



Application for review of a Commissioner's decision

Customs Act 1901 s 269ZZQ

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 19 February 2020 for a review of a reviewable decision of the Commissioner of the Anti-Dumping Commission.

Section 269ZZO of the *Customs Act 1901* sets out who may make an application to the ADRP for 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

The ADRP may request that you or your representative attend a conference for the purpose of obtaining further information in relation to your application or the review. The conference may be requested any time after the ADRP receives the application for review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. See the ADRP website for more information.

Further application information

You or your representative may be asked by the Member to provide further information in relation to your answers provided to questions 10, 11, 12 and/or 13 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.

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

Contact

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: Aluminium Shapemakers Pty Ltd
Address: 5-7 Warringah Close, Somersby NSW 2250
Type of entity (trade union, corporation, government etc.): Company

2. Contact person for applicant

Full name: John O'Connor
Position: Director
Email address: jmoconnor@optusnet.com.au
Telephone number: + 61 7 33421921

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

<p>Section 269T of the Customs Act 1901 ("the Act") defines "interested party" for the purposes of an anti-dumping investigation includes "a person or body representing, or representing a portion o, the industry producing, or likely to be established to produce, like goods".</p> <p>Aluminium Shapemakers Pty Ltd ("Alushapes") is an Australian manufacturer of the goods to which the termination decision of the Commissioner relates in Investigation No. 542. Alushapes is therefore an interested party for the purposes of the Act and this application.</p>
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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.

****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) – a termination decision
- Subsection 269TDA(2) – a termination decision
- Subsection 269TDA(3) – a termination decision
- Subsection 269TDA(7) – a termination decision
- Subsection 269TDA(13) – a termination decision
- Subsection 269TDA(13A) – a termination decision
- Subsection 269TDA(14) – a termination decision
- Subsection 269TDA(14A) – 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

Please only select **one** box. If you intend to select more than one box to seek review of more than one reviewable decision(s), **a separate application must be completed**.

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

The goods the subject of the reviewable decision as detailed in Termination Report 542 are:

Aluminium micro-extrusions, in the form of hollow-profiles, weighing less than 200 grams per metre (<0.2 kg/m) in length, whether or not alloyed, mill finish, powder coated, anodised, or further coated.

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

The tariff classifications of the imported goods are as follows:

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	Aluminium tubes and pipes, non alloyed
7608.20.00	10	Kg	Aluminium tubes and pipes, alloyed
7610.10.00	12	Kg	Aluminium structures and parts thereof (including profiles and tubes)
7610.90.00	13	Kg	Other aluminium structures and parts thereof

8. If applicable, provide the Anti-Dumping Notice (ADN) number of the reviewable decision:

Anti-Dumping Notice (ADN) number: 2021/38

Date ADN was published: 17 March 2021

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

Alushapes was notified of the Commissioner's decision on 17 March 2021.

****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 application 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.

- Personal information contained in a non-confidential application will be published unless otherwise redacted by the applicant/applicant's representative.

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:

Refer Attachment 2.

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:

Refer Attachment 2.

12. Set out how the grounds raised in question 10 support the making of the proposed correct or preferable decision:

Refer Attachment 2.

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

Only answer question 13 if this application is in relation to a reviewable decision made under subsection 269X(6)(b) or (c) of the Customs Act 1901.

Refer Attachment 2.

14. Please list all attachments provided in support of this application:

Attachment 1 – Alushapes Application – ADN 2021/38;
Attachment 2 – Alushapes Application – Grounds (Non-Confidential);

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; and
- 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: Wolf D Breit

Position: Managing Director

Organisation: Aluminium Shapemakers Pty Ltd

Date: 14 / 04 / 2021

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: Wolf D Breit

Position: Managing Director

Organisation: Aluminium Shapemakers Pty Ltd

Date: 14 / 04 / 2021

A. Introduction

On 6 January 2020, Aluminium Shapemakers Pty Ltd (“Alushapes”) made an application requesting the imposition of anti-dumping measures on micro-extrusions exported to Australia from the People’s Republic of China (“China”) by:

- Guangdong Jiansheng Aluminium Co., Ltd (“Jiangsheng”); and
- Guangdong Zhongya Aluminium Co., Ltd (“Zhongya”).

The Anti-Dumping Commission (“the Commission”) notified the commencement of an investigation on 6 February 2020 (refer ADN 2020/13 and Consideration Report No. 542).

The investigation period for assessing dumping was 1 January 2019 to 31 December 2019. The injury analysis period was from 1 January 2016.

