



ANTI-DUMPING NOTICE NO. 2014/88

Certain Aluminium Extrusions

Exported from the People's Republic of China

Initiation of an Accelerated Review

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain aluminium extrusions exported to Australia from the People's Republic of China, in so far as they relate to a new exporter Huzhou Dulun Metal Products Co., Ltd. (Dulun).

The lodgement date of 12 August 2014 is the commencement date of the accelerated review.

The Goods

The goods subject to anti-dumping measures, in the form of dumping and countervailing duty notices 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").

The applicant provided further details as follows:

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) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are subject to 5% Customs duty.

The goods subject to the measures do not include 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.

Existing measures

The anti-dumping measures were initially imposed by public notice on 28 October 2010 by the then Attorney-General following consideration of the *Trade Measures Branch Report No. 148* (REP 148). These measures are applicable to all exporters from China.

Following a review by the then Trade Measures Review Officer, Australian Customs and Border Protection Service (ACBPS) conducted a reinvestigation into certain findings made in REP 148 in August 2011. *International Trade Remedies Report No. 175* sets out the findings affirmed and new findings made by ACBPS as a result of the reinvestigation.

The recommendations included in the report were to vary the dumping and countervailing duty notices to increase the rate of interim dumping duty (IDD) for residual exporters of aluminium extrusions with 'mill' and 'anodised' finish, and remove IDD for Zhaoqing New Zhongya Aluminium Co Ltd. The rate of interim countervailing duty remained unchanged.

To give effect to this decision, the then Attorney-General published revised dumping and countervailing duty 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 revised notices came into effect on 27 August 2011.

The duty that had been determined in REP 148 was an amount worked out in accordance with the combination of fixed and variable duty method.

The current review

On 12 August 2014, Transways International Logistics, on behalf of Dulun lodged an application under section 269ZE of the Act for an accelerated review of the dumping and countervailing duty notices in relation to the goods exported to Australia from China by Dulun.

Following consideration of the application, I have decided not to reject the application. Further detail on the consideration of the application is contained in the *Anti-Dumping Commission Consideration Report No. 265*.

Having regard to the expedited nature of an accelerated review, the Anti-Dumping Commission (the Commission) considers that it is not the mechanism to reassess certain aspects of the anti-dumping measures applying to aluminium extrusions. This accelerated review will not:

- reassess findings as to whether or not a market situation exists such that sales in that market are not suitable for use in determining normal value;
- reassess countervailable subsidies other than those already subject to a countervailing duty notice; or
- reassess other substantive methodological matters where those matters have been considered in the original investigation.

After concluding the accelerated review a recommendation will be made to the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) that the dumping and countervailing duty notices:

- i. remain unaltered; or
- ii. be altered so as not to apply to the applicant; or
- iii. be altered so as to apply to the applicant as if different variable factors had been fixed.

If recommending to the Parliamentary Secretary that different variable factors be applied to the applicant, I may propose a change in the method to determine the duty. The amount could be worked out in accordance with the combination of the fixed and variable duty method, the floor price duty method, the fixed duty method, or the *ad valorem* duty method.

Public Record

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of transparency, a public file for this accelerated review has been opened and may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is accessible at www.adcommission.gov.au.

The public record will contain, among other things, a copy of the application, the consideration report, and submissions from interested parties.

Securities

I have made a declaration under subsection 269ZH(b) to ensure securities are taken for the period of the review in respect of interim dumping and countervailing duty that may be payable on importation of aluminium extrusions from 12 August 2014. The effective rate of duty has been determined in accordance with the combination of fixed and variable duty method.

Lodgment of submissions

Interested parties are invited to lodge written submissions no later than the close of business on 11 October 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 (03) 9244 8902 or +61 3 9244 8902 (outside Australia).

Interested parties wishing to participate in the accelerated 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 preparation of the report to the Parliamentary Secretary.

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 must lodge a non-confidential version, or a summary of their submission, in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Report to the Parliamentary Secretary

Submissions received by 11 October 2014 will be taken into account in preparing the report and recommendations to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before 20 November 2014.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case management team by email to operations4@adcommission.gov.au, by telephone (03) 9244 8225, or fax (03) 9244 8902 or +61 3 9244 8902 (outside Australia).

Dale Seymour
Commissioner
Anti-Dumping Commission

11 September 2014