



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:

- 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 –Guangdong YaoYinShan Aluminium Co., Ltd
(Formerly known: Foshan YaoYinShan Aluminium Co., Ltd)

- exporters generally

or

- 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: *Tom Tang*

Name: Mr. Tom Tang

Position: Chief Director

Company: Guangdong YaoYinShan Aluminium Co., Ltd (Formerly known :Foshan YaoYinShan Aluminium Co., Ltd)

ABN: N/A

Date: February 10th 2017

<p>About this form</p>	<p>Subsection 269ZB (1) (b) of the Act requires that an application under Subsection 269ZA (1) of the Act for a review of anti-dumping measures must be in a form approved by the commissioner for those purposes. This is the Approved form.</p>
<p>Signature requirements</p>	<p>Where the application is made:</p> <p><i>By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.</i></p> <p><i>By a joint venture - a director, servant, 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.</i></p> <p><i>On behalf of a trust - a trustee of the trust must sign the application.</i></p> <p><i>By a sole trader - the sole trader must sign the application.</i></p> <p><i>In any other case - contact the Commission's client support section for advice.</i></p>
<p>Assistance with the application</p>	<p>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.</p> <p>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:</p> <p>Phone: 13 28 46 or +61 2 62136000 (outside Australia)</p> <p>Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)</p> <p>Email: clientsupport@adcommission.gov.au</p> <p>Other information is available from the Commission's website at www.adcommission.gov.au.</p> <p>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 purpose 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 13 28 46.</p>
<p>Required information</p>	<ol style="list-style-type: none"> 1. Provide details of the name, street and postal address, of the applicant seeking the review or revocation of measures. 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 facsimilenumbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/orusers.

Applications for review of Variable factors

OUareapplyingfor avariablefactorsreview(inbox1above)provideadetailedstatementsettingoutyourreasons.Includeinformationabout:

- the factor(s) you wish to havereviewed;
- the amount by which that factor is likely to have changed since anti-dumpingmeasureswerelastimposed,andevidenceinsupport;and
- in your opinion the causes of the change and whether thesecauses are likely topersist.

Application for a revocation review

Ifyouareapplyingforarevocationreview(inbox2above),provideadetailed statementsettingoutyourreasons.

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 isunlikely to recur if measures wererevoked.
- *no injury*: provide evidence that there is no current injury, andthere is unlikely to be a recurrence of injury if the measures were to be revoked.

Lodgement of The

Thisapplication,togetherwiththesupportingevidence,must belodgedin the Manner approved by the Commissioner under subsection 269SMS(2)of the Act.The Commissioner has approved lodgement of this application by:

- preferably, email, using the email address clientsupport@adcommission.gov.au; or
- post to
The Commissioner of the Anti-Dumping Commission
GPO Box1632
Melbourne VIC 3001; or
- facsimile, using the number (03)8539 2499

It may be possible to lodge an application in a manner not described above Provided that the Commissioner’s written approval is obtained.

PublicRecord

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.

PUBLIC RECORD

GUANGDONG YAOYINSHAN ALUMINIUM CO., LTD

(Formerly known: FOSHAN YAOYINSHAN ALUMINIUM CO., LTD)

-APPLICATION FOR REVIEW OF MEASURES

Required information

Applicant:

GUANGDONG YAOYINSHAN ALUMINIUM CO.,LTD

(Formerly known): FOSHAN YAOYINSHAN ALUMINIUM CO.,LTD)

Address: Unit 04, 7/F Bright way tower NO,33 mong kok Rd ,KL Hong Kong

Contact person:

Mr. Tom Tang

Chief Director

Tel: +852 27935511

Fax: +852 35902333

Mobile: +86-13809220278

Email:tom@alu-yys.com

Other parties supporting this application:

Manufacturer : GUANGDONG JIAHUA ALUMINIUM CO., LTD

Address: Lutang Industrial Zone, Luocun, Shishan Town, Nanhai Zone Foshan City
GuangDong Province China

Contact person:

Ms. Fanny Wu

International sales general director

Tel: +86-757-81802162

Fax: +86-757-81802162

Mobile: +86-13923262163

Email: fanny@jh-aluminium.com

Applicant's interest:

GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) is engaged in the 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 421mm.

