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*Customs Act 1901 – Part XVB*

## **Anti-Dumping Notice No. 2017/38**

### **Certain Aluminium Extrusions**

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

### **Initiation of a Review of Anti-Dumping Measures**

### **Notice under subsection 269ZC(5) of the *Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures (in the form of a dumping duty notice and a countervailing duty notice) applying to certain aluminium extrusions ('aluminium extrusions' or 'the goods') exported to Australia from the People's Republic of China (China). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures as they affect exporters of the goods from China generally, have changed.

#### **The goods**

The goods subject to anti-dumping measures 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 subject to the anti-dumping 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.

The goods are currently classified to the following tariff subheadings and statistical codes in Schedule 3 to the *Customs Tariff Act 1995*:

<b>Tariff subheading</b>	<b>Statistical code</b>
7604.10.00	06
7604.21.00	07, 08
7604.29.00	09, 10
7608.10.00	09
7608.20.00	10
7610.10.00	12
7610.90.00	13

These tariff classifications and statistical codes may include goods that are both subject and not subject to the review. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods the subject of this review.

### **Background to the anti-dumping measures**

The anti-dumping measures were initially imposed by public notice on 28 October 2010 following the publication of *Trade Remedies Branch Report No. 148*.

On 20 October 2015, in response to the findings of *Continuation Inquiry No. 287*, the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science continued the measures for a further five years, until 28 October 2020.

The current anti-dumping measures are applicable to all exporters from China, with the exception that the dumping duty notice and countervailing duty notice does not apply to Tai Ao Aluminium Tai Shan Co., Ltd and the dumping duty notice does not apply to Guangdong Zhongya Aluminium Company Limited.

A history of anti-dumping measures relating to aluminium extrusions exported to Australia from China is provided in *Anti-Dumping Commission Consideration Report No. 392* (CON 392) available on the Anti-Dumping Commission's (Commission) website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

### **The current review**

Four separate applications have been made under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the variable factors relevant to each applicant's respective exports of aluminium extrusions from China to Australia. The applications were lodged by the following four exporters of the goods:

- Guangdong Haomei Aluminium Co., Ltd,
- Guangdong YaoYinShan Aluminium Co., Ltd,
- PanAsia Aluminium (China) Co., Ltd; and
- Guangdong Jinxiecheng AL Manufacturing Co., Ltd

Following consideration of these applications, I decided not to reject them. Further, I considered that the reviews applied for should be extended to all exporters of the goods currently subject to anti-dumping measures. Therefore, pursuant to subsection 269ZC(4)(b) of the Act, I recommended to the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary)<sup>1</sup> that the reviews be extended accordingly.

The Parliamentary Secretary accepted my recommendation and requested that I undertake a review as recommended. Accordingly, I will undertake a review of the anti-dumping measures as they affect all exporters of the goods exported to Australia from China.

Particulars of the reasons for the decision to undertake this review are shown in CON 392 which has been placed on the public record on the Commission's website.

The review period is 1 January 2016 to 31 December 2016. The review will examine whether the variable factors relevant to the taking of the anti-dumping measures have changed.

After concluding the review, I will recommend to the Parliamentary Secretary that the dumping duty notice and countervailing duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that the anti-dumping measures are no longer warranted, that party may lodge an application<sup>2</sup> no later than 1 May 2017<sup>3</sup> to request that I consider that evidence to extend the review of the anti-dumping measures to include revocation.

### **Future reviews**

Under subsection 269ZA(2) of the Act, an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measures or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of anti-dumping measures in relation to the dumping duty notice and countervailing duty notice that are the subject of this review cannot be made for a period of 12 months.

### **Public record**

A public record must be maintained for each review. The public record must contain, among other things, a copy of all submissions from interested parties.

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<sup>1</sup> On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this review the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

<sup>2</sup> In accordance with section 269ZCA of the Act.

<sup>3</sup> In accordance with subsection 269ZCB(1)(a) of the Act. The legislated due date is 29 April 2017, however because this falls on a Saturday the effective due date is the next business day, 1 May 2017.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

### **Lodgment of submissions**

Interested parties, as defined in subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on 1 May 2017, preferably by email to [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au) or by mail addressed to:

The Director  
Operations 3  
GPO Box 1632  
Melbourne VIC 3001

Alternatively submissions can be made via fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (SEF) on the 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 making submissions must also provide a non-confidential version for the public record (clearly marked "PUBLIC RECORD").

