the dumping margin for the goods exported to Australia by LB Aluminium Berhad (LBA) and the category of 'residual exporters'¹ from Malaysia was negligible (less than 2 per cent). Therefore I have terminated the investigation in accordance with subsection 269TDA(1)(b)(ii) of the Act in so far as it relates to these exporters.

In relation to the countervailing investigation, I am also satisfied that:

¹ Being Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd

- for the goods exported by PMB, LBA, Superb and the category of 'residual exporters' from Malaysia, a countervailable subsidy has been received in respect of some or all of those goods exported to Australia but it never, at any time during the investigation period, exceeded the negligible level of countervailable subsidy under subsection 269TDA(16). Therefore I have terminated the investigation in accordance with subsection 269TDA(2)(b)(ii) of the Act in so far as it relates to these exporters;
- for the goods exported by Mien Hua Precision Mechanical Co., Ltd (Mien Hua) from Vietnam a countervailable subsidy has not been received in respect of any of those goods exported to Australia. Therefore I have terminated the investigation in accordance with subsection 269TDA(2)(b)(i) of the Act in so far as it relates to Mien Hua; and
- for the goods exported by all exporters from Vietnam (except Mien Hua) a countervailable subsidy has been received in respect of some or all of those goods exported to Australia but it never, at any time during the investigation period, exceeded the negligible level of countervailable subsidy under subsection 269TDA(16). Therefore I have terminated the investigation in accordance with subsection 269TDA(2)(b)(ii) of the Act in so far as it relates to these exporters.

In making the decisions to terminate part of this investigation, I have had regard to the application, submissions from interested parties concerning the publication of ADN 2016/77, *Statement of Essential Facts* (SEF) No. 362, submissions in response to that SEF, and other relevant information.

Termination Report No. 362, which sets out reasons for the termination decisions, including the material findings of fact and law upon which the decisions are based, has been placed on the Commission's public record at www.adcommission.gov.au.

The applicant may request a review of these decisions to terminate part of the investigation by lodging an application with the Anti-Dumping Review Panel in the approved form and manner within 30 days after the publication of this public notice.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2418 or email at operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 May 2017