

Application for Accelerated Review

on dumping and countervailing duties of
Aluminium Extrusions
from Zhaoqing Xinlianchang Metal Corporation Ltd.



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By email and first class mail

**Subject: Application for Accelerated Review on dumping and countervailing duty
of Aluminium Extrusions exported by Zhaoqing Xinlianchang Metal
Corporation Ltd. from China**

Dear Sirs/Madams,

With regard to the current anti-dumping and countervailing duty measure on aluminium extrusions exported from China, we, on behalf of our client, Zhaoqing Xinlianchang Metal Corporation Ltd. (the Applicant), according to Division 6 of Part XVB of the *Customs Act 1901* (the Act), hereby apply for accelerated review by Australian Anti-dumping Commission (the Commission).

The Applicant is an manufacturer and exporter of the subject merchandises. It has exported and shipped aluminium extrusions to Australia on May, 2014. Its address is: Linjiang Industry Zone, Zhaoqing High-tech Area, Zhaoqing, Guangdong, China.

The Applicant didn't export the subject goods to Australia at any time during the period starting at the start of the original investigation period (1 July 2008), and ending immediately before the day the CEO places on the public record the statement of essential facts (1 March 2010). (s. 269T)

1. Existing measures

On 11 May 2009 a dumping investigation into aluminium extrusions exported from China was initiated following an application by Capral Limited (Capral). In that investigation, and as outlined in Trade Measures Report No. 148, it was found that:

- with the exception of one exporter, Tai Ao (Taishan) Co., Ltd (Tai Ao), the

- goods were exported from China at dumped prices;
- with the exception of Tai Ao, the goods exported from China were subsidised;
- the Australian industry producing like goods had suffered material injury as a result of those dumped and subsidised goods; and
- future exports of China may be dumped and subsidised and that continued dumping and subsidisation may cause further material injury to the Australian industry.

Accordingly, it was recommended that the Attorney-General impose anti-dumping measures on the goods exported from China. On 28 October 2010, the Attorney-General published dumping and countervailing duty notices for aluminium extrusions exported to Australia from China. Notification of the Attorney-General's decision was given in Australian Customs Dumping Notice No. 2010/40.

Following a review by the Trade Measures Review Officer, Customs and Border Protection conducted a reinvestigation into certain findings made in Trade Measures Branch Report No. 148. International Trade Remedies Report 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 these decisions the Attorney-General published new notices under section 269ZZM. These notices substitute the dumping and countervailing duty notices published on 28 October 2010. The new notices came into effect on 27 August 2011, replacing the earlier notices.

We further noticed that the Commission has initiated a review of anti-dumping measures of aluminium extrusions, on June 12, 2014, ADN. 2014/46. The review period is from 1 April 2013 to 31 March 2014. The Applicant exported the subject goods on May of 2014. Thus, it is not covered by this review.

2. The goods

The goods subject to the current anti-dumping measures (the goods) 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 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 may be classified to 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) in Schedule 3 of the Customs Tariff Act 1995.

The goods that the Applicant exported to Australia are covered by the above description.

3. Basis for this application

According to Section 269ZF of the Act, it is stated that:

“An application for accelerated review must be in writing, be lodged in accordance with subsection (2), and contain:

...

(b) a statement of the basis on which the exporter considers that the particular notice is inappropriate so far as the exporter is concerned.”

In the original investigation period (1 July 2008 to 30 June 2009), the LME price of prime aluminium is consistently higher than the domestic purchase price of Chinese exporters. However, in the recent 12 months (1 July 2013 to 30 June 2014), the subject LME price has been reversed, which is generally lower than the Chinese domestic price. This has significant affection to the dumping and countervailing margin calculation.

Additionally, the average LME price of prime aluminium during the original investigation period, in absolute term, is about 5% lower than that in the recent 12 months. This leads to a reasonable expectation that the Ascertained Normal Value will be lower accordingly.

Lastly, we also tested the dumping and countervailing margin with the methodology as adopted in ITR 148, and found out that no dumping and countervailing is attributable to the Applicant. This further makes us believe an accelerated review is necessary.

4. Manner of lodgment

This application will be sent by email “*at a place allocated for lodgment of accelerated*

review applications” (Section 269ZF(2)(a)), and also “*by posting it by pre paid post to a postal address*” (Section 269ZF(2)(b)) as the following:

The National Manager - Operations
Anti-Dumping Commission
Customs House
1010 Latrobe St
Docklands VIC 3008

We wish our application could be accepted at the earliest. Should you have any further questions, please do not hesitate to contact me directly.

Marco HU
Dacheng Law Offices

July 21, 2014