

Application for a  
review of  
anti-dumping measures

**ANTI-DUMPING COMMISSION**  
**Form B602**

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*, 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 rice
- subsidy

The variable factors review is in relation to:

- a particular exporter—Guangdong Jinxiecheng AL. Manufacturing Co.,Ltd (Jinxiecheng) located at Hengang Industrial Area Dali Street Nanhai District Fosan City, Gangdong Province, PRC
- exporters generally

and

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 revocation review is in relation to:

- a particular exporter
- 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: Wu Junbin

Position: Chief Executive Officer

Date: 7 February 2017

Please refer to the **Exhibit- 1** for the Declaration of CEO (Signed Version)

**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, servant, agent of each joint venture must sign the application. Where a joint venture is not a company, the principal of that joint venture 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:** 1300 884 159 or +61 2 6275 6066 (outside Australia)

**Fax:** 1300 882 506 or +61 2 6275 6888 (outside Australia)

**Email:** [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Other information is available from the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Small and medium enterprises (i.e., those with up to 200 employees) may obtain assistance, at no charge, from the International Trade Remedies Adviser, employed by Australian Industry Group and funded by the Australian government. To access this service, visit [www.aigroup.com.au/traderemedies](http://www.aigroup.com.au/traderemedies) or telephone (03) 9867 0267.

**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 subsidization: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidization 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, should be lodged with: The

National Manager - Operations

Anti-Dumping Commission  
Customs House

1010 Latrobe St

Docklands VIC 3008

or

Sent by facsimile to **1300 882 506**

or **+61 2 6275 6888 (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](http://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 summarized, a statement of reasons why summarization is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

**Public  
version**

**Guangdong Jinxiecheng AL  
Manufacturing Co.,Ltd  
Application for Review of  
Measures**

**Name, street and postal  
address, of the applicant  
seeking the review**

Guangdong Jinxiecheng AL.  
Manufacturing Co.,Ltd  
(Jinxiecheng) Hengang Industrial  
Area Dali Street Nanhai District  
Fosan City, Gangdong Province,  
PRC

**Contact person, including  
their position, telephone  
number and facsimile  
number, and e-mail address**

Chen Hong  
16th Floor,Suite  
A,ChinaTechnology Exchange  
Building,No.66 North 4th Ring  
West Roadt, Haidian Distric,  
Beijing, China  
Mobile + 0086186-1298-7819  
Emailchenhong8009@163.com

**Details of the current  
measure/s the subject of this  
review application,  
including:**

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 equivalent), 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, anodized, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods

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**
  - 7604.10.00 (statistical code6)
  - 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)
  - 7610.90.00 (statistical code 13)
  
- **the countries or companies**

Peoples Republic of China
  
- **specified date of publication of the measure**

23 September 2013—the Antidumping Commission published a dumping duty and countervailing duty Determination for aluminium extrusions exported to Australia from China

13 July 2015—Antidumping Commission published a dumping and countervailing duty Determination for Aluminum extrusion exported to Australia from China.

20 October 2015—Antidumping Commission published a dumping and countervailing duty Determination for Aluminum extrusion exported to Australia from China.

## Reasons JXC Applies for a Variable Factors Review

### Background

*Guangdong Jinxiecheng AL. Manufacturing Co.,Ltd (hereinafter referred as “Jinxiecheng” )is a limited liability Foreign investment whose shareholder is Jinxiecheng Al Co.,Ltd established on Oct 15 2003 in Samoa, located at Hengang Industrial Area Dali Street Nanhai District Fosan City, Guangdong Province, PRC. Jinxiecheng has exported alluminum extrusion to Australia since 2013 through one trading company(Foshan Nanhai Newtime Trading Co Ltd).*

*The following Narration explains Jinxiecheng’s recent exporting history.*

*In June 2013, Jinxiecheng submitted its application for the accelerated review on basis of its new shipper status, approved by The Anti-dumping Commission. The full and thorough investigation was conducted by the Anti-dumping Commission, and final determination was issued on 23, September,2013, and Jinxiecheng got zero rate of both dumping and subsidy, Please refer to **Exhibit-2 for No 214 Report** for detailed information.*

*On 12 June, 2014, Anti-dumping commission decided to initiate the review of aluminium extrusion for all exporters from PRC since PanAsia Aluminium (China) Co., Ltd applied for review, meanwhile Jinxiecheng was not selected as sampling exporter due to its export volume, then it submitted the voluntary respondent application immediately, and submitted the complete response of exporter questionnaire strictly in line with the timeline specified by the Anti-dumping commission. Unfortunately, the Antidumping commission refused Jinxiecheng's application on the base of fact that there is no enough time to review Jinxiecheng's response. The final report was issued on 13 July, 2015 and Jinxiecheng just got the residual rate as not being the selected exporter. Please refer to **Exhibit-3 for No 248 report** for detailed information.*