Alushapes is the sole Australian manufacturer that specializes in the production of micro-extrusions for the Australian market. Capral Limited and G James also produce micro-extrusions and supported the application by Alushapes.

Following an investigation by the Commission, the Commissioner published ADN 2021/38 notifying that the investigation had been terminated. The Commissioner’s conclusions were that based on the findings set out in Report 542 that no dumping was found to have occurred, in accordance with section 269TDA(1)(b)(i) the investigation was terminated.

Alushapes seeks a review by the Anti-Dumping Review Panel (“ADRP”) under subsection 269ZZN(b) of the decision of the Commissioner to terminate the investigation into exports of micro-extrusions to Australia by Jiangsheng and Zhongya.

The following details Alushapes Grounds for Appeal of the Commissioner’s termination decision.

B. First Ground – not correct or preferable decision involving determination of normal values under sub-section 269TAC(2)(c)

10. Grounds

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

In the determination of dumping margins, the Commissioner must first examine the basis for normal value. Section 269TAC(1) requires that the normal value for any goods exported to Australia is the price paid or payable for like goods sold in the ordinary course of trade for home consumption in the country of export in sales that are arms length transactions or, if the goods are not sold by the exporter, by other sellers of like goods.

Where the normal value cannot be assessed under section 269TAC(1) due to the requirements of sub-section 269TAC(2)(a)(ii) “because the situation in the market of the country of export is such that sales in that market are not suitable for use in determining a price under section 269TAC(1)” the normal value must be determined in accordance with subsections 269TAC(2)(c or 269TAC(2)(d).

The Commission forwarded a questionnaire to the Government of China (“GOC”) requesting information about the micro-extrusions market in China. The GOC did not respond to the Commission’s request.

In the absence of cooperation from the GOC, the Commission gave consideration to information obtained in the conduct of a continuation of measures investigation involving aluminium extrusions exported from China. In that investigation the Minister accepted the Commissioner’s recommendations that a “particular market situation” existed in China for aluminium extrusions sold on the domestic market. As such, domestic selling prices for aluminium extrusions sold in China could not be used as the basis for normal values. Specifically, the findings in Report No. 543 (as

detailed in Appendix 1 to Report 543) addressed the conditions applicable for aluminium extrusions sold in China and the extent of government influence on raw material aluminium produced and sold in China.

In Termination Report 542 ("Report 542") the Commissioner concluded that the conditions applicable in the broader aluminium extrusions market "are equally applicable to aluminium micro-extrusions". The conclusion was based upon:

- both of the subject exporters are integrated manufacturers of aluminum extrusions generally, producing a wide range of aluminium extrusions, or which only a small percentage is aluminium micro-extrusions;
- the inquiry period examined in Report 543 is the same as the investigation period for Investigation 542; and
- raw aluminium billet and ingot accounts for approximately between 75 and 90 per cent of the weighted-average cost to make for aluminium micro-extrusions, and therefore distortions in the primary aluminium market substantially result in distortions for the goods.

The Commission further stated that "*this approach (i.e. reliance on Report 543 findings) was adopted because of the lack of available information concerning certain aspects of the Chinese aluminium micro-extrusions market, due in part, to the GOC not providing the Commission with a response to the government questionnaire.*"

However, based on the findings in Report 543, the Commission "formed the view that a particular market situation existed in respect of the domestic market for micro-extrusions in China during the investigation period."

This finding is not disputed by Alushapes.

The Commission therefore assessed normal values for Jiangsheng and Zhongya under subsection 269TAC(2)(c) based upon a constructed methodology that is:

"(c) ... the sum of:

- (i) such amount as the [Minister] determines to be the cost of production or manufacture of the goods in the country of export; and*
- (ii) on the assumption that the goods, instead of being exported, had been sold for home consumption in the ordinary course of trade in the country of export - such amounts as the [Minister] determines would be the administrative, selling and general costs associated with the sale and the profit on that sale."*

The costs of manufacture of the goods used in constructed normal values must be consistent with the requirements of section 43(2) of the Regulation which requires that if:

- an exporter or producer of the goods keeps records relating to the goods that are in accordance with generally accepted accounting principles (GAAP) in the country of export; and
- those records reasonably reflect competitive market costs associated with the production or manufacture of the goods,

the Minister must work out the cost of manufacture using the information in the exporter's records.

The Commission correctly stated that due to the GOC influence in the domestic market for primary aluminium, the exporters' records do not reasonably reflect competitive market costs. The Commission considered all relevant information "*and considers it appropriate to use the subject exporters' records, but only after an adjustment is made to the records relating to the costs of aluminium, as submitted by each exporter in its REQ. **Such an adjustment ensures that the records reflect competitive market costs.***" (emphasis added).