### **Sampling of exporters**

I propose to make findings on the basis of the information obtained from an examination of a selected number of exporters as outlined at [Attachment A](#).

### **Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A SEF will be placed on the public record by 11 July 2017, or by such later date as allowed in accordance with subsection 269ZHI(3) of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF

being placed on the public record.

### **Report to the Parliamentary Secretary**

A recommendation to the Parliamentary Secretary will be made in a report on or before 25 August 2017, or by such later date as allowed under subsection 269ZH(3) of the Act.

### **Interested party list**

Throughout the review, the Commission will maintain a list of interested parties. Updates on the review will be sent to parties on this list. If you would like to be added to the interested party list, please email [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

### **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number (03) 8539 2437 or alternatively on (03) 8539 2478; or email at [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

23 March 2017

### Application of sampling provisions

Subsection 269TACAA(1) states that where the number of exporters from a particular country of export in relation to an investigation, review or inquiry is so large that it is not practicable to examine the exports of all of those exporters, then the investigation, review or inquiry may be carried out, and findings may be made, on the basis of information obtained from an examination of a selected number of those exporters who:

- (c) constitute a statistically valid sample of those exporters; or
- (d) are responsible for the largest volume of exports to Australia that can reasonably be examined.

I note that there were over 300 suppliers of the goods listed in the Australian Border Force (ABF) import database during the review period. Given the large number of exporters, it is not practicable to examine the exports of all of those exporters. Accordingly, I will carry out this review on the basis of information obtained from an examination of a selected number of exporters who are responsible for the largest volume of exports to Australia that can reasonably be examined.

### Selected exporters

In this instance, I currently intend to limit the review to an examination of exports by:

- Guangdong Zhongya Aluminium Company Limited;
- PanAsia Aluminium (China) Co., Limited;
- Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd;
- Guang Ya Aluminium Industries Co., Ltd; and
- Guangdong Jinxi Cheng AL. Manufacturing Co., Ltd.

According to data obtained from the ABF import database, the selected exporters represent close to 90 per cent of the volume of the goods (measured by statistical quantity reported in kilograms) exported to Australia from China during the review period.

The Commission will contact the selected exporters directly and invite them to complete an exporter questionnaire with respect to the review period. Certain importers may also be contacted directly and invited to complete an importer questionnaire.

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

If information is submitted by an exporter that is not named above as a selected exporter, the review must extend to that exporter unless to do so would prevent its timely completion. In assessing whether extending the review to that exporter will prevent the timely completion of the review, I may consider the following:

- the level of cooperation from the selected exporters;
- the number of other exporters seeking individual examination; and
- the available resources within the Commission to undertake either on-site or remote verification.

Responses to the exporter questionnaire are due by **1 May 2017**.

## Residual exporters, information request and associated spreadsheets

Exporters of the goods other than the five selected exporters named above are requested to make themselves known to the Commission and provide a basic level of information, via an information request and associated spreadsheets. This information will assist in the review and may assist me to determine which additional exporters to include as selected exporters, if necessary, for example in the event that selected exporters named above do not cooperate with the review.

The information request and associated spreadsheets are available on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

By completing the information request and associated spreadsheets, for the purposes of this review, exporters of the goods will be regarded as 'residual exporters' if their exports are not examined as part of the review and they are not an uncooperative exporter in relation to the review.

In making assessments in relation to the variable factors for residual exporters, the Commission will not calculate:

- export prices that are less than the weighted average of export prices for cooperative exporters; and
- normal values that exceed the weighted average of normal values for cooperative exporters.<sup>4</sup>

The Commission will determine subsidy margins for the residual exporters having regard to the amount of countervailable subsidies received by the selected exporters.

Responses to the information request and associated spreadsheets are due by **1 May 2017**.

## Uncooperative exporters and non-cooperative entities

For the purposes of this review, any exporter who does not cooperate with the review by providing a completed exporter questionnaire response or by providing a response to the information request and associated spreadsheets, may be considered as an uncooperative exporter and/or a non-cooperative entity.

Assessments in relation to the variable factors for uncooperative exporters and non-cooperative entities, will be based on all relevant information.

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<sup>4</sup> Subsection 269TACAB(2) of the Act.