



## **ANTI-DUMPING NOTICE NO. 2014/21**

### **Certain aluminium extrusions**

### **Exported to Australia from the People's Republic of China**

### **Initiation of an exemption inquiry**

#### ***Customs Tariff (Anti-Dumping) Act 1975***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated an exemption inquiry in relation to certain goods the subject of anti-dumping measures applying to certain aluminium extrusions exported to Australia from the People's Republic of China (China).

The exemption category being sought is under paragraphs 8(7)(b) and 10(8)(aa) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under these provisions the Parliamentary Secretary to the Minister for Industry (the Parliamentary Secretary) may exempt goods from interim dumping and countervailing duties where he is satisfied:

‘that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.’

#### **The Anti-Dumping Measures**

Anti-dumping measures, in the form of dumping and countervailing duty notices were initially imposed on aluminium extrusions by public notice on 28 October 2010 by the relevant Minister following consideration of the *International Trade Remedies Branch Report to the Minister No. 148* (REP 148). These measures apply as follows:

- a dumping duty notice in respect of aluminium extrusions exported by all exporters from China (other than Tai Ao Aluminium Tai Shan Co Ltd); and
- a countervailing duty notice in respect of aluminium extrusions by all exporters from China (other than Tai Ao Aluminium Tai Shan Co Ltd).

Following a review by the Trade Measures Review Officer, the Australian Customs and Border Protection Service (Customs and Border Protection) conducted a reinvestigation into certain findings made in REP 148. *International Trade Remedies Report to the Minister 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 a new notice under s. 269ZZM of the *Customs Act 1901* (the Act). This notice, effective from 27 August 2011, replaced the dumping and countervailing duty notices published on 28 October 2010.

The effect of the new notice was that the level of the measures changed and the dumping duty notice no longer applied to Zhaoqing New Zhongya Aluminium Co Ltd.

Several parties sought judicial review<sup>1</sup> of various decisions made by the Attorney-General in respect of the aluminium extrusion investigation. As a result of the Federal Court's decision in that matter, the Attorney-General's notice of 27 August 2011, does not apply to Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd and PanAsia Aluminium (China) Limited (refer ADN 2013/80).

The Anti-Dumping Commission is currently conducting a review of the anti-dumping measures on aluminium extrusions exported from China as they relate to a single exporter, Alnan Aluminium Co. Limited (Alnan). The final report is due to be provided to Parliamentary Secretary on 16 April 2014.

### **The Exemption Goods**

The exemption goods the subject of the exemption inquiry are aluminium extrusions meeting specific characteristics covered by Tariff Concession Order 1331293 ("the exemption goods").

The applicant provided further details as follows:

Aluminium extrusion profiles, extruded, conforming to Australian Aluminium Specification 7005 T593 (AAS 7005 T593), having all:

- (a) Minimum cross sectional dimension not less than 6mm and not greater than 450mm;
- (b) Minimum ultimate tensile strength not less than 350 MPa; and
- (c) Minimum yield tensile strength not less than 300 MPa.

The exemption goods are currently classified to the tariff subheading 7604.29.00 (statistical code 09) of Schedule 3 to the *Customs Tariff Act 1995*. These exemption goods are subject to 5% Customs duty.

The exemption inquiry will examine whether the exemption goods the subject of the application satisfy the conditions of paragraphs 8(7)(b) and 10(8)(aa) of the Dumping Duty Act.

### **The Current Inquiry**

An application has been made to the Parliamentary Secretary for an exemption for the exemption goods from interim dumping and countervailing duties under the Dumping Duty Act. The application was lodged by P&O Aluminium (Sydney) Pty Ltd.

---

<sup>1</sup> Panasia Aluminium (China) Limited v Attorney-General of the Commonwealth [2013] FCA 870.

After making inquiries of the Australian industry producing aluminium extrusions, I will recommend to the Parliamentary Secretary whether or not the goods covered by the application for exemption should be exempted from the anti-dumping measures.

### **Public Record**

There is no legislative requirement to maintain a public file for exemption inquiries. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public file for this inquiry has been opened and may be examined at the Anti-Dumping Commission (the Commission) office by contacting the case manager on the details provided below. Alternatively, the public record is accessible at [www.adcommission.gov.au](http://www.adcommission.gov.au)

The public record will contain, among other things, a copy of the application and a copy of all submissions from interested parties lodged by the due date below.

### **Lodgment of submissions**

Interested parties are invited to lodge written submissions concerning this inquiry, no later than the close of business on **14 April 2014**, addressed to:

The Director  
Operations 1,  
Anti-Dumping Commission  
5<sup>th</sup> Floor, Customs House  
5 Constitution Avenue  
Canberra ACT 2601

or email [Operations1@adcommission.gov.au](mailto:Operations1@adcommission.gov.au), or fax to 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the inquiry 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.

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 in the timeframe stated above will be taken into account in completing the report and recommendation to the Parliamentary Secretary. There is no legislated timeframe for this process.

**Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 6403, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or email [Operations1@adcommission.gov.au](mailto:Operations1@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

14 March 2014