While Alushapes agrees with the Commission that the raw material cost associated with primary aluminium and aluminium ingot is the subject of GOC influence and distortions on the domestic market in China, and requires an adjustment, Alushapes rejects the Commission's finding that the exporters' costs post the adjustment "*reflect competitive market costs*".

This is not the case.

Alushapes' application detailed what it considered were the "flat-pricing" strategies of the Chinese exporters of micro-extrusions to price micro-extrusions that involved increased production times at the same price per kg as the typical, commodity-type aluminium extrusions. Additionally, Alushapes demonstrated that the cost of powder coating hollow micro-extrusion profiles was significantly greater per square metre than typical aluminium extrusions.

Both of these factors – the longer extruder processing time for micro-extrusions, lower yields and higher associated costs (e.g. die wear and cost of dies) and the cost of powder coating – were not reflected in the Commission's analysis and therefore it could not be concluded that the cost to manufacture in the exporters' records adequately reflect *competitive market costs* (for micro-extrusions).

I. Jiangsheng

The Commission states that "*Guangdong Jiangsheng was not able to provide its cost data by form, but provided its cost data by finish in its REQ.*" The Commission also stated that "*each of Guangdong Jiangsheng's production stages has its own cost centre, and the cost record can be traced back to its accounting system and audited financial information*".

As Jiangsheng did not provide cost data by form was a serious limitation for correctly determining whether the exporter's records reflected competitive market costs. The goods the subject of Alushapes' application were *hollow* micro-extrusions – thus Jiangsheng's costs included costs for solid micro-extrusions. The production of hollow micro-extrusions is a time-consuming process with lower yields and higher associated costs involving considerably higher extrusion processing time leading to higher overall costs in the region of 35%. The Jiangsheng costs accepted by the Commission that do not take account of the delicate hollow micro-extrusion processing costs significantly understate the true costs of the subject goods.

The key consideration in Alushapes' application for anti-dumping measures on micro-extrusions was that it was critical that the cost of the exported goods be accurately identified. On numerous occasions¹ Alushapes made representations to the Commission that average costing (i.e. based upon weight) was "*an essential flaw and underpins the unfair, cross-subsidised flat pricing approach*" of Chinese exporters."

The Commission's acceptance that the average cost methodology is incorrect and not the preferred decision. It is not surprising that the Commission's comments at Section 4.5.5 are predominantly focused on the costs presented by Jiangsheng in its EQR and did not involve any challenge by, or from, the Commission as to whether the costs accurately reflect the true manufacturing costs of the hollow micro-extrusions exported to Australia.

In respect of the cost of powder coating the Commission has made limited comment as to whether the cost of powder coating by Jiangsheng is anything but the average cost of powder coating across its broad range of aluminium extrusions manufactured by the exporter. For this reason, Alushapes contends that the Commission's reliance on the information provided by Jiangsheng concerning powder coating costs for hollow micro-extrusions is understated and therefore incorrect for determining the true competitive cost for the exported goods. The Commission's statement in Report 542 is:

"Based on the verification findings, the Commission finds that powder coating is merely one step of an integrated production procedure for the subject exporters. This production step takes place within the subject exporters' own dedicated manufacturing facilities. Again, as

¹ Refer EPR Documents 010, 014, 017, 019, 024, 025.

the raw material cost accounts for the vast majority of the weighted average CTM for aluminium micro-extrusions, the powder coating cost does not have a material impact, as a percentage of the total CTM for the goods.

The Commission notes that there may be a difference in the costs of powder coating from Alushape's own manufacturing practice to Guangdong Jiangsheng's. However, as per the verification findings, the costs of powder coating were clearly identified in the accounts, and the allocation was on the basis of actual cost. There was no evidence before the Commission to suggest that Guangdong Jiangsheng's powder coating costs were not competitive market costs."

Jiangsheng's "actual" powder coating costs are the average costs for all aluminium extrusions manufactured by the exporter. The verified costs do not reflect the actual costs of powder coating hollow micro-extrusions and, cannot be summarily dismissed by the Commission, on the basis of not having a "material" impact (which Alushapes does not consider is correct based upon information it has submitted concerning powder coating costs).

