

PUBLIC RECORD

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3 November 2015

The Director
Operations 3
Anti-Dumping Commission
GPO Box 1632
MELBOURNE VICTORIA 3001

Email: operations3@adcommission.gov.au

Received
12/11/2015

Dear Sir/Madam

Re: Accelerated review of measures – Guangdong Nanfang Aluminium Co., Ltd – Inquiry No. 313

Introduction

I refer to the recent commencement of an accelerated review inquiry for anti-dumping and countervailing measures applying to certain aluminium extrusions exported from the People's Republic of China ("China") as exported by the applicant company Guangdong Nanfang Aluminium Co., Ltd ("Nanfang").

New exporter

It is alleged that the applicant is a "new" exporter of aluminium extrusions to Australia. The Anti-Dumping Commission ("the Commission") has stated in Consideration Report No. 313 that it has examined the Australian Border Force's ("ABF") import database for the nominated period (i.e. 1 July 2008 to 28 February 2010) and did not identify any imports from the applicant company during the period¹.

S.269ZE(2)(a) requires the Commissioner to be satisfied that the applicant is not related to an exporter who's export shipments were examined during the nominated period. Consideration Report No. 313 indicates that the Commission has determined "*there is no evidence of exports by Nanfang during the investigation period for the original investigation and the Commission notes that Nanfang's cooperation was not sought during the original investigation*"².

The Commission received Nafang's application for an accelerated review of measures on 21 September. Consideration Report No. 313 does not indicate that the Commission corresponded with Nanfang to identify any of Nanfang's related (or affiliated) companies prior to the commencement of the investigation on 12 October 2015. Capral Aluminium ("Capral") submits that the Commission could requested information from the applicant company as to its ownership, related/affiliated companies prior to the commencement of the review. Such inquiries were not made.

¹ Refer Consideration Report No. 313, Section 4.3, P.11.

² Ibid, Section 4.4, P. 11.

In the absence of robust inquiries to establish affiliated/associated companies to the “new” exporter Nanfang, the Commission elected to proceed to formal investigation.

Form of measures

Capral notes that the applicant has requested the form of measures to apply to its exports to Australia be based upon the ad valorem methodology.

It is noted in the recently completed review of anti-dumping and countervailing measures on aluminium extrusions exported from China (Report No. 248) and the completed continuation of measures inquiry (Report No 287) the Parliamentary Secretary has imposed measures based upon the combination of fixed and variable components method. Capral does not consider that there exist any reasonable reason(s) as to why the form of measures to apply to Nanfang would alter from those most recently accepted as the appropriate form of measures to be applied by the Parliamentary Secretary on exports of aluminium extrusions from China.

The need for effective measures based upon the combination method is further enhanced by the findings in Investigation No. 241 (published on 19 February 2015) that confirmed certain Chinese exporters had circumvented measures applicable to aluminium extrusions exported from China.

Capral therefore submits that the form of measures to apply to exports of aluminium extrusions by Nanfang should be based upon the combination method (involving fixed and variable components).

If you have any questions concerning this submission, please do not hesitate to contact Luke Hawkins on (02) 8222 0113 or Capral's representative, John O'Connor on (07) 3342 1921.

Yours faithfully

Luke Hawkins
General Manager – Supply and Industrial Solutions