



ANTI-DUMPING NOTICE NO. 2014/31

Certain aluminium extrusions exported from the People's Republic of China

Initiation of an anti-circumvention inquiry into avoidance of the intended effect of duty

Customs Act 1901 – Part XVB

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

This follows an application lodged with the Anti-Dumping Commission (Commission) by Capral Limited (Capral), a manufacturer of aluminium extrusions in Australia. Capral claims that circumvention activity in the form of avoidance of the intended effect of duty, by way of "sales at a loss", has occurred. The application was lodged in accordance with section 269ZDBD of the *Customs Act 1901* (the Act).

Pursuant to section 269ZDBE of the Act, I have examined the application and have not rejected the application for the conduct of an anti-circumvention inquiry.

The circumvention goods

The goods, subject of the anti-circumvention inquiry (circumvention goods), are aluminium extrusions produced by 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 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 do not extend to 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.

The goods are classified to the tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:

- 7604.10.00 – statistical code 06;
- 7604.21.00 – statistical code 07 and 08;
- 7604.29.00 – statistical code 09 and 10;
- 7608.10.00 – statistical code 09;
- 7608.20.00 – statistical code 10;
- 7610.10.00 – statistical code 12; and
- 7610.90.00 – statistical code 13

The rates of duty for the goods from China are 4% for goods classified to headings 7604 and 7608 and 5% for goods classified to heading 7610.

The anti-circumvention inquiry

A notice advising the initiation of this inquiry was published in *The Australian* on 14 April 2014.

Consideration Report No. 241 (CON 241) contains the background to this inquiry, details of the application and the Commission's assessment of the application in accordance with legislation. It is available on the Commission's website, www.adcommission.gov.au.

The anti-circumvention inquiry will examine whether any of the following importers:

- P&O Aluminium (Brisbane) Pty Ltd;
- P&O Aluminium (Melbourne) Pty Ltd;
- P&O Aluminium (Perth) Pty Ltd;
- P&O Aluminium (Sydney) Pty Ltd; or
- Oceanic Aluminium Pty Ltd;

have engaged in circumvention activity that avoids the intended effect of duty, as outlined in subsection 269ZDBB(5A) of the Act. Capral alleges that the circumvention goods have been imported from PanAsia Aluminium (China) Limited from China.

The goods exported to Australia during the period 1 January 2013 to 31 December 2013 will be examined to determine whether the circumvention activity has occurred.

Unless the inquiry is terminated earlier, after concluding the inquiry, I will recommend to the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) that the original duty notices in respect of aluminium extrusions:

- (i) remain unaltered; or
- (ii) be altered following a finding that circumvention activity in relation to the original notices has occurred.

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry, no later than the close of business on

24 May 2014, addressed to Director, Operations 3, by email acu@adcommission.gov.au, by fax to + 61 3 9244 8902 or by post:

Anti-Dumping Commission
Customs House
1010 La Trobe Street
DOCKLANDS VIC 3008

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 if to do so would, in my opinion, prevent the timely placement of the final report on the public record.

The Commission will maintain a public record of each inquiry. The public record will contain, among other things, a copy of all submissions from interested parties. Interested parties making submissions must also provide a non-confidential version for public record.

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").

Public Record

It is a legislative requirement to maintain a public record, which may be examined at the Commission office by contacting the Director, Operations 3 using the contact 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 non-confidential version of the application, CON 241 and a copy of all submissions from interested parties.

A summary of the anti-circumvention inquiry process and other relevant reference materials are also available on the Commission's website.

Report to the Parliamentary Secretary

Submissions received in response to this notice will be taken into account in completing the report and recommendations to the Parliamentary Secretary.

A recommendation to the Parliamentary Secretary will be made in a report on or before **23 July 2014** (or such later date as the Parliamentary Secretary may allow).

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Director, Operations 3 on telephone number +61 3 9244 8901, fax number +61 3 9244 8902 or email acu@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

14 April 2014