



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Application for a
review of
anti-dumping measures

APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901*(the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- normal value
 export price
 non injurious price
 subsidy

The variable factors review is in relation to:

- a particular exporter - **PanAsia Aluminium (China) Co., Ltd**
 exporters generally

or

2. **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- the dumping duty notice
 the countervailing duty notice
 the undertaking

The revocation review is in relation to:

- a particular exporter (*if so provide name and country details*)
 exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:



Name:

Allan Chan

Position:

Chief Financial Officer

Company:

PanAsia Aluminium (China) Co., Ltd

ABN:

Not applicable

Date:

8 February 2017

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with up to 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the Department of Industry, Innovation and Science's International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (eg are you concerned with the exportation of the goods, the importation of the goods, or part of the Australian industry, or acting on behalf of the Government of an exporting country).
5. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
 - tariff classification
 - the countries or companies

- specified date of publication of the measure

6. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

Applications for review of variable factors

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- in your opinion the causes of the change and whether these causes are likely to persist.

Application for a revocation review

If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.

Include evidence in support of your view that there are reasonable grounds for asserting that the measures are no longer warranted. Refer to the “Guidelines for Preparing an Application for Review of Measures” as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:

- *no dumping or no subsidisation*: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.
- *no injury*: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either::

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- pre-paid post to:
The Commissioner of the Anti-Dumping Commission
GPO Box 1632
Melbourne VIC 3001, or
- facsimile, using the number (03) 8539 2499 or +61 3 8539 2499 **(outside Australia)**

Public Record

During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission’s website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of

the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

**PANASIA ALUMINIUM (CHINA) CO., LTD
APPLICATION FOR REVIEW OF MEASURES**

Required information

Applicant:

PanAsia Aluminium (China) Co., Ltd (“PanAsia Aluminium”)
Tangerine Garden, Guangshan Road,
Licheng Town, Zengcheng, Guangzhou
Guangdong Province, PRC

Contact person:

Name: [REDACTED]
Position: [REDACTED]
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

Name: John Bracic – J.Bracic & Associates
Tel: +61 (0)499 056 729
Address: PO Box 3026, Manuka ACT 2603
Email: john@jbracic.com.au

Other parties supporting this application:

N/A

Applicant’s interest:

PanAsia Aluminium is engaged in the manufacture and exportation of aluminium extrusions from China.

Details of current anti-dumping measures:

Goods description:

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.

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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.

Tariff classification:

The goods are classified to the following tariff subheadings in Schedule 3 to the Customs Tariff Act 1995:

- 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).

Country subject to the notice:

The People's Republic of China

Date of publication of the notice:

On 28 October 2010, the Attorney-General published a dumping duty and countervailing duty notice for aluminium extrusions exported to Australia from China. On 27 August 2011, the Attorney-General published new substituted notices following a reinvestigation.

GROUNDINGS FOR REVIEW

PanAsia Aluminium is requesting a review of the following variable factors:

- ascertained normal values
- ascertained export prices.

ASCERTAINED NORMAL VALUE

Basis for current ascertained normal values

During the previous review of measures applying to aluminium extrusions exported from China (Case 248), which had a nominated review period of 1 April 2013 to 31 March 2014, the Anti-Dumping Commission (Commission) constructed PanAsia's normal values pursuant to subsection 269TAC(2)(c) of the *Customs Act 1901* (the Act) on the basis of the following:

- the average monthly LME official cash price;
- the Major Japanese Ports (MJP) regional premium published on Metal Prices Pty Ltd,
- billet premiums paid by one of the cooperative exporters;
- the conversion costs and selling, general and administrative expenses incurred by PanAsia;
- the weighted average profit achieved by PanAsia on its domestic sales of like goods sold in the ordinary course of trade; and
- certain adjustments specific to PanAsia's circumstances.