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.

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. On 12 June 2014, the Commissioner initiated a review of the anti-dumping measures in respect of aluminium extrusions exported from China by all exporters.

GROUNDS FOR REVIEW

Guangdong YaoYinShan Aluminium (Formerly known: Foshan YaoYinShan Aluminium Co.,Ltd)is requesting a review of the following variable factors:

- ascertained normal values
- ascertained export prices,and
- the amount of the countervailable subsidy received in respect of the goods.

ASCERTAINED NORMAL VALUE

Basis for current ascertained normal values

In determining the costs of production for Chinese exporters of aluminium extrusions, the Commission concluded that LME prices were indicative of a competitive market cost in China. This was based on selected exporters confirming that in deciding to purchase primary aluminium, they compared domestic prices quoted on the Shanghai Futures Exchange or other such exchanges, and equivalent import prices based on the LME. For the purposes of establishing normal values and determining dumping margins, the Commission replaced exporter's primary aluminium costs with published LME prices plus additional expenses to account for trading premiums, delivery charges and interest charges.

Grounds for review of ascertained normal values

A comparison of LME official prices during the original investigation period (April2013 – March2014) and the year-to-date ending June 2016 shows a significant change in prices between the periods.

Using the LME data published in REP 148 and converted to US dollars, shows thatthe simple average price over the original investigation period was approximatedly \$1.774 per tonne. When compared to a simple average over the period July 2015 to June 2016 (\$1.573 per tone), it shows that contemporary LME prices are approximately 11% lower.

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

LME price comparison												
Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	2013-2014
1862	1832	1815	1770	1818	1761	1815	1748	1740	1727	1695	1704	1774
Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apl-16	May-16	Jun-16	YTDJun-16
1640	1548	1590	1517	1468	1497	1841	1531	1531	1571	1550	1594	1573

Sources: www.indexmundi.com/commodities/?commodity=aluminum&months=300; REP 148 , p44.

Therefore, GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) considers that it is reasonable to expect that normal values have decreased by a minimum of 11%.

ASCERTAINED EXPORT PRICE

Basis for current ascertained export prices

GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) is an exporter sell the goods to Australian customers directly.

GUANGDONG JIAHUA ALUMINIUM CO., LTD is a Manufacturer work with GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) together.

Grounds for review of ascertained export prices

A comparison of the average AUD:RMB exchange rate during the original investigation period of April 2013 –March 2014 and the current year to date ending June2016, Show that the Australian dollar has fallen about 22%.

When the ascertained export price denominated in Australian dollars is converted to Chinese Renmimbi at the average rate of exchange for the two periods, contemporary ascertained export prices are approximately 22% lower than those during the original investigation period.

The table below shows the monthly and average rate of exchange for the two relevant periods of comparison.

COMPARISON OF RATES OF EXCHANGE FOR CURRENCY CONVERSION												
Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	2013-2014
6. 4768	6. 1561	5. 8251	5. 6549	5. 5708	5. 6901	5. 8284	5. 7201	5. 4934	5. 4033	5. 4651	5. 5662	5. 7375
Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	YTDJun-16
4. 5213	4. 6149	4. 4881	4. 5666	4. 5443	4. 6679	4. 6151	4. 6663	4. 8689	4. 9626	4. 7778	4. 8689	4. 6802
												22. 00%

Source: www.oanda.com/currency/historical-rates/

Therefore, GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) considers that all other things being equal, it is reasonable to expect that the depreciation of the Australian dollar between the original investigation period and the year to date **June2016**would result in an reduce of ascertained export prices by approximately **22%**.

