



2 June 2014

The Director  
Operations 1  
Anti-Dumping Commission  
5 Constitution Avenue  
Canberra ACT 2601

## Exemption Inquiry 20: Request for revocation of TCOs

This submission is made on behalf of Capral Limited (Capral), a member of the Australian aluminium extrusions industry, in relation to the exemption inquiry into aluminium extrusions exported to Australia from China, which the Anti-Dumping Commission (the Commission) is conducting at the request of P&O Aluminium (Sydney) Pty Ltd (P&O).

Further to our submission of 17 April 2014 we wish to notify the Commission that Capral has formally applied for revocation of the two Tariff Concession Orders (TCOs) on which P&O's exemption requests rely.<sup>1</sup> The request for revocation forms and accompanying documents are attached for the Commission's reference.

In order to have a TCO revoked one must demonstrate that *substitutable goods* are manufactured in Australia. *Substitutable goods* are defined as "goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put".<sup>2</sup> *Substitutable goods* are therefore different to *like goods* in the anti-dumping context.

Our claims for revocation in relation to each TCO are summarised below. We have provided evidence that Capral already manufactures substitutable goods in Australia. We have also demonstrated that Capral can produce extrusions meeting the particular standards specified in the TCOs. The request for revocation forms and accompanying documents contain commercially sensitive information and are attached for the Commission's reference.

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<sup>1</sup> Emailed to Customs at [tarcon@customs.gov.au](mailto:tarcon@customs.gov.au) on 2 June 2014

<sup>2</sup> *Customs Act 1901* s.269B

## Non-Confidential – For Public Record

### TC 1331293

The stated use for goods covered by the TCO is:

*In structural applications such as beams, bars, ramps as well as bicycles, where a high level of mechanical properties and strength is required and good fusion and weld strength.*

Capral currently produces extrusions for structural applications and examples (technical specifications and invoices) are provided in the request for revocation.

The wording of the TCO implies that only extrusions made with alloy 7005 T593 have the mechanical properties required for use in structural applications. The request for revocation includes evidence that Capral can produce extrusions with the same mechanical properties using alloy 6082 T6 by developing specific process parameters.

### TC 1335698

The stated use for goods covered by the TCO is:

*Marine applications where characteristics of welding performance, post weld strength, corrosion and mechanical properties, or a combination thereof, are critical.*

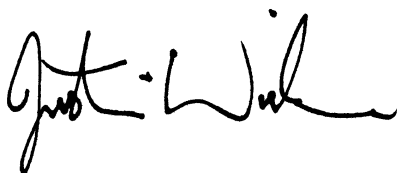
Capral currently produces extrusions for marine applications and examples (technical specifications and invoices) are provided in the request for revocation.

The wording of the TCO implies that only extrusions made with alloy 5005A have the mechanical properties, welding performance and corrosion-resistant properties required for use in marine environments. The request for revocation includes evidence that Capral can produce extrusions with better properties using 6xxx series alloys.

### Conclusion

It is our understanding that Customs will make a decision on our revocation requests within 60 days of their receipt and that if the TCOs are revoked, the revocation takes effect from the date that the requests were received.

We submit that the Commission should terminate the exemption inquiry in light of the evidence provided in Capral's requests for revocation, or alternatively, await the outcome of the revocation process before progressing the exemption inquiry further.



Justin Wickes  
Director

## Non-Confidential – For Public Record

### Attachments

Confidential Attachment A	Request for revocation of TCO no. TC 1331293
Confidential Attachment B	Request for revocation of TCO no. TC 1335698
Confidential Attachment C	Spreadsheet of Capral's manufacturing costs (attached to the revocation requests as evidence of Australian manufacture)