*On 24 April 2015, Anti-dumping commission decided to conduct the investigation of continuation of measure on aluminium extrusion from PRC. Jinxiecheng still participate the whole procedure, and submitted the complete response of exporter questionnaire strictly in line with the timeline specified by the Anti-dumping commission. Unfortunately, the Antidumping commission refused Jinxiecheng's application for separate rate again on the same ground. The final report was published on 20 Oct, 2015, and Jinxiecheng just got residual rate. Please refer to **Exhibit-4 for No 287 report** for detailed information.*

**Review Grounds**—substantiating reasonableness of a Jinxiecheng variable factors review.

**Jinxiecheng was not in the list of selected exporters during the last 2 review in 2014 and 2015**

*Verification of the (only) selected exporters formed the basis of the 13 July 2015 Report to the Minister No 248 (Report 248) and 10 October 2015 Report to the Minister No 287 (Report 287) of anti-dumping and countervailing duty and the subsequent imposing of anti-dumping and countervailing duties on shipments from residual exporters and selected non-cooperating exporters.*

*This meant that the anti-dumping and countervailing duty imposed on Jinxiecheng shipments was totally distorted because the duty was based on normal value, export prices and countervailing margins other exporters. It can be proved that the duty of Jinxiecheng was changed into 17.5% from 0 rate.*

*The accelerated review in relation to Jinxiecheng was just completed in late 2013, Jinxiecheng had gotten a good result through the chance of accelerated review. It cost too much for Jinxiecheng to finish that review, especially in terms of small-size company. There is no doubt that accelerated review offers a chance to those companies which had not exported goods to Australia in the original investigation to get an equal treatment before the investigation, however the decision of commission will make "the accelerated review" meaningless when Jinxiecheng was regarded as residual exporter and its favorable measure was rescinded unreasonably.*

*For the sake of fairness, this review will offer the opportunity for verification by the ADC and calculating normal value and countervailing margin (zero) of Jinxiecheng shipments based on its own particular circumstances.*

*Customs officers or ADC officers have not attended Jinxiecheng to*

separately determine Jinxiecheng own normal values and countervailing (zero).

Normal value based on domestic sales --as exporter domestic sales forms the starting point to determine normal value, Jinxiecheng domestic sales values of like product during period from January 1, 2016 to December 31, 2016 is different from those of other selected exporters.

**Normal value based on cost to make and sell— strict control of expense and cost caused huge difference of Jinxiecheng rate between:**

- 2015 imposition of anti-dumping and countervailing measures (based on period from April 2013 to March 2014 selected exporters costs)and
- The actual zero rate of dumping rate and subsidy.

**Hence, reasonable for the ADC to review Jinxiecheng’s cost to make and sell.**

**The major factors to manufacture the subject goods, which determine the antidumping rate and countervailing rate, have significantly changed from the last review to 2016.**

**Major material change** —the price of aluminium ingot has significantly changed since the review of 2014, the detailed information was stated as the following:

Table 1: The price of aluminum ingot during the period of review in 2014:

Month	Quantity(KG)	Value (RMB)	Unit price (RMB/KG)
2013/4/1	██████	██████	██████
2013/5/1	██████	██████	██████
2013/6/1	██████	██████	██████
2013/7/1	██████	██████	██████
2013/8/1	██████	██████	██████
2013/9/1	██████	██████	██████
2013/10/1	██████	██████	██████
2013/11/1	██████	██████	██████
2013/12/1	██████	██████	██████

2014/1/1			
2014/2/1			
2014/3/1			
Total			

Table 2: The price of aluminum ingot during the period from January 1, 2016 to December 31, 2016:

Month	Quantity(KG)	Value (RMB)	Unit price (RMB/KG)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

**Hence, reasonable for the ADC to review Jinxi Cheng's variable factor--major material.**

*Jinxi Cheng wishes to keep this information confidential as it is private company and information is confidential. The release of this to the third party, especially to the competitors will negatively impact its competitiveness, even summation of this information will contain information that is confidential by its nature.*

**Domestic sale price change**—the price of aluminum extrusion has significantly changed since the review of 2014, the detailed information was stated as the following:

Table 1: The domestic price of subject goods during the period of review in 2014:

