

1. Provide details of the name, street and postal address, of the applicant seeking the inquiry.

The name of the applicant company is Capral Limited ("Capral"). Capral's registered head office is located at:

Level 4,
60 Phillip Street
Parramatta NSW 2150.

ABN: 78 004 213 692

Postal address:

PO Box 209
Parramatta CBD BC NSW 2124

2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and email address.

The relevant contact person (and contact details) at Capral is as follows:

Mr Luke Hawkins
General Manager
Supply and Industrial Solutions
Capral Limited
Level 4, 60 Phillip Street
Parramatta NSW 2150
Tel: (02) 8222 0113
Fax: (02) 8222 0130
Email: luke.hawkins@capral.com.au

Capral's representative:

Mr John O'Connor
John O'Connor and Associates Pty Ltd
P.O. Box 329
Coorparoo QLD 4151
Tel: (07) 3342 1921
Email: jmoconnor@optusnet.com.au

3. Provide known names, addresses, telephone and facsimile numbers of other parties likely to have an interest in this matter, e.g., Australian manufacturers, importers, exporters and end users.

Please refer to Part 6 of this application that identifies Chinese and Malaysian exporters of the aluminium extrusions, that may be the subject of transshipment activities. Capral does not allege that the transshipment activities are limited to the identified exporters.

Australian manufacturers that would have an interest in this matter are listed below.

Company	Address	Telephone/Fax
Almax Aluminium Pty Ltd	87 Trade Street Lytton QLD 4178 http://www.almax.net.au	Tel: 07 3906 6000 Fax: 07 3906 6066
Aluminium Profiles Australia Pty Ltd (APA)	25-31 Licola Crescent Dandenong South VIC 3175 http://www.aluminiumprofiles.com.au	Tel: 03 9768 5000 Fax: 03 9768 5050
Aluminium Shapemakers Pty Ltd (AluShapes)	7 Warringah Close Somersby Industrial Park Somersby NSW 2250 http://www.alushapes.com.au	Tel: 02 4340 4344 Fax: 02 4340 4348
Extrusions Australia Pty Ltd	25-28 Andretti Court Truganina VIC 3026 http://www.extrusions.com.au	Tel: 03 8348 9300 Fax: 03 8348 9301
G James Extrusion Co Pty Ltd	1082 Kingsford Smith Drive Eagle Farm QLD 4009 http://gjames.com	Tel: 07 3877 2833 Fax: 07 3877 2890
Independent Extrusions Pty Ltd (Inex)	33-39 Licola Crescent Dandenong South VIC 3175 http://www.inex.co.nz	Tel: 03 9768 0000 Fax: 03 9768 2748
Olympic Aluminium Co Pty Ltd	606 Ballarat Road Sunshine VIC 3020 http://www.olympicaluminium.com	Tel: 03 8361 2122 Fax: 03 9363 6643
Ullrich Aluminium Pty Ltd	20 Ron Boyle Crescent Carole Park QLD 4300 http://www.ullrich.com.au	Tel: 07 3718 1400 Fax: 07 3271 1230

4. Provide a description of the kind of goods that are the subject of the original notice.

The description of the goods as detailed in the original notice is as follows:

Aluminium extrusions that:

- *are produced by an extrusion 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);*
- *have 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 0.5 mm;*
- *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.*

5. Provide a description of the original notice, including:

- whether the notice was a dumping and/or countervailing notice;
- the tariff classification/s of the goods;
- the countries and/or exporters covered by the notice; and
- the date of publication of the notice.

The original notice published following Investigation No. 148 involved the publication of a dumping duty notice under subsections 269TG(1) and (2), and a countervailing duty notice under subsection 269TJ(1) and (2).

Both notices were published on 28 October 2010 and include all exporters of aluminium extrusions from China except Tai Ao Aluminium Tai Shan Co., Ltd and Guangdong Zhongya Aluminium Company Limited.

6. Provide a detailed statement regarding the circumvention activities in relation to the original notice that you consider have occurred. Applicants must provide evidence to support your view that there are reasonable grounds for asserting that one or more circumvention activities in relation to the notice have occurred.

(i) Circumvention activity

Section 269ZDBB sets out the relevant circumvention activity that relates to a notice published under subsections 269TG(2) or 269TJ(2) of the Customs Act. Specifically, subsection 269ZDBB(4) describes a circumvention activity concerning the export of goods the subject of measures through one or more third countries. Subsection 269ZDBB(4) states the following:

Circumvention activity, in relation to the notice, occurs if the following apply:

- (a) *Goods (the circumvention goods) are exported to Australia for a foreign country in respect of which the notice does not apply;*

- (b) *Before that export, there were one or more other exports of the goods from a foreign country to another foreign country;*
- (c) *The first of those other exports was from a foreign country in respect of which the notice applies;*
- (d) *The circumvention goods would be the subject of the notice if they were exported to Australia by an exporter in respect of which the notice applies;*
- (e) *Section 8 or 10 of the Dumping Duty Act, as the case requires, does not apply to the export of the circumvention goods to Australia.*

The following statement details that the goods (i.e. aluminium extrusions) exported to Australia from China are the subject of anti-dumping and countervailing duties. The goods have been transhipped through countries including Malaysia (where measures did not apply prior to October 2016) and Thailand, and avoided the applicable measures.

Anti-dumping and countervailing measures were imposed on exports of aluminium extrusions from China in October 2010. Exports from China have continued since the imposition (and continuation of measures). Capral has been alerted to the practice of 'transhipping' of Chinese exports of aluminium extrusions to Australia via Malaysia and, more recently, Thailand.

