



ANTI-DUMPING NOTICE NO. 2018/98

Customs Act 1901 – Part XVB

Certain Aluminium Extrusions

Exported from The People’s Republic of China

Termination of Accelerated Review 475

Anhui Tongxi Jinpeng Aluminium Co., Ltd

Introduction

On 18 April 2018, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, published Anti-Dumping Notice (ADN) No. 2018/58 to notify interested parties that an accelerated review of the anti-dumping measures applying to certain aluminium extrusions (‘the goods’) exported to Australia from The People’s Republic of China (China), in so far as they relate to the new exporter, Anhui Tongxi Jinpeng Aluminium Co., Ltd (Tongxi Jinpeng or ‘the applicant’) had commenced. The application lodgement date of 4 April 2018 was the commencement date of the accelerated review.

Pursuant to subsection 269ZH(b) of the *Customs Act 1901*¹ (the Act), the Commonwealth required securities in respect of interim dumping duty and interim countervailing duty that may be payable on exports of the goods by the applicant for the period of the accelerated review.

ADN No. 2018/58 is available on the Anti-Dumping Commission’s (the Commission’s) website at www.adcommission.gov.au.

Grounds for termination

If, during the course of an accelerated review, I become satisfied that the applicant is refusing to cooperate with any aspect of the review, I may terminate the review under subsection 269ZE(3)(a) of the Act.

On 6 April 2018, the Commission sent a questionnaire to Tongxi Jinpeng, requesting information and data necessary to complete the accelerated review. A response to the exporter questionnaire was due on 13 May 2018. While the exporter questionnaire was returned within the designated timeframe, the Commission observed there to be deficiencies in the information and data provided.

¹ Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901*.

On 17 May 2018, a letter was communicated to Tongxi Jinpeng requesting that the deficiencies be explained or rectified, and where appropriate, revised information and data be made available. Although a response to this letter was received by the required due date (6 June 2018), the Commission determined by way of further email communication with the applicant, that the response was inadequate. More specifically, Tongxi Jinpeng had not separately identified and itemised its cost to make and sell across various model types for the goods it produced for the domestic market, as was originally required in the exporter questionnaire. The applicant was granted until 12 June 2018 to address this deficiency.

On 12 June 2018, the Commission was advised that applicant could not provide amended cost to make and sell data by the required date. In the absence of this information, I am unable to determine a normal value for Tongxi Jinpeng or ascertain whether the dumping duty notice and countervailing duty notice should be altered so as to apply to Tongxi Jinpeng as if different variable factors had been fixed.

Having regard to the above, I am satisfied that the inability of Tongxi Jinpeng to rectify deficient aspects of its returned exporter questionnaire and provide information necessary to complete the accelerated review amounts to a refusal to cooperate with an aspect of the accelerated review under subsection 269ZE(3)(a) of the Act. Therefore, I have terminated the accelerated review in accordance with subsection 269ZE(3)(a) of the Act.

Effect of the termination of the accelerated review

Termination of this accelerated review means that any securities required and taken in relation to the goods exported by the applicant and entered for home consumption from 4 April 2018 will now be converted to interim dumping duty and interim countervailing duty.

The applicable rates of duty are the 'Uncooperative and all other exporters' rates of interim dumping duty and interim countervailing duty. The applicable rates were specified in the notice published on 10 November 2017 (ADN No.2017/138). Future exports of the goods by the applicant will be subject to these rates of duty.

Termination of the accelerated review does not affect the applicant's right to apply for another accelerated review.

Enquiries about this notice may be directed to the case manager on 03 8539 2423 or via email (investigation2@adcommission.gov.au)

Dale Seymour
Commissioner
Anti-Dumping Commission

18 June 2018