Grounds for review of ascertained normal values

Given that the ascertained normal value relevant to the taking of the measures relies on surrogate information for determining the cost of ingot, regional and billet premiums, which when combined represent between [REDACTED]-[REDACTED]% of the constructed normal value, PanAsia intends demonstrating that the variable factor has changed by reference to these key cost inputs.

a) Ingot cost

A comparison of LME official prices during the previous review period (April 2013 - March 2014) and the 12-month period ending December 2016 shows a significant change in average prices between the periods. Using the LME data relied on by the Commission in REP 248, shows that the average price over the review period was approximately US\$ [REDACTED] per tonne. When compared to the average price over the 2016 contemporary period of US\$ [REDACTED] per tonne, it shows that contemporary LME prices are approximately [REDACTED]% lower.

The table below shows monthly LME prices for the two relevant periods.

CONFIDENTIAL TABLE DELETED

Sources: https://www.quandl.com/data/LME/PR_AL-Aluminum-Prices.

Supporting evidence of the change in the LME aluminium ingot prices are at **Confidential Exhibit A**.

b) Major Japanese Ports (MJP) regional premium

A comparison of published and settled CIF MJP aluminium premiums between the amounts determined by the Commission during the previous review period (April 2013 - March 2014) and the 12-month period ending December 2016 also shows a significant change. Using the MJP prices relied on by the Commission in REP 248, shows that the average price over the review period was approximately US\$ [REDACTED] per tonne. When compared to the average price over the

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2016 contemporary period of US\$ [REDACTED] per tonne, it shows that contemporary MJP prices have decreased by approximately [REDACTED] %.

The table below shows CIF MJP aluminium premiums for the two relevant periods.

CONFIDENTIAL TABLE DELETED

Supporting evidence of the change in the MJP premiums are at **Confidential Exhibit B**.

c) Billet premiums

A comparison of the billet premium determined by the Commission during the previous review period (April 2013 - March 2014) and the 12-month period ending December 2016 also shows a significant change. Using the monthly billet premiums relied on by the Commission in REP 248, shows that the average price over the review period was US\$ [REDACTED] per tonne. When compared to the average price over the 2016 contemporary period of US\$ [REDACTED] per tonne, it shows that contemporary billet premiums have decreased by [REDACTED] %.

The table below shows billet premiums for the two relevant periods.

CONFIDENTIAL TABLE DELETED

Supporting evidence of the change in the billet premiums are at **Confidential Exhibit C**.

Change in ascertained normal values

Taking into account the contemporary monthly price of aluminium ingot, MJP aluminium premiums and billet premiums over the 12-month period ending December 2015, and on the basis that all other conversion costs, profit and adjustments remain unchanged, PanAsia has calculated a change in quarterly normal values for the different export models period as outlined in the table below.

CONFIDENTIAL TABLE DELETED

Supporting evidence of the change in the normal values are at **Confidential Exhibit D**.

ASCERTAINED EXPORT PRICE

Basis for current ascertained export prices

During the previous review of measures applying to aluminium extrusions exported from China (Case 248), the Commission determined PanAsia's export prices pursuant to subsection 269TAB(3) of the Act, after having regard and taking into account the findings from the anti-circumvention inquiry (REP 241), which found that unrelated importers were making sales of the imported goods at a loss. As such, the Commission considered the transactions to those import customers to be non-arm's length transactions.

Grounds for review of ascertained export prices

Since the finalisation of the previous review, PanAsia has [REDACTED]

[REDACTED] [Confidential details regarding export operations]. Instead, PanAsia's sales [REDACTED]

[REDACTED] [Confidential details regarding export operations]

[REDACTED] [Confidential details regarding export operations]. On

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the basis of this change in export circumstances, PanAsia has calculated a weighted average free-on-board export price using invoiced prices from export sales made across the 2016 calendar year. Supporting evidence of contemporary export prices are at **Confidential Exhibit E**.

The evidence shows a [REDACTED] % change in the contemporary export price when compared to the current ascertained export price.