Capral first became aware of the transshipment practice in 2015. Limited information was available at that time, however, the [type of business] company actively promoting the 'service' to 'avoid' anti-dumping duties was known as [company name].

Initially, [company] contacted importing parties affected by anti-dumping duties and indicated that it could purchase goods (including aluminium extrusions) from China and re-export from countries including Malaysia, Taiwan, Indonesia, Thailand, Philippines, Bangladesh. Upon export to the transshipping country, the goods would be transferred from the original container, and a new country of origin certificate, bill of lading (sic), packing list and company invoice nominating the transshipment company, would be issued (refer Confidential Attachment 1).

A detailed description of the re-packaging of the transhipped cargo is discussed as per the "[Description of arrangements]" at Confidential Attachment 2. The details addressed include the origin marks on the shipping packaging which include, for example 'Made in [country]'; the [procedures] including the transloading in the transhipped country; and the shipping documents and procedures for the re-exporting entity.

Initial contact by a party with [company] is contained at Confidential Attachment 3.

The communications with [company] ceased for an approximate twelve-month period, before re-connection occurred (date) confirming the transshipment practice was ongoing (Confidential Attachment 4).

The Australian industry was contacted in May 2017 by [company] indicating that it was aware of the anti-dumping measures applicable to exports of aluminium extrusions from China and that it could arrange for the transshipment of Chinese-originating aluminium extrusions via [country] (Confidential Attachment 5). A similar document titled (Operational procedure for the transshipment" of the goods via [country] was provided (Confidential Attachment 6). This document and the procedures detailed for exports via [country] at Confidential Attachment 2 are similar.

Template certificates of origin for [country] and [country] are included at Confidential Attachments 7 and 8, respectively.

[Company] quotation for the organisation and facilitation of the transshipment process, per container is attached at Confidential Attachment 9.

In response to an inquiry as to whether aluminium extrusions have been transhipped, confirmation of the port of loading as [port], China and the transshipment ports of [various ports and countries] are confirmed (Confidential Attachment 10). The communications confirm that [company] has identified an "aluminium factory in [country] to support the docs for transshipment",

indicating that a [country] aluminium or aluminium extrusions company is working with [company] on the arrangement.

Inquiries made of [company] confirms a Chinese aluminium extrusions supplier –[supplier] as the Chinese supplier that can supply product directly to an Australian customer, as required (Confidential Attachment 11). The response also identifies a [country] trading company linked to [company] – [company].

The Transshipment activities are not isolated to one freight forwarding company operating out of China only. Confidential Attachment 12 confirms that a further freight forwarding company –[full company name] (“company”) is also involved in similar activities. Communications with [company] at Confidential Attachment 13, and quotation from [company] for ‘trans-loading’ (Confidential Attachment 14).

A further entity involved in “[transshipment activity] Solutions” is a company titled ‘[full company name]’ (“company”) of [country] (refer Confidential Attachment 16). This company also claims to have a ‘contractual partner’ located in [country] that can assist it with the transshipment of Chinese goods (including aluminium extrusions) via a [country] company that would appear as the shipper of the goods exported to Australia. [Company] claims to be able to assist with the ‘re-packing and re-labelling service’ denoting country of origin as [country] (replacing China).

Communications with [company] confirm that it has an Australian consignee –[Australian company] that has purchased Chinese origin aluminium extrusions transhipped via [country] (Confidential Attachment 17). A copy of the Certificate of Origin used by [Australian company] (attempt at redaction) is at Confidential Attachment 18. The certificate of origin (for country) shows that the exporter is as follows:

[full name and address of company]

A search of the exporter confirms that [company] is a [country] manufacturer of [products].

Capral has identified a further organisation –[full company name] of [country] that is also involved in transshipment activities via [country] and [country] (refer Confidential Attachments 19 to 21), with accompanying template Certificates of Origin for [country] and [country] (Confidential Attachments 22 and 23).

(ii) Transshipment – identification by Australian distributor

Evidence of the transshipment activities of Chinese aluminium extrusions exported via [country] are confirmed in the attached communication received from a distributor on the Australian market (refer Confidential Attachment 15).

The communications confirm that Chinese aluminium extrusions have been evading anti-dumping measures with [transhipped country] labels claiming the goods were manufactured in [country]. This practice, it is alleged, has been going on ‘for some time’.

(iii) Avoidance of duties

Capral submits that the available evidence confirms that Chinese aluminium extrusions have been transhipped via countries including [country] and [country] to avoid the intended purposes of the anti-dumping and countervailing measures applied by the Minister. The circumvention activity (i.e. transshipment) is continuing the injury to the Australian industry that the measures are intended to prevent.

The information included in this circumvention application is sufficient for the Anti-Dumping Commission to commence a formal investigation into circumvention activities involving aluminium extrusions manufactured in China. It is important to the viability of the Australian aluminium extrusions industry that imported goods have the correct certificates of origin and, where applicable, the correct anti-dumping and countervailing duties are applied.

7. Provide a description of the alterations to the original notice that you consider should be made.

Capral is concerned that imports into Australia have been entered (at the time of importation) and declarations incorrectly made as to the country of origin of those goods and thereby any anti-dumping and countervailing measures which correctly apply, have been avoided.

Capral considers that the notices may require amendment in identifying exporters of transhipped goods that originated in China so that applicable measures (as if the goods were correctly entered as of Chinese origin) may be applied.