Month/Powder coating	Quantity	Value	Unit price
2013/4/1			
2013/5/1			
2013/6/1			
2013/7/1			
2013/8/1			
2013/9/1			
2013/10/1			
2013/11/1			
2013/12/1			
2014/1/1			
2014/2/1			
2014/3/1			
Total			

Month/Mill finished	Quantity	Value	Unit price
2013/4/1			
2013/5/1			
2013/6/1			
2013/7/1			
2013/8/1			
2013/9/1			
2013/10/1			
2013/11/1			
2013/12/1			
2014/1/1			
2014/2/1			
2014/3/1			
Total			

Table 2: The domestic price of subject goods during the period from Oct 2015 to Sep 2016:

Month/Powder coating	Quantity/KG	Value (RMB)	Unit price (RMB/KG)
1			
2			
3			
4			
5			

6			
7			
8			
9			
10			
11			
12			
Total			

Month/Mill finished	Quantity/KG	Value (RMB)	Unit price (RMB/KG)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

**Hence, reasonable for the ADC to review Jinxicheng's variable factor--Normal Value.**

*Jinxicheng wishes to keep this information confidential as it is private company and information is confidential. The release of this to the third party, especially to the competitors will negatively impact its competitiveness, even summation of this information will contain information that is confidential by its nature.*

**Cost to make and sell**—Cost to make and sell of aluminum extrusion has significantly changed since the review of 2014, the detailed information was stated as the following:

Table 1: The cost to make and sell of subject goods during the period of review in 2014:

	Mill finished	Powder coating
Raw materials (4)	██████████	██████████
minus scrap cost	██████████	██████████
other materials(5)	██████████	██████████
Direct Labour (6)	██████████	██████████
Manufacturing overheads (8)	██████████	██████████
utility (fuel +water +electricity)	██████████	██████████
Total cost to make	██████████	██████████
Production Quantity	██████████	██████████
Unit cost to make	██████	██████

Table 2: The cost to make and sell of subject goods during the period from Oct 2015 to Sep 2016:

	Mill finished	Powder coating
Raw materials	██████████	██████████
minus scrap cost	██████████	██████████
other materials(5)	██████████	██████████
Direct Labour (6)	██████████	██████████
Manufacturing overheads (8)	██████████	██████████
utility (fuel +water +electricity)	██████████	██████████
Others	████	████
Total cost to make	██████████	██████████
Production Quantity/KG	██████████	██████████
Unit cost to make	██████	██████

**Hence, reasonable for the ADC to review Jinxi Cheng's variable factor--Normal Value.**

*Jinxi Cheng wishes to keep this information confidential as it is private company and information is confidential. The release of this to the third party, especially to the competitors will negatively impact its competitiveness, even summation of this information will contain information that is confidential by its nature.*

### **Countervailing subsidy**

*REP 248 found the primary subsidy program as Program 15, that is, supply by Chinese State Owned Enterprises (SOEs) of such significant volume of primary aluminium in China meant that they have likely influenced overall Chinese domestic primary aluminium prices. Hence, the report found that*

*Customs could not rely on the price of primary aluminium supplies from non-SOE smelters and traders to determine whether or not Program 15 conferred a benefit.*

*To determine any benefit, Customs substituted LME prices as a benchmark to determine the adequacy of the price of primary aluminium into the Chinese market. For the 2014/2015 investigation period, Customs then found substantial benefit about 8.1%.*

*As a residual exporter, Jinxi Cheng found that it was subject to countervailing duty even though its purchase price of aluminum ingot was more than the price of LME.*

Table : Comparison of price between LME and SME During 2016:

Month	LME USD	Exchange rate	LME RMB	SME RMB
Jan	1479.09	6.5032	9618.82	11110
Feb	1535.23	6.5539	10061.74	10695
Mar	1530.22	6.5385	10005.34	11260
Apr	1563.96	6.4585	10100.84	11750
May	1555.96	6.4565	10046.06	12615
Jun	1591.83	6.5889	10488.41	12530
Jul	1529.33	6.631	10140.99	12660
Aug	1641.13	6.6277	10876.92	12440
Sep	1562.27	6.678	10432.84	12405
Oct	1558.1	6.7	10439.27	13265
Nov	1551.73	6.7641	10496.06	14555
Dec	1550	6.8958	10688.49	13870

*However, since then, as illustrated on above table, Chinese aluminium prices have stayed consistently and significantly higher than LME. Hence, you can reasonably conclude that Jinxi Cheng has received no benefit from Program 15 and reasonable also for the ADC to review imposing countervailing duty on Jinxi Cheng exports.*

*Hence, reasonable for the ADC to review Jinxi Cheng's Countervailing duty.*