



Australian Government  
Department of Industry,  
Innovation and Science

# Anti-Dumping Commission

Anti-Dumping Commission  
Level 35, 55 Collins Street  
Melbourne VIC 3000

12 September 2016

Ms Ngo Thu Phuong  
Viet Nam Competition Authority  
Ministry of Industry and Trade of Viet Nam  
No.25, Ngo Quyen Str.  
Hoan Kiem Distr.  
Ha Noi Vietnam

Via email: [phuongngthu@moit.gov.vn](mailto:phuongngthu@moit.gov.vn)

## **INVESTIGATION INTO THE ALLEGED DUMPING AND SUBSIDISATION OF ALUMINIUM EXTRUSIONS EXPORTED TO AUSTRALIA FROM THE SOCIALIST REPUBLIC OF VIETNAM**

Dear Ms Phuong

Thank you for your letter dated 5 September 2016. The following is noted in regards to the matters raised:

- the email address provided on the Vietnam Embassy in Australia website remains listed (as of today's date) as [vembassy@iinet.net.au](mailto:vembassy@iinet.net.au) at <http://vietnamembassy.org.au/contact-us>;
- on 14 July 2016 and 20 July 2016, the Anti-Dumping Commission (the Commission) sent letters to the email address above notifying the Government of Vietnam (GoV) of the application with an invitation for the GoV to consult on matters relating to subsidies. These letters included copies of the application;
- upon emailing the email address above, the Commission did not receive any notification to indicate that the emails were not delivered;
- there is no requirement in the *Customs Act 1901* or *WTO Agreement on Subsidies and Countervailing Measures* to provide notification via a hard copy letter, noting that both authorities listed above are silent on how notification must be given to respective Governments; and
- the Commission's general practice is to contact relevant Governments via the relevant Embassy in Australia via email or fax and it is not uncommon for the Commission to receive no response to invitations for consultation.

Whilst I agree that the procedural rights of WTO Members are important, with the utmost respect, I am satisfied that reasonable attempts were made to consult with the GoV prior to initiation of the dumping and countervailing investigation

consistent with the *Customs Act 1901* and WTO obligations. I do not consider there to be grounds to terminate the investigation or seek an extension to the statement of essential facts for the reasons outlined in your letter.

As outlined in the Commission's letters dated 14 July 2016 and 20 July 2016, the Commission is willing to hold consultations with the GoV whilst the investigation proceeds. To arrange this please contact the case manager via the details below.

I also note that a response to the GoV questionnaire is due to be provided by 22 September 2016. I look forward to the GoV's cooperation regarding this matter. If the GoV requires additional time to complete the questionnaire, please contact the case manager on the details below as soon as possible, noting that I must have regard to the *Customs (Extensions of Time and Non-Cooperation) Direction 2015*<sup>1</sup> in considering whether to grant an extension of time. The GoV is also welcome to make submissions to the investigation in relation to any other matter.

Should you have any questions concerning this investigation, please contact the case manager on telephone number +61 3 8539 2418, or email [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

Yours sincerely,



Dale Seymour  
Commissioner  
Anti-Dumping Commission

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<sup>1</sup> <https://www.legislation.gov.au/Details/F2015L01736>