Alushapes highlights with the ADRP that the Commission cancelled its intended verification visit with Alushapes at Somersby in March 2020 due to Covid 19 lockdowns. In preparation for the verification visit planned for March 2020, two visual presentations with a combined 53 slides summarising AluShapes' anti-dumping case and production process and data were prepared as an alternative to the visit. The presentations were intended to assist the Commission with an understanding of the technical aspects of Alushapes' application and production process. Alushapes was not contacted by the Commission to discuss any aspect of the extensive information provided.

The intended purpose of Alushapes providing the Commission with the information on the manufacturing process for micro-extrusions was to demonstrate the extended processing timeframes, lower yield and associated costs viz-a-viz typical aluminium extrusions². This information highlighted the additional extruder processing times (i.e. a reduced output rate) and costs for hollow micro-extrusions. The Commission received this information well in advance of its verification of Jiangsheng cost data and could have requested the exporter to provide accurate cost information for the subject goods. It is Alushapes' contention that the Commission was not fully appraised of the manufacturing process for hollow micro-extrusions to be fully informed of the cost allocations costs involved. Therefore, the Commission's assessment of what it has accepted as competitive market costs for Jiangsheng (and Zhongya) in the absence of viewing the production process, is deficient.

As an SME, AluShapes went to extraordinary lengths to prepare information and data to inform the Commission of the technical requirements for the manufacture of micro-extrusions (in the absence of a physical visit to Alushapes' production facility). While the Covid 19 restrictions inhibited the workings of the Commission, AluShapes has not, in its opinion, received fair consideration of the differences in manufacturing costs for aluminium micro-extrusions versus typical aluminium extrusions associated with this case.

The Commission's failure to require Jiangsheng to provide detailed cost breakdowns of extrusion timeframes (which Alushapes was able to demonstrate through its production records) is central to the Commission's incorrect decision on the determination of normal values for Jiangsheng.

II. Zhongya

The Commission accepted the information provided in Zhongya's EQR as "complete, relevant and accurate". Unlike Jiangsheng's EQR response (which the Commission also deemed to be accurate) Zhongya's response confirmed that "...Zhongya was able to observe that the small extruders run more slowly than the larger extruders, and the production time for micro-extrusions is longer than for larger aluminium extrusions. Therefore, the output of normal aluminium extrusions is less than the output of normal aluminium extrusions within the same production time."

Alushapes' representations of a slower production rate, lower yields and higher associated costs (and hence a higher allocation of extrusion overhead costs) was confirmed by Zhongya. However, the

² Emails forwarded to ADC on 8 and 9 May 2020 – with Exhibits A-F file and Report A.

basis for allocation of the costs by Zhongya continues to substantially understate the actual production costs associated with a materially lower production rate.

Zhongya has calculated what it refers to as a “co-efficient” based upon the processing time through two smaller extrusions contrasted with the remaining 35 extruders of typical aluminum extrusions. This is an extremely broad-brushed methodology which affords Zhongya with an advantage when a more accurate methodology is available through an examination of production records. This methodology is flawed as it cannot be tested or verified or compared with actual production records. Additionally, it cannot be assumed that each of the extruders were operated at the same utilization rate and therefore the calculated co-efficient is incorrect. As pointed out by Alushapes³ the coefficient is based upon “weight” of the output rather than the ratio of weight of raw material and hourly product output, as reflected in Alushapes’ engineering records.

In addressing Alushapes’ concerns about the powder coating costs of Zhongya, the Commission restates its comments that it made in respect of Jiangsheng’s powder coating costs, namely⁴:

“Again, as the raw material cost accounts for the vast majority of weighted average CTM for aluminium micro-extrusions, the powder coating cost does not have a material impact as a percentage of the total CTM for the goods.”

These comments confirm that the Commission has been presented with “average” powder coating costs applicable to all of the aluminium extrusions produced by Zhongya and allocated by weight of aluminium micro-extrusions manufactured by Zhongya. This methodology is incorrect as it substantially undervalues the cost of powder coating of micro-extrusions. Additionally, Alushapes has demonstrated to the Commission that the cost of powder coating of aluminium micro-extrusions is not immaterial – contrary to the Commission’s statements that it is not material when account is made of the exporter’s CTM.

The Commission has accepted Zhongya’s cost information as supplied in its EQR as reliable. This acceptance is due to the Commission’s unfamiliarity of the aluminium micro-extrusion manufacturing process and the correct allocation of costs on a fully absorbed basis. Allocations have been made by Zhongya on the basis of average costs across all of its aluminium extrusions production range – an approach that is incorrect and materially understates the actual cost of production for aluminium micro-extrusions.

11. Correct or preferable decision

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.