Basis for current amount of countervailable subsidy

Exports of aluminium extrusions by GuangDong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) are currently subject to countervailing duties. The sole subsidy program found to exist during the original investigation was the provision of goods at less than adequate remuneration (Program 15 in REP 148).

In determining whether the provision of goods conferred a benefit to Chinese exporters, the Commission found that state-owned enterprises were significant suppliers of primary aluminium in China. It also found that the prices of primary aluminium by these state-owned enterprises are likely to have influenced domestic primary aluminium prices generally.

For these reasons, the Commission concluded that privately owned supplier prices of primary aluminium were distorted and unsuitable for use as a benchmark in determining whether a benefit is conferred by the program.

In ascertaining an appropriate benchmark that reflects prevailing market conditions for like goods in China, the Commission considered that LME prices for primary aluminium (after some adjustment for delivery and other costs) were indicative of import prices into the Chinese market and as such, was a suitable benchmark for determining whether primary aluminium was provided at less than adequate remuneration and conferred a benefit in relation to the goods exported.

Grounds for review of the amount of countervailable subsidy.

A comparison of Shanghai Futures Exchange aluminium prices and LME aluminium prices over the year to date ending June 2016, shows that LME prices are significantly lower than domestic prices. It is reasonable then to conclude that Guangdong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd) is not in receipt of benefits from the provision of goods on the basis of the Commission's approach to determining benefit in the original investigation.

The table below illustrates the differences in prices and shows that it is reasonable to conclude that no benefit has been received in relation to the provision of primary aluminium.

	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apl-16	May-16	Jun-16
SHFE Price (RMB)	12,258	11,907	11,780	10,890	10,106	10,559	10,798	10,821	11,362	12,134	12,403	12,425
USD:RMB	6.0906	6.3179	6.3692	6.3425	6.3596	6.4448	6.5631	6.5503	6.5071	6.4764	6.5243	6.5868
SHFE Price (USD)	2,013	1,885	1,850	1,717	1,589	1,638	1,645	1,652	1,746	1,874	1,901	1,886
LME (USD)	1640	1548	1590	1517	1468	1497	1841	1531	1531	1571	1550	1594
Benefit	-373	-337	-260	-200	-121	-141	-196	-121	-215	-303	-351	-292

Sources: <http://www.guandl.com/SHFE/ALJ2016>; www.oanda.com/currency/historical-rates/

As this was the only subsidy program countervailed for Guangdong YaoYinShan Aluminium Co., Ltd (Formerly known: Foshan YaoYinShan Aluminium Co., Ltd), it is reasonable to conclude that the full amount of the subsidy margin would be reduced to 0% in a review.

Evidence of change of name

The certificate below shows that Foshan YaoYinShan Aluminium Co., Ltd changed the name to Guangdong YaoYinShan Aluminium Co., Ltd.

Date of change of name: June 17th 2016

編號 1798156

No.



公司註冊處
COMPANIES REGISTRY

公司更改名稱證明書
CERTIFICATE OF CHANGE OF NAME

本人謹此證明
I hereby certify that

FOSHAN YAOYINSHAN ALUMINIUM CO., LIMITED

已藉特別決議更改其名稱，該公司根據
having by special resolution changed its name, is now incorporated under the
香港法例第622章《公司條例》註冊的名稱現為
Companies Ordinance (Chapter 622 of the Laws of Hong Kong) in the name of

GUANGDONG YAOYINSHAN ALUMINIUM CO., LIMITED

本證明書於二〇一六年六月十七日發出。
Issued on 17 June 2016.

香港特別行政區公司註冊處處長鍾麗玲

Ms Ada L L CHUNG

Registrar of Companies
Hong Kong Special Administrative Region

註 Note:

公司名稱獲公司註冊處註冊，並不表示獲授予該公司名稱或其任何部分的商標權或任何其他知識產權。

Registration of a company name with the Companies Registry does not confer any trade mark rights or any other intellectual property rights in respect of the company name or any part thereof.