Alushapes submits that the correct and preferable decision is that the exporters’ costs (for both Jiangsheng and Zhongya) do not reflect competitive market costs for aluminium micro-extrusions and normal values for the exporters should not have been determined under subsection 269TAC(2)(c) based upon the constructed cost methodology. Normal values for Jiangsheng and Zhongya should have been determined under subsection 269TAC(6) utilizing information provided by Alushapes as to the actual costs of producing aluminium micro-extrusions and actual out-sourced costs for powder-coating.

Accordingly, Alushapes submits that the decision made under subsection 269TDA(1)(b)(i) be revoked and the matter reverted back to the Commission to publish a Statement of Essential Facts at the earliest opportunity.

³ Refer EPR Document 8.

⁴ Report 542, P. 33.

12. Grounds in support of the decision

Set out how the grounds raised in Question 10 support the making of the proposed correct or preferable decision.

The grounds addressed in question 10 support the making of the proposed correct or preferable decision by demonstrating that the information relied upon in the exporters' EQRs was not the actual cost to manufacture the subject goods (and was based upon allocations over a broader range of non-subject goods).

13. Material difference between the decisions

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

The proposed decision is materially different to the reviewable decision, as the proposed decision involves the determination that the exported goods were at dumped levels and that notices under Sections 269TG(1) and (2) of the Act are required.

C. Request

The decision of the Commissioner to terminate Investigation 542 is a reviewable decision under s.269ZZN. Alushapes is an interested party to Investigation 542 and was the applicant for anti-dumping measures on micro-extrusions exported from China.

Alushapes considers that it has detailed the relevant considerations in its grounds for appeal that demonstrate the Commissioner's decision concerning the determination of normal values for the two cooperative Chinese exporters is not the correct or preferable decision. The correct and preferable decision is detailed in 11 above.

The ADRP is requested to conduct a review of the Commissioner's termination decision and revert the matter back to the Commissioner for re-commencement of an investigation to then arrive at a Statement of Essential Facts involving the determination of normal values on relevant information as to the fully absorbed cost to make and sell micro-extrusions in China (and not based upon average costs for goods that fall outside the goods coverage in the investigation).



Customs Act 1901 – Part XVB

ANTI-DUMPING NOTICE NO. 2021/38

**Aluminium micro-extrusions exported to Australia
from the People’s Republic of China**

**by Guangdong Jiangsheng Aluminium Co Ltd
and Guangdong Zhongya Aluminium Co Ltd**

Termination of Investigation No. 542

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

On 17 February 2020, Mr Dale Seymour, the then Commissioner of the Anti-Dumping Commission, initiated an investigation into the alleged dumping of aluminium micro-extrusions (the goods) exported to Australia from the People’s Republic of China by Guangdong Jiangsheng Aluminium Co Ltd and Guangdong Zhongya Aluminium Co Ltd, following an application lodged by Aluminium Shapemakers Pty Ltd under section 269TB(1) of the *Customs Act 1901* (the Act).¹

Public notice of the then Commissioner’s decision to not reject the application and to initiate the investigation (Anti-Dumping Notice No. 2020/13 refers) was published on 17 February on the Anti-Dumping Commission (Commission) website (www.adcommission.gov.au).

As a result of the Commission’s investigation, I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission, am satisfied that:

- there has been no dumping by Guangdong Jiangsheng Aluminium Co Ltd from China of any of the goods subject of the application and therefore, terminate the investigation in accordance with section 269TDA(1)(b)(i) of the Act, so far as it relates to Guangdong Jiangsheng Aluminium Co Ltd; and
- there has been no dumping by Guangdong Zhongya Aluminium Co Ltd from China of any of the goods subject of the application and therefore, terminate the investigation in accordance with section 269TDA(1)(b)(i) of the Act, so far as it relates to Guangdong Zhongya Aluminium Co Ltd.

In making the decision to terminate this investigation, I have had regard to the application, submissions from interested parties and *Termination Report No. 542*.

¹ On 10 February 2021, the Minister for Industry, Science and Technology appointed Dr Bradley Armstrong as the new Anti-Dumping Commissioner. Mr Dale Seymour finished his position as Commissioner on 18 February 2021.

Termination Report No. 542, which sets out my reasons for the termination decisions, including the material findings of fact or 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 this decision to terminate the investigation by lodging an application with the Anti-Dumping Review Panel in the approved form and manner within 30 days of the publication of this notice.

Enquiries about this notice may be directed to the case manager on telephone number (03) 9268 7969 or via email at: investigations1@adcommission.gov.au

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

17 March 2021